

June 8, 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 second by Schultz to approve:

- A. June 1, 2021, Minutes as read.
- B. Publication of Claims allowed for May 2021
- C. Conservation – Employment of Michael Casson as BB Seasonal; and Cory Rhinehart as NAM Seasonal.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Schultz, second by Shea, to approve funding request from Avoca Main Street for the amount of \$3,000 from Gaming Fund. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Schultz, to approve and authorize Board to sign **Resolution No. 53-2021** approving the selection of a firm for Legal Services.

RESOLUTION NO. 53-2021

REAL ESTATE ACQUISITION LEGAL SERVICES  
2019 FLOOD

WHEREAS, as a result of the flooding of 2019, Pottawattamie County has applied to FEMA under its §403 Essential Assistance Program for funding of demolition work. Funding is anticipated from FEMA, the State of Iowa and the County.

WHEREAS, the County requires legal services to be performed for the purpose of preparing structures for demolition in connection with the above identified project; and

WHEREAS, Petersen Law PLLC (contractor) certifies to be permitted to practice law in Iowa as established in Chapter 31 of the Iowa Court Rules, is qualified and willing to perform the work required in accordance with standards and criteria hereinafter set forth, and pursuant to the terms provisions and conditions hereof, and

WHEREAS, Request for Bids (RFB) Notice to Bidders was published in the The Nonpareil on April 28, 2021 and individual written RFB Notice to Bidders were mailed on April 28, 2021 to law firms permitted to practice law in Iowa from the region surrounding the County, and

WHEREAS, said bids were required to be submitted to Pottawattamie County, Iowa, on or before May 19, 2021, and

WHEREAS, Pottawattamie County received three (3) quotes, and have opened said quotes on May 19, 2021, and

WHEREAS, the County has determined that Petersen Law PLLC has submitted the lowest and most responsive and responsible submittal and who has best met the submittal criteria as set out in the RFB, and

WHEREAS, Pottawattamie County, Iowa, is interested in continuing forward and having the work described in said RFB completed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors that the contract to perform the said Legal Services work for Pottawattamie County, Iowa, as outlined in the said RFB is hereby awarded to Petersen Law PLLC in the total amount of \$12,000, and that the Board is authorized to execute said Contract with this contractor and that the contractor is hereby given “Notice to Proceed”, after having submitted the Certificate of Insurance required by the RFB to the County through the Planning Director.

ROLL CALL VOTE

Passed and Approved this 8th day of June, 2021.

|     |     |         |        |
|-----|-----|---------|--------|
| AYE | NAY | ABSTAIN | ABSENT |
| ○   | ○   | ○       | ○      |

Scott A. 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 J. Houser, County Auditor

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

Motion made by Schultz, second by Wichman, to approve and authorize Board to sign **Resolution No. 51-2021** entitled: Resolution Authorizing Forgivable Loan Agreement with Regional Water.

**RESOLUTION NO. 51-2021**

**Resolution Authorizing Forgivable Loan Agreement with Regional Water**

**WHEREAS**, Chapter 15A of the Code of Iowa (“Chapter 15A”) declares that economic development is a public purpose for which a county may provide grants, loans, guarantees and other financial assistance to or for the benefit of private persons; and

**WHEREAS**, Chapter 15A requires that before public funds are used for grants, loans or other financial assistance, the board of supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

**WHEREAS**, Chapter 15A requires that, in determining whether funds should be spent, the board of supervisors must consider any or all of a series of factors; and

**WHEREAS**, Regional Water has proposed to undertake certain improvements and extensions (the “Water Improvement Project”) to its water system in order to serve certain property (the “Development Property”) situated in Pottawattamie County, Iowa (the “County”); and

**WHEREAS**, the Water Improvement Project is necessary to provide water service to the Development Property and to promote the development of residential housing thereon (the “Housing Development Project”); and

**WHEREAS**, Regional Water has requested that the County provide financial assistance in the form of a forgivable loan (the “Forgivable Loan”) in order to pay for a portion of the costs of the Water Improvement Project; and

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

- Section 1.** Pursuant to the factors listed in Chapter 15A, the Board of Supervisors hereby finds that:
  - a) The Housing Development Project, including the Water Improvement Project, will add diversity and generate new opportunities for the Pottawattamie County and Iowa economies; and
  - b) The Housing Development Project, including the Water Improvement Project, will generate public gains and benefits, particularly in the creation of new jobs and housing opportunities in the County, which are warranted in comparison to the amount of the proposed Forgivable Loan.

**Section 2.** The Board of Supervisors further finds that a public purpose will reasonably be accomplished by making the Forgivable Loan in connection with the Water Improvement Project.

**Section 3.** The Forgivable Loan in an amount not to exceed \$300,000 is hereby approved, subject to the terms and conditions set out in the forgivable loan agreement (the “Forgivable Loan Agreement”) to be entered into by Regional Water and the County. The Chairperson and the County Auditor are hereby authorized to execute such documents as may be necessary to implement the Forgivable Loan approved herein, including the Forgivable Loan Agreement, in substantially the form as has been presented to this Board of Supervisors, and such officers or their designees are hereby authorized and directed to prepare any additional documentation and to make such changes to the Forgivable Loan Agreement as are deemed necessary to carry out the purposes of this Resolution.

