

September 7, 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 Wichman, and second by Shea,

- A. August 31, 2021, Minutes as read.
- B. Publication of Claims for August 2021.

UNANIMOUS VOTE. Motion Carried. __

2. SCHEDULED SESSIONS

Motion by Schultz, second by Shea, to open Public Hearing on proposed preliminary plat of The Boonies, a subdivision situated in Lewis Township.

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

Nick Hansen; 1440 Rolling Hills Loop, Council Bluffs; appeared before the Board to speak in support of the proposed preliminary plat of The Boonies Subdivision.

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

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

Motion by Wichman, second by Shea, to approve and authorize Board to sign Planning and Zoning Resolution No. 2021-03.

PLANNING AND ZONING RESOLUTION NO. 2021-03

WHEREAS, the proposed preliminary plat and supporting documents for The Boonies, a subdivision situated in Lewis Township, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under Case #SUB-2021-02; and

WHEREAS, said Commission conducted a public hearing on August 16, 2021, 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 September 7, 2021 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 The Boonies, 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 7th Day of September, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	○	○	○	○
_____	○	○	○	○

Tim Wichman				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

ATTEST: _____
 Melvyn Houser, County Auditor

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

Motion by Wichman, second by Schultz, to open Public Hearing on proposed designation of the Heartland Ridge Subdivision Urban Renewal Area.

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

Mark Hanwright; 23974 Pioneer Trail, Council Bluffs; appeared before the Board to speak in support of the proposed designation of the Heartland Ridge Subdivision Urban Renewal Area.

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

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

Motion by Schultz, second by Shea, to approve and authorize Board to sign **Resolution No 97-2021** to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan and Projects for the Heartland Ridge Subdivision Urban Renewal Area.

RESOLUTION NO. 97-2021

Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan and Projects for the Heartland Ridge Subdivision Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”) a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, it has been proposed by the Board of Supervisors of Pottawattamie County, Iowa (the “County”), that the Heartland Ridge Subdivision Urban Renewal Area (the “Urban Renewal Area”) be established on the property (the “Property”) described in Exhibit A to this Resolution; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Urban Renewal Area to be an economic development area; and

WHEREAS, a proposed urban renewal plan (the “Plan”) has been prepared for the governance of projects and initiatives to be undertaken in the Urban Renewal Area and which authorizes a certain initial urban renewal project (the “Project”) to be undertaken thereon consisting of providing tax increment financing support to JJHP, LLC in connection with the construction of public infrastructure necessary to support the development of a residential subdivision; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the Urban Renewal Area and on the Plan and the Projects was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing on September 7, 2021; and

WHEREAS, the Planning and Zoning Commission of the County has reviewed and commented on the proposed Plan; and

WHEREAS, copies of the Plan, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to the Lewis Central Community School District; the consultation meeting was held on August 23rd, 2021; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, a portion of the Property lies within two miles of the incorporated limits of the City of Council Bluffs, Iowa (the “City”), and a joint agreement (the “Joint Agreement”) has been executed by the City to satisfy the consent requirements of Section 403.17 of the Code of Iowa; and

WHEREAS, pursuant to Section 403.17 of the Code of Iowa, the County has received an executed consent agreement from the owner of the “agricultural land” proposed for inclusion in the Urban Renewal Area; and

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the Heartland Ridge Subdivision Urban Renewal Area.

Section 3. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the County.

Section 4. It is hereby determined by this Board of Supervisors as follows:

- A.** The proposed urban renewal plan and the proposed projects and initiatives described therein conform to the general plan of the County as a whole;
- B.** Proposed development in the Urban Renewal Area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.
- C.** It is not anticipated that any families will be displaced in connection with the County’s undertakings under the Plan. Should such issues arise, then the County will develop a feasible method of relocating any displaced persons into decent, safe and sanitary dwelling accommodations within their means and without undue hardship.

Section 5. The Plan is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the County is hereby authorized to undertake the projects and initiatives described therein.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Dated this 7th Day of September, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt, Chairman	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Schultz, second by Shea, to approve First Consideration of **Ordinance No. 2021-05** entitled: An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Heartland Ridge Subdivision Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa (**First Consideration**), and to set date for Second Consideration for September 14th at 10:00 A.M.

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

Motion by Wichman, second by Schultz, to approve and authorize Board to sign **Resolution No 98-2021** Setting a Date of Meeting at Which it is Proposed to Approve a Development Agreement with JJHP, LLC, Including Tax Increment Payments.

RESOLUTION NO. 98-2021

Resolution Setting a Date of Meeting at Which it is Proposed to Approve a Development Agreement with JJHP, LLC, Including Tax Increment Payments

WHEREAS, Pottawattamie County, Iowa (the “County”), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an urban renewal plan for the Heartland Ridge Subdivision Urban Renewal Area (the “Urban Renewal Area”); and

_____	○	○	○	○
Scott A. Belt, Chairman				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion made by Schultz, second by Shea, to approve and authorize Chairman to sign 28E agreement with Mills County to assist with Electrical Inspections pending legal approval. UNANIMOUS VOTE. Motion Carried.

Motion made by Wichman, second by Shea, to approve Time Clocks quote for new timekeeping system. UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Schultz, to approve and authorize Board to sign **Resolution No 99-2021** entitled: RESOLUTION for Transfer from Property Acquisition/Improvement Fund to Special Law Enforcement Fund.

RESOLUTION NO. 99-2021

RESOLUTION for Transfer from Property Acquisition/Improvement Fund to Special Law Enforcement Fund

WHEREAS, it is desired to transfer money from Property Acquisition/Improvement Fund to Special Law Enforcement Fund; and

WHEREAS, said transfer is in accordance with Section 331.432, Code of Iowa; and

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors as follows:

SECTION 1: The sum of \$32,291.93 is ordered to be transferred from Property Acquisition/Improvement Fund to Special Law Enforcement Fund, and

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

Dated this 7th Day of September, 2021.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Scott A. Belt, Chairman				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion made by Schultz second by Wichman, to approve / disallow the following applications made to the Assessor’s Office: Homestead (107 recommended allowed, 1 recommended disallowed), Military (13

recommended allowed, 1 recommended disallowed), Disabled Veteran Homestead (5 recommended allowed, 0 recommended disallowed), Business Property Tax Credit (9 recommended allowed, 1 recommended disallowed), Family Farm Tax Credit (4 recommended allowed, 0 recommended disallowed).

UNANIMOUS VOTE. Motion Carried.

4. RECEIVED/FILED

A. Salary Actions

- 1) Conservation – Employment of Caleb Strand as Hawkwatch Counter.
- 2) Jail – Payroll Status Change for Trevor Nelson, Matt Corum.

5. ADJOURN

Motion by Wichman, second by Shea, to adjourn meeting.

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 10:50 A.M.

Scott A. Belt, Chairman

ATTEST:

Becky Lenihan, Finance & Tax Officer

APPROVED: September 14, 2021

PUBLISH: X