

June 23, 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 Wichman, and seconded by Grobe, to approve

- A. June 16, 2020, Minutes as read.
- B. Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Desoto Bend Mini Mart, Missouri Valley.
- C. Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for The Mile Away, Council Bluffs.
- D. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/Outdoor Service/Sunday Sales for Genevieve Stueve d/b/a Aeroplane Inn, Honey Creek.
- E. Beer Permit (Carryout Beer)/Class E Liquor License (LE)/Sunday Sales for Casey's Marketing Company d/b/a Casey's General Store #3205, Council Bluffs.
- F. Medical Examiner – Employment of William Elliott III, as Part-Time Medical Examiner Investigator.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Wichman, to open public hearing on proposed Pottawattamie County Industrial Park Urban Renewal Plan. **Roll Call Vote: AYES: Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Grobe, to continue public hearing until July 14, 2020, at 10:00 AM. **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 and authorize Chairman to sign Ahlers & Cooney, P.C.'s Conflict of Waiver letter between City of Council Bluffs and Pottawattamie County, Iowa, related to Urban Renewal / Economic Development matters. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve and authorize Chairman to sign Two-Mile Limit Area Policy Agreement Between Pottawattamie County, Iowa and Council Bluffs, Iowa Adopted by the County on December 27, 1995, and Adopted by the City on December 18, 1995. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve final plat of Harter's Acres, a subdivision situated in Garner Township, and to sign **Planning and Zoning Resolution 2020-07**, set out as follows:

PLANNING AND ZONING RESOLUTION NO. 2020-07

WHEREAS, this Board had approved the preliminary plat of **Harter's Acres**, a residential subdivision situated in **Garner Township**, by approval of Planning and Zoning Resolution No. **2019-14**, dated **November 19, 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-2019-06**; 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 **Harter's 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 23rd day of June, 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 Application for Permit to Display Fireworks filed by Robert L. Caputo for Caputo Enterprises DBA Mother Goose Child Care & Preschool. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to open the bid received for Carson and Macedonia downtown asbestos abatement. UNANIMOUS VOTE. Motion carried.

After discussion between the Board and Grant Anderson with MAPA, it was determined that the signing of the letter to the Iowa Economic Development Authority, accepting the bid for the Carson and Macedonia downtown asbestos abatement be postponed, as the single bid received for said project was too excessive. No action was taken on acceptance of the bid at this time.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve the rescheduling date for public hearing to initiate bidding process for downtown façade construction in Carson and Macedonia for June 30, 2020. 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 Right of Way Contracts with David L. and Joyce A. Kardell, and Derek Kardell (tenant) regarding the DLB-VA09 project. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve and sign Standard Form of Agreement Between Owner and Contractor, Ronco

Constructions Company, Inc. for Pottawattamie County , Iowa Courthouse Renovation project. 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 Disaster Compensation Policy Addendum due to COVID-19 pandemic; and to approve vacation hours be extended until December 31, 2020, due to COVID-10 pandemic; and to approve County’s Holiday Policy and employees working on the Fourth of July holiday, due to the COVID-19 pandemic. UNANIMOUS VOTE. Motion carried.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 60-2020**, a Resolution entitled: RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS. Said Resolution is set out as follows:

RESOLUTION NO. 60-2020

RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS

WHEREAS, the County anticipates making cash expenditures for one or more capital improvement projects, generally described below (each of which shall hereinafter be referred to as a "Project"); and

WHEREAS, the County reasonably expects to issue debt to reimburse the costs of a Project; and

WHEREAS, the Board believes it is consistent with the County's budgetary and financial circumstances to issue this declaration of official intent.

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

- Section 1. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2.
- Section 2. That it is reasonably expected that capital expenditures will be made in respect of the following Project(s), from time to time and in such amounts as this Board determines to be necessary or desirable under the circumstances then and there existing.
- Section 3. That the County reasonably expects to reimburse all or a portion of the following expenditures with the proceeds of bonds, notes or other indebtedness to be issued or incurred by the County in the future.
- Section 4. That the total estimated costs of the Project(s), the maximum principal amount of the bonds, notes or other indebtedness to be issued for the foregoing Project(s) and the estimated dates of completion of the Project(s) are reasonably expected to be as follows:

