

August 4, 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 Wichman, second by Grobe, to approve

- A. July 28, 2020, Minutes as read.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Motion by Drake, second by Wichman, to open public hearing on proposed plans, specifications, form of contract and total estimates costs for the proposed Hancock Roads Maintenance Facility; and to approve and sign **Resolution 73-2020**, a Resolution Adopting Plans, Specifications, Form of Contract and Estimate of the Cost for the Hancock Pottawattamie County Secondary Roads Shop Public Improvement Project, and setting public bid opening for construction for 10:00 AM on September 15, 2020. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

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

Motion by Wichman, second by Drake, to approve and authorize Board to sign **Resolution No. 73-2020**, a Resolution Adopting Plans, Specifications, Form of Contract and Estimate of the Cost for the Hancock Pottawattamie County Secondary Roads Shop Public Improvement Project, and setting public bid opening for construction at 10:00 AM on September 15, 2020. Said Resolution is set out as follows:

**RESOLUTION NO. 73-2020**

**RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF THE COST FOR THE HANCOCK POTTAWATTAMIE COUNTY SECONDARY ROADS SHOP PUBLIC IMPROVEMENT PROJECT.**

**WHEREAS**, on the 25th day of July, 2020, plans, specifications, form of contract and estimate of cost were provided by the County Engineer for the construction of certain public improvements described in general as the Hancock Pottawattamie County Secondary Roads Shop Public Improvement; and

**WHEREAS**, notice of hearing on plans, specifications, form of contract and estimate of cost for the public improvements was published as required by law.

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

That the plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for the Hancock Pottawattamie County Secondary Roads Shop public improvement. Furthermore, that the project shall be let for construction at a public bid opening with bids to be opened at 10:00 A.M. on September 15, 2020.

**Dated this 4<sup>th</sup> day of August, 2020.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Justin Schultz, Chairman	○	○	○	○

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

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

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

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 Grobe, to approve the reallocation of Engineer’s fund balance to be used for gravel, sealcoat and bridges, to be spent over the next three years. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt and seconded by Grobe, to approve setting public hearing and first consideration of an Ordinance for the 25<sup>th</sup> day of August, 2020, at 10:00 AM, on the regulation of operations for all terrain and off-road vehicles in Pottawattamie County. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve setting public hearing on the 25<sup>th</sup> day of August, 2020, at 10:10 for modification of the County’s Schedule of Fees. UNANIMOUS VOTE. Motion carried.

Director of Planning and Development Matt Wyant, Interim Director Pam Kalstrup, and Terry E. Brown with Iowa Homeland Security & Emergency Management Department, came before the Board to discuss how to proceed with the DR4421 application, pertaining to the flood impacted properties for the date of loss of March 11, 2019. This was a discussion only. No action was taken.

Director of Planning and Development Matt Wyant and Interim Director Pam Kalstrup came before the Board to discuss reducing the number of members on the Planning and Zoning Commission from 7 members to 5 members. This was a discussion only. No action was taken.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve and authorize Board to sign **Resolution No. 74-2020**, a Resolution scheduling public hearing for 18<sup>th</sup> day of August, 2020, at 10:00 AM, on the proposal to enter into a Development Agreement with Armstrong Investments, LLC; and to provide publication of notice thereof. Said Resolution is set out as follows:

**RESOLUTION NO. 74-2020**

**RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARMSTRONG INVESTMENTS, LLC, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF.**

WHEREAS, by Resolution No. 59-2020, adopted July 21, 2020, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Pottawattamie County Industrial Park Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") for the Pottawattamie County Industrial Park Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan, is on file in the office of the Recorder of Pottawattamie County; and

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

WHEREAS, the County has received a proposal from Armstrong Investments, LLC (the "Developer"), in the form of a proposed Development Agreement (the "Agreement")

by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to prepare for development certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property") by platting the Development Property to create multiple lots for industrial businesses, constructing water infrastructure to provide water service to the lots, and marketing the lots for sale to industrial businesses, which businesses are anticipated to create jobs and income through their operations on the Development Property; and