**Section 4.** All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

**Passed and Approved this 8th day of June, 2021.**

**ROLL CALL VOTE**

|                                  | AYE                   | NAY                   | ABSTAIN               | ABSENT                |
|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| _____<br>Scott A. Belt, Chairman | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Tim Wichman             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Lynn Grobe              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Justin Schultz          | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Brian Shea              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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

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

**3. OTHER BUSINESS**

Motion made by Wichman, second by Schultz, to approve job description for Seasonal Election Clerk. UNANIMOUS VOTE. Motion carried.

Motion made by Schultz, second by Wichman, to approve Series 2021A Bond Counsel Engagement Agreement with Ahlers & Cooney, P.C. UNANIMOUS VOTE. Motion carried

Motion made by Wichman, second by Schultz, to approve Series 2021B Bond Counsel Engagement Agreement with Ahlers & Cooney, P.C. UNANIMOUS VOTE. Motion carried

Motion made by Wichman, second by Schultz, to approve and authorize Board to sign **Resolution No. 52-2021** 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.

**RESOLUTION NO. 52-2021**

**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> |
|---|---|------------------------------|--|-------------------------------------|
| B-Wing Demolition   | Property Acquisition and Improvement 0019                       | \$ 232,390                   | \$ 232,390                             | 6/30/2022                           |
| B-Wing Renovation   | Property Acquisition and Improvement 0019                       | \$ 4,932,245                 | \$ 4,932,245                           | 6/30/2022                           |
| Services Building Demolition – Asbestos Removal   | Property Acquisition and Improvement 0019                       | \$ 32,311                    | \$ 32,311                              | 6/30/2022                           |
| Asbestos Removal Monitoring   | Property Acquisition and Improvement 0019                       | \$ 7,500                     | \$ 7,500                               | 6/30/2022                           |
| Services Building Demolition  | Property Acquisition and Improvement 0019                       | \$ 98,774                    | \$ 98,774                              | 6/30/2022                           |
| Acquisition and Equipping of a vehicle for Planning and Zoning which is necessary for the operation of the county or the health and welfare of its citizens | Rural Basic 0011  | \$ 25,000                    | \$ 25,000                              | 6/30/2022                           |
| Acquisition and Equipping of a road grader for Secondary Roads which is necessary for the operation of the county or the health and welfare of its citizens | Secondary Roads 0020  | \$ 300,000                   | \$ 300,000                             | 6/30/2022                           |

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.

**Passed and Approved this 8th day of June, 2021.**

**ROLL CALL VOTE**

|                                  | AYE                   | NAY                   | ABSTAIN               | ABSENT                |
|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| _____<br>Scott A. Belt, Chairman | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Tim Wichman             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Lynn Grobe              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Justin Schultz          | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| _____<br>Brian Shea              | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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

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

Motion made by Shea, second by Schultz, to approve and authorize Chairman to sign Rural Transit System Joint Participation Agreement with SWPCO; and to approve Funding request in the amount of \$6,000. UNANIMOUS VOTE. Motion carried.

**4. PUBLIC HEARING**

At 11:00 A.M, motion by Shea, second by Schultz, to open Public Hearing on Intent to Commence a Public Improvement Project to Construct an Extension of the Pottawattamie County Railroad Highway Trail and to Acquire Property for the project.

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

Motion by Wichman, second by Shea, to close Public Hearing.

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

## 5. RECEIVED/FILED

### A. Salary Actions

- 1) IT – Payroll Status Change for Matthew Reeves, Kelly Greer, Kellie Newell
- 2) Sheriff – Payroll Status Change for Jeremy Harker
- 3) Secondary Roads – Payroll Status change for Kevin Ausdemore, Shawn Bluml, Josh Kohl, Zach Larimore, Nick McCoid, Josh Reynolds, Mitch Rollins,
- 4) Jail – Payroll Status Change for Amber Roberts
- 5) Communications – Payroll Status Change for Rachel Bieghler
- 6) Auditor – Payroll Status Change for Dixie Wilson

### B. Reports

- 1) Recorder’s Fee Book for May 2021

## 6. CLOSED SESSION

Motion by Wichman, second by Schultz, to go into Closed Session pursuant to Iowa Code §21.5(1)(c) – Discussion and/or decision on pending litigation.

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

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

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

Motion by Shea, second by Schultz, to go into Closed Session pursuant to Iowa Code 21.5(1)(j), for discussion and/or decision on the purchase or sale of particular real estate.

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

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

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

Motion by Wichman, second by Shea, to go into Closed Session pursuant to 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 Schultz, to go out of Closed Session.

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

## 7. ADJOURN

Motion by Shea, second by Schultz , to adjourn meeting. UNANIMOUS VOTE. Motion carried. THE BOARD ADJOURNED SUBJECT TO CALL AT 1:54 P.M.

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Scott A. Belt, Chairman

ATTEST:

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Melvyn Houser, Pottawattamie County Auditor

APPROVED: June 15, 2021

PUBLISH: X