<u>Project</u>	<u>Fund from which original expenditures are to be Advanced</u>	<u>Total Estimated Cost*</u>	<u>Amount of Borrowing Anticipated</u>	<u>Estimated Date of Completion</u>
Equipping, remodeling, or reconstruction of public buildings including equipping the Courthouse with a fiber network	Gaming 0003	\$ 400,000	\$ 400,000	12/31/2020
Equipping, remodeling, or reconstruction of public buildings including software and card readers for doors on multiple public buildings	Gaming 0003	\$ 425,000	\$ 425,000	12/31/2020
Equipping of public buildings including software for the County Attorney's office	Gaming 0003	\$ 75,000	\$ 75,000	12/31/2020

Peace officer communication equipment and other emergency services communication equipment and systems including a vehicle for emergency response situations	Gaming 0003	\$ 455,000	\$ 455,000	12/31/2020
A vehicle for the use of risk management	Gaming 0003	\$ 45,000	\$ 45,000	12/31/2020
Sheriff vehicles	Gaming 0003	\$ 300,000	\$ 300,000	12/31/2020
Acquisition and development of land for a public park or other recreation or conservation purpose including a maintenance facility and shower facility at Botna Bend Park	Gaming 0003	\$ 300,000	\$ 300,000	8/31/2020
Acquisition and development of land for a public park or other recreation or conservation purpose, including a new dock and asphalt parking at Narrows Park	Gaming 0003	\$ 280,000	\$ 280,000	8/31/2020
Acquisition and development of land for a public park or other recreation or conservation purpose, including RV hook-ups and hard surface roads at Old Towne Park	Gaming 0003	\$ 150,000	\$ 150,000	3/31/2021
Acquisition and development of land for a public park or other recreation or conservation purpose, including a shower facility at Arrowhead Park	Gaming 0003	\$ 180,000	\$ 180,000	8/31/2020
Acquisition and development of land for a public park or other recreation or conservation purpose, including entrance renovation, a 3 lane entry and additional parking at Hitchcock Park	Gaming 0003	\$ 300,000	\$ 300,000	12/31/2020
Acquisition and development of land for a public park or other recreation or conservation purpose, including road resurfacing at County Parks	Gaming 0003	\$ 200,000	\$ 200,000	12/31/2020

Section 5. That the County reasonably expects to reimburse the above-mentioned Project costs not later than the later of eighteen months after the capital expenditures are paid or eighteen months after the property is placed in service, but in no event more than three (3) years after the original expenditure is paid.

Section 6. That this Resolution be maintained by the County Auditor in an Official Intent File maintained in the office of the Auditor and available at all times for public inspection, subject to such revisions as may be necessary.

Dated this 23rd day of June, 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 and authorize Board to sign **Resolution No. 61-2020**, a Resolution to appropriate funds for FY 2020/21 Budget. Said Resolution is set out as follows:

**RESOLUTION NO. 61-2020
APPROPRIATIONS RESOLUTION**

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning **July 1, 2020**, in accordance with Section 331.434, Subsection 6, Code of Iowa.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

SECTION 1: The amounts itemized by fund and by department or office on the attached Schedule, are hereby appropriated from the resources of each fund so itemized, to the department or office listed in the first column on the same line of the attached Schedule.

SECTION 2: Subject to the provisions of other County procedures and regulations, and applicable State Law, the appropriations under Section 1 shall constitute authorization for the department or officer to make expenditures or incur obligations from the itemized fund, effective **July 1, 2020**.

SECTION 3: In accordance with Section 331.437, Code of Iowa, no department or office shall expend or contract to expend any money or incur any liability, or enter into the contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4: If any time during the **2019-2020** Budget Year the Auditor ascertains that the available resources of a fund for that year will be less than said fund's total appropriations, the Auditor shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5: The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers as prescribed by law or as otherwise required and determined within reasonable limits during the **2020-2021** Budget Year.

SECTION 6: All appropriations authorized in accordance with this resolution lapse, **June 30, 2021**.

Dated this 23rd day of June, 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

