

**August 11, 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, and seconded by Drake, to approve

- A. August 4, 2020, Minutes as read.
- B. Publication of Claims for July, 2020.
- C. Planning / Public Health – Employment of Candy Heyer, as Community Health Organizer – Temporary.
- D. Planning / Public Health – Employment of Jessica Barrett, as Community Health Organizer – Temporary.
- E. Planning / Public Health – Employment of Zoey Cook, as Community Health Organizer – Temporary.
- F. Planning / Public Health – Employment of Linda Guehring, as Community Health Organizer – Temporary
- G. Planning / Public Health – Employment of Melissa Duschanek, as Community Health Organizer – Temporary.

UNANIMOUS VOTE. Motion carried.

## 2. PUBLIC HEARINGS

Motion by Wichman, second by Belt, to open public hearing on disposal of county-owned property to John W. Lambertz and Gail K. Lambertz, and their successors, as trustees of the John and Gail Lambertz Living Trust. Said property is legally described as: That certain portion of Outlot “C” lying to the west of and immediately adjoining Lot 10, Block 3 in Rohrer’s Park Second Addition, with said portion of said Outlot “C” conveyed being 20x60 feet, more or less, all in Council Bluffs, Pottawattamie County, Iowa . **Roll Call Vote: AYES: Drake, Belt, Schulz, Wichman, Grobe. Motion carried.**

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

After discussion by the Board, a Motion was made by Belt, and seconded by Drake, to approve and authorize Board to sign **Resolution No. 78-2020**, a Resolution Authorizing Disposal of an Interest in County-Owned Property as provided Under Iowa Code Section 331.361 and Iowa Code Section 350.4. Said Resolution is set out as follows:

### RESOLUTION NO. 78-2020

#### **A RESOLUTION AUTHORIZING DISPOSAL OF AN INTEREST IN COUNTY-OWNED PROPERTY AS PROVIDED UNDER IOWA CODE SECTION 331.361 AND IOWA CODE SECTION 350.4**

**WHEREAS**, the Board of Supervisors has provided legal notice of and set a public hearing for the disposal of an interest in county-owned property described below, and

**WHEREAS**, the Board of Supervisors believes it to be in the best interest of Pottawattamie County to dispose of certain county-owned property and to allow the property be transferred and assessed for taxation; and

**WHEREAS**, on April 2, 1991, Pottawattamie County, Iowa obtained title of the property identified as Rohrer Park 2<sup>nd</sup> Addition O/L C, pursuant to tax sale, as a result of delinquent general taxes, interest, penalties, and costs on the property for 1977, 1978, 1979, which mistakenly included a portion of Outlot “C” lying to the west of and immediately adjoining Lot 10, Block 3 in Rohrer’s Park Second Addition, with said portion of said Outlot “C” conveyed being 20x60 feet, more or less, all in Council Bluffs, Pottawattamie County, Iowa.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Supervisors of Pottawattamie County, Iowa that the Boar of Supervisors does hereby authorize the disposal of Pottawattamie County interest in the property legally described as follows be transferred to John W. Lambertz and Gail K. Lambertz, and their successors, as trustees of the John and Gail Lambertz Living Trust:

Outlot "C" lying to the west of and immediately adjoining Lot 10, Block 3 in Rohrer's Park Second Addition, with said portion of said Outlot "C" conveyed being 20x60 feet, more or less, all in Council Bluffs, Pottawattamie County, Iowa.

**BE IT FURTHER RESOLVED** that the County Auditor be and is hereby authorized empowered and directed to cause a Quit Claim Deed to be prepared duly executed and recorded along with this Resolution and the Proof of Publication of the "Notice of Public Hearing".

**Dated this 11<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, Schulz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Belt, to open public hearing on **Ordinance 2020-02**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 2.893 acres from a Class R-3 (Urban Residential) to a Class C-2 (General Commercial) District. **Roll Call Vote: AYES: Drake, Belt, Schulz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Belt, to close public hearing on **Ordinance 2020-02**. **Roll Call Vote: AYES: Drake, Belt, Schulz, Wichman, Grobe. Motion carried.**

After discussion was held by the Board, a Motion was made by Wichman, second by Grobe, to approve first consideration of **Ordinance 2020-02**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 2.893 acres from a Class R-3 (Urban Residential) to a Class C-2 (General Commercial) District; and to set second consideration for the 18<sup>th</sup> day of August, 2020, at 10:00 AM. Said Ordinance is set out as follows:

**POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2020-02**

**AN ORDINANCE** to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 2.893 acres from a Class R-3 (Urban Residential) to a Class C-2 (General Commercial) District.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA**

**SECTION 1 - AMENDMENTS:** That the Official Zoning Map, as adopted by reference in Section 8.003.020 of the Pottawattamie County, Iowa, Zoning Ordinance, be and the same is hereby amended by changing the district designation from its present designation

of a Class R-3 (Urban Residential) to a Class C-2 (General Commercial) District of certain real estate, as shown on the attached plat and which is legally described as follows:

Kathryn Rose Subdivision – Lot 3

**SECTION 2 - SEVERABILITY:** That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 3 - REPEAL OF CONFLICTING ORDINANCES:** That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4 - EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

**PASSED AND APPROVED** .

**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, Schulz, Wichman, Grobe. Motion carried.**

**3. SCHEDULED SESSIONS**

After discussion was held by the Board, a Motion was made by Drake, and seconded by Grobe, to approve Hungry Canyons Alliance’s annual membership fee of \$4,250.00 for FY 20/21. UNANIMOUS VOTE. Motion carried.

MAPA’s Community & Economic Development Planner Grant Anderson came before the Board to give an update on the Carson-Macedonia Downtown Renovation Project. After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve the scheduling for the bid opening on the Carson-Macedonia Downtown Renovation Project for August 20, 2020, at 2:00 PM via Zoom. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve General Accounting Expenditure (GAX) form, for payment to Franks Design Group in the amount of \$20,289.00, and reimbursement to Pottawattamie County in the amount of \$24,334.00, for the CDBG / Carson-Macedonia downtown building façade project. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve and authorize Chairman to sign Animal Control Services Agreement between Pottawattamie County, Iowa and Avoca, Iowa, effective July 1, 2020. UNANIMOUS VOTE. Motion carried.

After discussion by the Board, a Motion was made by Wichman, and seconded by Belt, , to approve and authorize Board to sign **Planning and Zoning Resolution No. 2020-12**, a Resolution to approve final plat of I-29/I-80 Industrial Park, a residential subdivision in Pottawattamie County, Iowa. Said Resolution is set out as follows:

**PLANNING AND ZONING  
RESOLUTION NO. 2020-12**

**WHEREAS**, this Board had approved the preliminary plat of **I-29/I-80 Industrial Park**, a residential subdivision situated in **Lewis Township**, by approval of Planning and Zoning Resolution No. **2019-14**, dated **January 7, 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-2019-09**; 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 **I-29/I-80 Industrial Park**, 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 11<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, Schulz, Wichman, Grobe. Motion carried.**

After discussion by the Board, a Motion was made by Wichman, and seconded by Belt, to approve and authorize Board to sign **Planning and Zoning Resolution No. 2020-11**, a Resolution to approve final plat of Gillett Subdivision, a residential subdivision in Pottawattamie County, Iowa. Said Resolution is set out as follows:

**PLANNING AND ZONING  
RESOLUTION NO. 2020-11**

**WHEREAS**, this Board had approved the preliminary plat of **Gillett Subdivision**, a residential subdivision situated in **Garner Township**, by approval of Planning and Zoning Resolution No. **2020-08**, dated **July 14<sup>th</sup>, 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-2020-03**; 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 **Gillett 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 11<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, Schulz, Wichman, Grobe. Motion carried.**

**4. CLOSED SESSION**

Motion by Drake, second by Belt, to go into Closed Session as allowed by Iowa Code 20.17(3), for discussion and/or decision on labor negotiations / collective bargaining matters; 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, Schulz, Wichman, Grobe. Motion carried.**

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

**5. RECEIVED/FILED**

A. Salary Actions:

- 1) Jail – Payroll Status Change of Chasity Christie, Grant Gilliam, Shelbie Harris, Kayla Smeal.
- 2) Sheriff – Payroll Status Change of Adam Fields, Doug Kelsey, Teresa Schultz, Jeremy Warren.

B. Reports:

- 1) Recorder’s Fee Book for 7/1/2020 – 7/31/2020

**6. ADJOURN**

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:08 PM.

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Justin Schultz, Chairman

ATTEST: 

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Melvyn Houser, County Auditor

APPROVED: August 18, 2020

PUBLISH: X