

**March 2, 2021**

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present. Chairman Belt presiding.

PLEDGE OF ALLEGIANCE

**1. CONSENT AGENDA**

After discussion was held by the Board, a Motion was made by Shea, and seconded by Schultz, to approve:

- A. February 23, 2021, Minutes as read.
- B. Publication of Pottawattamie County Salary Listing for 2020

UNANIMOUS VOTE. Motion Carried

**2. SCHEDULED SESSIONS**

After Discussion was held by the Board, a motion was made by Shea, and seconded by Grobe, to approve second consideration of **Ordinance No. 2021-01**, AN ORDINANCE to amend Chapter 8 of the Pottawattamie County, Iowa Zoning Ordinance, by adding a provision that temporary roadside fireworks stands and Christmas Tree lots are a principle use in the class I-1 (General Industrial) District; and to adopt **Ordinance No. 2021-01** into law. Said ordinance is laid out as follows:

**POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2021-01**

AN ORDINANCE to amend Chapter 8, of Pottawattamie County, Iowa Zoning Ordinance, by adding provisions that Temporary roadside fireworks stands and Christmas tree lots, when approved by the Development Director for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year are a principal use in the I-1 District.

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

**SECTION 1 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.055.020.20 T., Principal Use in the I-1 (General Industrial) District:

- 8.055.020.20                      PRINCIPAL USES: The following principal uses shall be permitted in a Class I-1 District:
- I.                      Temporary roadside fireworks stands and Christmas tree lots, when approved by the Development Director for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year.

**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.

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

Discussion was held with Mat Wyant/Planning Director, Pam Kalstrup/Acting Planning Director, Mark Hanwright, and Jason James on rural development. Discussion only. No action taken.

Motion by Schultz, second by Shea, to open public hearing on Pottawattamie County Courthouse Campus Urban Renewal Plan.

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

Motion by Shea, second by Schultz, to close public hearing.

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

Motion by Schultz, second by Shea, to approve and authorize Board to sign **Resolution No. 13-2021** entitled: Resolution determining an area of the County to be an economic development and blighted area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the County; designating such area as appropriate for urban renewal projects; and adopting the Pottawattamie County Courthouse Campus Urban Renewal Plan.

### **Resolution No. 13-2021**

**RESOLUTION DETERMINING AN AREA OF THE COUNTY TO  
BE AN ECONOMIC DEVELOPMENT AND BLIGHTED AREA,  
AND THAT THE REHABILITATION, CONSERVATION,  
REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION  
THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST  
OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE  
RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA  
AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND  
ADOPTING THE POTTAWATTAMIE COUNTY COURTHOUSE  
CAMPUS URBAN RENEWAL PLAN**

**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

**WHEREAS**, a proposed Pottawattamie County Courthouse Campus Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Pottawattamie County Courthouse Campus Urban Renewal Area ("Area" or "Urban Renewal Area") described below has been prepared, which proposed Plan has been on file in the office of the County Auditor, and which proposed Plan is attached hereto as Exhibit 1 and which is incorporated herein by reference; and

**WHEREAS**, the purpose of the Plan is to form the Pottawattamie County Courthouse Campus Urban Renewal Area suitable for blight remediation activities and to include a list of proposed projects to be undertaken within the Urban Renewal Area, and a copy of the Plan has been placed on file for public inspection in the office of the County Auditor; and

**WHEREAS**, the property proposed to be included in the Urban Renewal Area is legally described in the Plan and this Board has reasonable cause to believe that the Area described in the Plan satisfies the eligibility criteria for designation as an urban renewal area under Iowa law; and

**WHEREAS**, the proposed Area is within two miles of the corporate boundaries the City of Council Bluffs, Iowa, and accordingly, the County has received the consent of the City of Council Bluffs in the form of a joint agreement to allow the County to operate within the proposed Area, which agreement is hereby approved in all respects and incorporated herein by this reference; and