WHEREAS, the Agreement further proposes that the County will construct certain Public Improvements (as defined in the Agreement), including storm sewer infrastructure and streets to facilitate the development of lots for industrial businesses on the Development Property, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the County and the Iowa Department of Transportation have entered into a separate agreement under the Iowa Department of Transportation's RISE program, pursuant to which the County would receive a RISE grant to help finance the Public Improvements; and

WHEREAS, as security for the County's costs of constructing the Public Improvements, the Agreement would require the Developer to make certain payments to the County, including the Shortfall Payments and Rise Grant Reimbursement Payments (as those terms are defined in the Agreement), if the Development Property is not developed as contemplated in the Agreement, all under the terms and conditions of the Agreement; and

WHEREAS, Chapters 15A and 403, Code of Iowa, (the "Urban Renewal Law") authorize counties to construct infrastructure for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Agreement is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 331.301(5), Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the County Auditor publish notice of the proposal and of the time and place of the meeting at which the Board proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said County to such action.

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

Section 1. That this Board meet in the Board of Supervisors Room, County Courthouse, 223 South 6th Street, Council Bluffs, Iowa, at 10:00 A.M. on August 18, 2020, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Armstrong Investments, LLC.

Section 2. That the County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARMSTRONG INVESTMENTS, LLC, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Pottawattamie County in the State of Iowa, **will hold a public hearing on August 18, 2020,**

**at 10:00 A.M.** in the Board of Supervisors Room, County Courthouse, 223 South 6th Street, Council Bluffs, Iowa, at which meeting the Board proposes to take action on the proposal to enter into a Development Agreement (the "Agreement") with Armstrong Investments, LLC (the "Developer").

Due to public health concerns related to COVID-19, the public may attend the meeting in person, or may access the meeting electronically, pursuant to Iowa Code Section 21.8, via YouTube at:

<https://www.youtube.com/channel/UCeP9ZQIBgMpuSyOprlyMl6g>

or by dialing 712-328-5848.

Please check the posted agenda in advance of the August 18, 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](mailto:pam.kalstrup@pottcounty-ia.gov) if you have questions about the format of the meeting, or to request a copy of the Agreement.

The Agreement would obligate the Developer to prepare for development certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property") by platting the Development Property to create multiple lots for industrial businesses, constructing water infrastructure to provide water service to the lots, and marketing the lots for sale to industrial businesses.

The Agreement further provides that the County will construct certain Public Improvements (as defined in the Agreement), including storm sewer infrastructure and streets to facilitate the development of lots for industrial businesses on the Development Property, under the terms and following satisfaction of the conditions set forth in the Agreement. The County and the Iowa Department of Transportation have entered into a separate agreement under the Iowa Department of Transportation's RISE program, pursuant to which the County would receive a RISE grant to help finance the Public Improvements.

The Agreement further obligates the Developer to make certain payments to the County, including the Shortfall Payments and Rise Grant Reimbursement Payments (as those terms are defined in the Agreement), as security for the County's construction the Public Improvements, if the Development Property is not developed as contemplated in the Agreement, all under the terms and conditions of the Agreement.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the County Auditor, Courthouse, Pottawattamie County, Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of said County, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the Board of Supervisors of Pottawattamie County in the State of Iowa, as provided by Sections 331.301(5) and 331.305, Code of Iowa.

Dated this 4<sup>th</sup> day of August, 2020.

