

July 14, 2020

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present, until Grobe left at 1:00 PM. 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 Drake, to approve

- A. July 7, 2020, Minutes as read.
- B. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor by Taylor Quik Pik, Council Bluffs.
- C. Planning / Public Health – Employment of Karan Johnson, as Temporary Community Health Organizer.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Wichman, to re-open public hearing from June 23, 2020, on proposed Pottawattamie County Industrial Park Urban Renewal Plan. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Wichman, to continued public hearing to July 21, 2020, at 10:00 AM. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Drake, to open public hearing on **Ordinance No. 2020-01**. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Drake, to close public hearing on **Ordinance No. 2020-01**. **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 approve first consideration of **Ordinance No. 2020-01**: an Ordinance to amend Chapter 8 of the Pottawattamie County, Iowa Zoning Ordinance, by adding provision that Commercial kennels and veterinary hospitals or clinics are a conditional use in the A-3 District; and to set second consideration for July 21, 2020. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Belt, to open public hearing on proposed preliminary plat of Gillett Subdivision, a subdivision situated in Garner Township. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

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

Motion by Belt, second by Drake, to approve and authorize Board to sign **Planning and Zoning Resolution No. 2020-08**. Said Resolution is set out as follows:

**PLANNING AND ZONING
RESOLUTION NO. 2020-08**

WHEREAS, the proposed preliminary plat and supporting documents for Gillett Subdivision, a subdivision situated in Garner Township, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under Case #SUB-2020-03; and

WHEREAS, said Commission conducted a public hearing on June 15th, 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 July 14th, 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 Gillett 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 14th day of July, 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.

Motion by Wichman, second by Drake, to approve final plat of Kathryn Rose Subdivision, a subdivision situated in Lewis Township; and authorize Board to sign **Resolution No. 2020-09**. Said Resolution is set out as follows:

**PLANNING AND ZONING
RESOLUTION NO. 2020-09**

WHEREAS, this Board had approved the preliminary plat of Kathryn Rose Subdivision, a residential subdivision situated in Lewis Township, by approval of Planning and Zoning Resolution No. 2020-03, dated February 11th, 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-2020-01; 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 Kathryn Rose 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 14th day of July 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 Drake, and seconded by Wichman, to approve funding request in the amount \$15,000 for Pottawattamie County Housing Trust Fund. Said funds are to be paid out of the Gaming Fund. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve WIC Employee Retirement Payout Agreement between Pottawattamie County and Pottawattamie County WIC Program 7/1/2020. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve Assessor’s recommendations on the following applications: Homestead (306 recommended allowed, 2 recommended disallowed), Military (29 recommended allowed, 0 recommended disallowed), Disabled Veteran Homestead (11 recommended allowed, 1 recommended disallowed), Business Property Tax Credit (25 recommended allowed, 0 recommended disallowed). UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Drake, to approve amendment to County Policy No. 802, Cameras in the Workplace. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Wichman, to approve amendment to County Policy No. 504, Smoking. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve amendment to County Policy No. 305, Mobile Device. UNANIMOUS VOTE. Motion carried.

Sheriff Jeff Danker and Chief Deputy Rob Ambrose came before the Board to discuss the remodel of the Sheriff’s Office administration building. This was a discussion only. No action was taken.

Sheriff Jeff Danker, Chief Deputy Rob Ambrose, Director of Planning and Development Matt Wyant, and Engineer John Rasmussen came before the Board to discuss passing an ordinance and regulating the operations of all-terrain and off-road vehicles in Pottawattamie County. This was a discussion only. No action was taken.

3. OTHER BUSINESS

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Drake, to approve Pottawattamie County Treasurer’s Semi Annual Report for 1/1/2020 – 6/30/2020. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Grobe, to approve Employment Agreement between Conservation Director Mark Shoemaker and Pottawattamie County, Iowa (this Agreement corrects the Employment Agreement previously approved on June 16, 2020). UNANIMOUS VOTE. Motion carried.

Motion by Belt, second by Wichman, to approve and authorize Board to sign **Resolution No. 67-2020** (correcting Resolution No. 26-2020 previously passed on March 31, 2020. Said Resolution is set out as follows:

**RESOLUTION NO. 67-2020
(correcting Resolution 26-2020)**

WHEREAS, the Pottawattamie County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907; and

WHEREAS, the Pottawattamie County Compensation Board met on the 13th day of December 2019, and recommended a 3.5% increase for all County elected officials, for the fiscal year beginning July 1, 2020; and

WHEREAS, the Pottawattamie County Board of Supervisors, in their meeting on February 11, 2020, discussed and approved to amend the salary increase for the Board of Supervisors to 3%, reduced from the Compensation Board’s recommendation of 3.5%. It was further discussed and approved by the Board of Supervisors at that same meeting, that the increase for the remaining elected officials shall remain at Compensation Board’s recommendation of 3.5%.

THEREFORE, BE IT RESOLVED that the Pottawattamie County Board of Supervisors hereby adopts the Compensation Board’s recommended 3.5% salary increase for all Pottawattamie County elected officials, except for the Board of Supervisors for which they adopt an amended increase of 3%, for the fiscal year beginning July 1, 2020. Said increases shall be as follows:

Elected Official	Approved Salary for FY 2020/2021
Attorney	\$143,488
Auditor	\$88,359
Recorder	\$88,359
Sheriff	\$137,314
Supervisors	48,229 \$47,996
Treasurer	\$88,359

ROLL CALL VOTE

Dated this 14th day of July, 2020.

	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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				

ATTEST: _____
 Melvyn Houser, County Auditor

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

4. PUBLIC COMMENTS

A. Discussion/Comments received by members of the public concerning the letter addressed to the Board of Supervisors from Concerned Citizens of Pottawattamie County, and the un-deputized, armed civilians who violated the City’s curfew at the Courthouse on May 31, 2020.

Individual No. 1

Name: Scott Punteney
 Address: 4105 Gladbrook Drive, Council Bluffs

Individual No. 2

Name: Glenn Hurst
 Address: 210 5th Street, Minden, Iowa

Individual No. 3

Name: Cory Damgaard
 Address: 123 E Main, Treynor, Iowa

Individual No. 4

Name: Steve Gilfillan
 Address: 2635 Avenue I, Council Bluffs, Iowa

Individual No. 5

Name: Chad Boyer
 Address: 1707 S 12th, Omaha, Nebraska

Individual No. 6

Name: Bill Ryan
 Address: 11714 S 203rd, Gretna, Nebraska

Individual No. 7

Name: Rick Griffis
 Address: 2729 Avenue L, Council Bluffs, Iowa

Individual No. 8

Name: Steve Semrell
 Address: 1002 Westwind Drive, Lenox, Iowa

These were discussions only. No action was taken.

5. CLOSED SESSION(S)

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

Motion by Wichman, second by Drake, to go out of Closed Session. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Drake, second by Belt, 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); and pursuant to Iowa Code 21.9, for discussion and/or decision on matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman. Motion carried.**

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

6. RECEIVED/FILED

A. Salary Actions:

- 1) WIC – Employment of Cassandra L. Dytrych and Brigid Mordeson, as Part-Time WIC Dietitians.
- 2) Communications – Payroll Status Change of Rachel Bieghler, Elizabeth Sanders, Scott Vandervort, and Heather Townsend.

B. Reports:

- 1) Recorder’s Fee Book for June 1, 2020 - June 30, 2020.

7. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:17 PM.

Justin Schultz, Chairman

ATTEST:

Melvyn Houser, County Auditor

Becky Belt, Finance, Auditor’s Office

APPROVED: July 21, 2020

PUBLISH: X