ATTACHEMENT

FY 2020-2021 Pottawattamie County Budget Appropriations					
DEPT	DEPARTMENT	CERTIFIED BUDGET	ORIGINAL	Original	DEPT
#	NAME	03/31/20	6/23/2020	Budget	#
			Resolution No.	With	
			61-2020	Amendments	
01	Board of Supervisors	15,732,921	15,732,921	15,732,921	01
02	Auditor	1,752,638	1,752,638	1,752,638	02
03	Treasurer	1,759,304	1,759,304	1,759,304	03
04	Attorney	3,342,314	3,342,314	3,342,314	04
05	Sheriff	8,474,359	8,474,359	8,474,359	05
06	Debt Service/Supervisors	2,645,825	2,645,825	2,645,825	06
07	Recorder	877,990	877,990	877,990	07
12	Medical Examiner	400,168	400,168	400,168	12
20	Secondary Roads	23,286,735	23,286,735	23,286,735	20
21	Veteran Affairs	446,089	446,089	446,089	21
22	Conservation	2,375,266	2,375,266	2,375,266	22
23	Physical Health & Education	1,025,568	1,025,568	1,025,568	23
24	General Assistance	209,265	209,265	209,265	24
25	DHS	437,800	437,800	437,800	25
27	Animal Control	177,582	177,582	177,582	27
29	Corrections-Jail	13,586,891	13,586,891	13,586,891	29
37	Communications-911	3,550,641	3,550,641	3,550,641	37
38	Environmental Health	678,210	678,210	678,210	38
40	Unemployment—HR	40,000	40,000	40,000	40
48	WIC	631,596	631,596	631,596	48
50	Human Resources	474,848	474,848	474,848	50
51	Building and Grounds	1,478,319	1,478,319	1,478,319	51
52	Information Services	2,089,700	2,089,700	2,089,700	52
53	Planning & Development	666,340	666,340	666,340	53
54	GIS	415,872	415,872	415,872	54
57	Promise Partners	375,197	375,197	375,197	57
58	CD Treatment Services	7,500	7,500	7,500	58
59	Case Management	0	0	0	59
60	Mental Health	2,378,510	2,378,510	2,378,510	60
99	Non Departmental	13,912,000	13,912,000	13,912,000	99
	TOTAL	103,229,448	103,229,448	103,229,448	

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

Motion by Belt, second by Grobe, to approve and authorize Board to sign **Resolution No. 62-2020**, a Resolution entitled: Transfer to Property Acquisition & Improvement Fund. Said Resolution is set out as follows:

RESOLUTION NO. 62-2020

RESOLUTION FOR Transfer to PROPERTY ACQUISITION & IMPROVEMENT FUND.

WHEREAS, it is desired to transfer money from the Gaming Fund to the Property Acquisition & Improvement Fund; and

WHEREAS, said transfer is in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfer:

SECTION 1: The sum of \$1,000,000 is ordered to be transferred from the Gaming Fund to the Property Acquisition & Improvement Fund; and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

Dated this 23rd day of June, 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 and authorize Board to sign **Resolution No. 63-2020**, a Resolution entitled: Resolution for Fourth Quarter 2019-2020 Transfer to Secondary Roads Fund. Said Resolution is set out as follows:

RESOLUTION NO. 63-2020

RESOLUTION FOR FOURTH QUARTER 2019-2020 TRANSFER TO SECONDARY ROADS FUND

WHEREAS, it is desired to transfer money from the Rural Services Fund to the Secondary Roads Fund, and

WHEREAS, said transfer is in accordance with Section 331.432, Code of Iowa, and

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors as follows:

SECTION 1: The sum of \$1,250,000 is ordered to be transferred from the Rural Services Fund to the Secondary Road Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

Dated this 23rd day of June, 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 and authorize Chairman to sign Law Enforcement Services Contracts between Pottawattamie County and the following: City of Avoca, City of Carson, City of Crescent, City of Hancock, City of Macedonia, City of McClelland, City of Minden, City of Neola, City of Oakland, City of Treynor, City of Underwood, and City of Walnut. 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 disallowed Homestead Tax Credit Applications. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by, to approve Melvyn Houser as the Board of Supervisors' delegate for Nation Associate of Counties (NACo). UNANIMOUS VOTE. Motion carried.

4. CLOSED SESSION.

Motion by Belt, second by Grobe, to go into Closed Session as allowed by Code of Iowa, Chapter 21.5(1)(c) for discussion and/or decision on pending litigation matter. **Roll Call Vote: AYES: Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Grobe, to go out of Closed Session. **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 authorize Chairman to sign Agreement responding to matter ICP047055A2. UNANIMOUS VOTE. Motion carried.

5. RECEIVED/FILED

A. Salary Actions:

- 1) Communications – Payroll Status Change of Desiree Castro, Calee Morgal.
- 2) Promise Partners – Payroll Status Change of Jordan Morse, Patricia Russmann, Tisha Moore, Scott Root, Jessica Rayment
- 3) Jail – Payroll Status Change of Nolan Darnell, Taylor Thomas, Georgia Harley

B. Reports:

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

6. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:28 A.M.

Justin Schultz, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: June 30, 2020

PUBLISH: X