**WHEREAS**, it is desirable that the Urban Renewal Area be redeveloped as described in the proposed Urban Renewal Plan to be known hereafter as the "Pottawattamie County Courthouse Campus Urban Renewal 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 of Supervisors approval thereof; and

**WHEREAS**, creation of the Urban Renewal Area and adoption of the Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the County as being in conformity

with the general plan for development of the County as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

**WHEREAS**, by resolution adopted on February 2, 2021, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Urban Renewal Plan be sent to all affected taxing entities; and

**WHEREAS**, pursuant to such notice, the consultation was duly held as ordered by the Board of Supervisors and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of Chairperson Scott Belt, or his delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

**WHEREAS**, by resolution this Board also set a public hearing on the adoption of the proposed Urban Renewal Plan for this meeting of the Board, and due and proper notice of the public hearing was given, as provided by law, by timely publication in The Daily Nonpareil, The Avoca Journal Herald, and The Oakland Herald, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

**WHEREAS**, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Board in connection therewith and the public hearing has been closed.

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

**Section 1.** That the findings and conclusions set forth or contained in the proposed "Pottawattamie County Courthouse Campus Urban Renewal Plan" for the area of Pottawattamie County, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Pottawattamie Courthouse Campus Urban Renewal Area"), be and the same are hereby adopted and approved as the findings of this Board for this area.

**Section 2.** This Board further finds:

- a) Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;
- b) The Urban Renewal Plan conforms to the general plan for the development of the County as a whole; and
- c) Acquisition of additional land within the Urban Renewal Area by the County is not immediately expected, because the County already owns the land within the Urban Renewal Area.

**Section 3.** That the Urban Renewal Area is an economic development and blighted area within the meaning of Chapter 403, Code of Iowa; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403, Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this County.

**Section 4.** That the Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Pottawattamie County Courthouse Campus Urban Renewal Plan for the Pottawattamie Courthouse Campus Urban Renewal Area"; the Urban Renewal Plan for such area is hereby in all respects approved; the Chairperson and County Auditor are authorized to execute the Joint City-County Agreement; and the County Auditor is hereby directed to file a certified copy of the Urban Renewal Plan with the proceedings of this meeting.

**Section 5.** That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the original Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Plan. Said Urban Renewal Plan shall be forthwith certified by the County Auditor, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

**PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2021.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott Belt, 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"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

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

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Shea to approve and authorize Board to sign **Resolution No. 14-2021** entitled: Resolution Fixing Date for A Meeting on The Proposition of The Issuance of Not to Exceed \$16,900,000 General Obligation Urban Renewal Bonds of Pottawattamie County, State of Iowa (For Essential County Purposes), And Providing for Publication of Notice Thereof.

**Resolution No. 14 - 2021**

**RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$16,900,000 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. 13, adopted March 2, 2021, 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 Courthouse Campus Urban Renewal Plan (the "Plan") for the Pottawattamie County Courthouse Campus 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 \$16,900,000, 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 urban renewal 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. **PASSED AND APPROVED** this 2<sup>nd</sup> day of March, 2021.

**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 10:00 A.M., on the 16th day of March, 2021, for the purpose of taking action on the matter of the issuance of not to exceed \$16,900,000 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.

**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:

(To be published on or before: March 6, 2021)

**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 \$16,900,000 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 16th day of March, 2021, at 10:00 A.M., 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 \$16,900,000 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.

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 2nd day of March, 2021.

\_\_\_\_\_  
County Auditor, Pottawattamie County,  
State of Iowa

(End of Notice)

**PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2021.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott Belt, 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"/>
Lynn Grobe				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Justin Schultz				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea				

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

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

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz, to approve and authorize Board to sign **Resolution No. 15-2021. Resolution No. 15-2021** is laid out as follows:

**Resolution No. 15 - 2021**

**WHEREAS**, functional classification is the process by which streets and highways are grouped into classes according to the character of service they are intended to provide; and

**WHEREAS**, Pottawattamie County periodically reviews the system of streets and highways for appropriate changes to classification of the various segments of the system; and