County Auditor, Pottawattamie County  
in the State of Iowa

(End of Notice)

Dated this 4<sup>th</sup> day of August, 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 Wichman, and seconded by Drake, to approve and authorize Board to sign **Resolution No. 75-2020**, a Resolution scheduling public hearing on the proposition of the issuance of not to exceed \$600,000 General Obligation Urban Renewal Bonds of Pottawattamie County, State of Iowa, (for essential county purposes); and providing for publication of notice thereof. Said Resolution is set out as follows:

**RESOLUTION NO. 75-2020**

**RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$600,000 GENERAL OBLIGATION URBAN RENEWAL BONDS OF POTTAWATTAMIE COUNTY, STATE OF IOWA (FOR ESSENTIAL COUNTY PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF**

WHEREAS, by Resolution No. 59-2020, adopted July 21, 2020, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Pottawattamie County Industrial Park Urban Renewal Plan (the "Plan") for the Pottawattamie County Industrial Park Urban Renewal Area (the "Area" or "Urban Renewal Area"), which Plan is or will be on file in the office of the Recorder of Pottawattamie County, Iowa; and

WHEREAS, it is deemed necessary and advisable that Pottawattamie County, State of Iowa, should issue General Obligation Urban Renewal Bonds, to the amount of not to exceed \$600,000, as authorized by Sections 331.443 and 403.12, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s) as hereinafter described; and

WHEREAS, before bonds may be issued, it is necessary to comply with the procedural requirements of Chapters 331 and 403 of the Code of Iowa, and to publish a notice of the proposal to issue such bonds and the right to petition for an election.

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

Section 1. That this Board meet in the Board Room, County Courthouse, 227 South 6th Street, Council Bluffs, Iowa, at **10:20 AM, on the 25th day of August, 2020**, for the purpose of taking action on the matter of the issuance of not to exceed \$600,000 General Obligation Urban Renewal Bonds, for essential county purposes, the proceeds of which bonds will be used to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of Chapter 403 including paving of 192nd St., road improvements in the industrial park, and related storm sewer improvements.

Section 2. That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 3. The notice of the proposed action to issue bonds shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, STATE OF IOWA, ON THE MATTER OF THE PROPOSED ISSUANCE OF NOT TO EXCEED \$600,000 GENERAL OBLIGATION URBAN RENEWAL BONDS OF THE COUNTY (FOR ESSENTIAL COUNTY PURPOSES), AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Supervisors of Pottawattamie County, State of Iowa, will hold a **public hearing on the 25th day of August, 2020, at 10:20 AM**, in the Board Room, County Courthouse, 227 South 6th Street, Council Bluffs, Iowa, at which meeting the Board proposes to take additional action for the issuance of not to exceed \$600,000 General Obligation Urban Renewal Bonds, for essential county purposes, to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of Chapter 403 including paving of 192nd St., road improvements in the industrial park, and related storm sewer improvements.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the County, may be filed with the Auditor of the County in the manner provided by Section 331.306 of the Code of Iowa, pursuant to the provisions of Sections 331.441(2)(b)(14), 331.443 and 403.12 of the Code of Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds. This notice is given by order of the Board of Supervisors of Pottawattamie County, State of Iowa, as provided by Chapters 331 and 403 of the Code of Iowa.

Dated this 4<sup>th</sup> day of August, 2020.

County Auditor, Pottawattamie County, State of Iowa

(End of Notice)

**Dated this 4<sup>th</sup> day of August, 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 Belt, to approve and authorize Chairman to sign Engagement Agreement between Ahlers and Cooney, P.C. and Pottawattamie County, Iowa, in connection with the issuance of General Obligation

Urban Renewal Bonds, in an amount not to exceed \$600,000. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve moving forward on the camera / security project for the Jail and Courthouse, and for the Auditor’s Office to bring forth a Reimbursement Resolution to allow further bonding to repay spent funds. UNANIMOUS VOTE. Motion carried.

**3. RECEIVED/FILED**

**A. Salary Actions**

- 1) WIC – Employment of Julisa Collins as Part-Time Support Staff.
- 2) Attorney – Payroll Status Change of Christine Circo.
- 3) Sheriff – Payroll Status Change of Megan Wirt.
- 4) Secondary Roads – Payroll Status Change of Tyler Campbell.

**4. ADJOURN**

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:54 AM.

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– Justin Schultz, Chairman

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

APPROVED: August 11, 2020  
 PUBLISH: X