**WHEREAS**, a recent review of the system has revealed the need for a change to the federal functional classification of road segments due to added paved routes within the City of Council Bluffs and the reconfiguration of roadways along the city limits; and

**WHEREAS**, the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) is the designated Metropolitan Planning Organization (MPO) for the Omaha-Council Bluffs Transportation Management Area (TMA); and

**WHEREAS**, the identified road segment is within both the county and the MAPA TMA, and

**WHEREAS**, MAPA has concurred with this change in MAPA Resolution 2021-25.

**NOW, THEREFORE, BE IT RESOLVED** that Pottawattamie County hereby requests the Iowa Department of Transportation to request the Federal Highway Administration to make the following changes in federal functional classification:

**CHANGES TO FEDERAL FUNCTIONAL CLASSIFICATION SYSTEM**

Cedar Ln from Proposed Steven Rd to West Urban Area boundary for a distance of 0.18 miles from **Rural Local to Rural Major Collector**

**PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2021.**

**ROLL CALL VOTE**

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

Lynn Grobe

Justin Schultz

Brian Shea

○ ○ ○ ○  
○ ○ ○ ○

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

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

After discussion was held by the Board, a Motion was made by Grobe, and seconded by Shea, to reappoint Bernie Bolton to the Loess Hills Development and Conservation Authority for a term of two years. UNANIMOUS VOTE. Motion Carried

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz, to approve and authorize Chairman to sign Farm Lease with Craig Hotze, for property legally described as: GROVE TWP 17-74-39 PT SE SE & 20-74-39 PT NE NE Comm 138.85' SE COR SEC 17 TH SW 669.08' N283.91' W 364.92' S307.35' SW276.37' SE 270.43' SW442.07' N 1934.4' E1327.46' S818.15' TO POB (INCLUDES PARCEL A SE SE PARCELS B & C NE NE) commonly referred to as Wheeler Grove Conservation Area. UNANIMOUS VOTE. Motion Carried

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz to approve and authorize Chairman to sign Farm Lease with Craig Hotze, for property legally described as: Tract #1, The North Half of the Northeast Quarter (N 1/2 NE 1/4) and the North Half of the Northwest Quarter (N 1/2 NW 1/4) of the Section 14, Township 74 North, Range 39, West of the 5th P.M.; and Tract #2, the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 11, Township 74, Range 39, West of the 5th P.M. UNANIMOUS VOTE. Motion Carried

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz to approve and authorize Chairman to sign Farm Lease with Joe Respeliars, for property legally described as: A Parcel of Land being a portion of Government Lot 7 in the South Half of the Northeast Quarter, A Portion of the Southeast Quarter, and a portion of Government Lot 6 in the Northwest Quarter of the Southeast Quarter, all in Section 23 Township 75 North, Range 44 West of the 5th Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa. UNANIMOUS VOTE. Motion Carried

**3. RECEIVED/FILED**

A. Salary Actions:

- 1) Communications – Payroll status change of Alicia Cotton
- 2) Public Health – Payroll status change of Melissa Castro

**4. CLOSED SESSION**

Motion by Wichman, second by Shea, to go into Closed Session pursuant Iowa Code 20.17(3) for discussion and/or decision on labor negotiations / collective bargaining matters.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second by Grobe, to go out of Closed Session.

Roll Call Vote: AYES: Belt, Wichman, Grobe, Schultz, Shea. Motion Carried.

**5. SCHEDULED SESSIONS**

Becky Lenihan/Assistant Finance Officer, Auditor’s Office appeared before the board for a discussion on the FY 21/22 budget. Discussion only. No action taken.

**6. ADJOURN**

Motion by Shea, second by Schultz, to adjourn meeting.  
UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:40 P.M.

\_\_\_\_\_  
Scott Belt, Chairman

ATTEST:

\_\_\_\_\_  
Melvyn Houser, Pottawattamie County Auditor

APPROVED: March 9, 2021

PUBLISH: X