

January 3, 2022

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 seconded by Shea, to approve:

- A. December 28, 2021, Minutes as read.
- B. December 30, 2021, Minutes as read.
- C. Secondary Roads – Employment of Shane Smith as Full-Time Equipment Operator.
- D. Sheriff – Employment of Richard Mayer Sr as Part-Time Entry Security Personnel.

UNANIMOUS VOTE Motion Carried.

Amend next year session to add 21.5(1)(c) for possible litigation.

Motion by Wichman, second by Shea, to amend next year session to add 21.5(1)(c) for possible litigation.

UNANIMOUS VOTE Motion Carried.

Motion by Wichman, second by Shea, to adjourn Sine Die.

UNANIMOUS VOTE. Motion Carried

Scott A. Belt, Chairman

ATTEST:

Melvyn Houser, County Auditor

January 3, 2022

MET IN REGULAR SESSION

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

2. SCHEDULED SESSIONS

Motion by Schultz, second by Shea, to appoint Melvyn Houser, County Auditor, as Temporary Chairperson for the election of a new Board Chairman and Chairman Pro-Tem for the year 2022.

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

Houser announced nominations are now in order for the office of Chairman for 2022.

Wichman was nominated by Shea.

There being no further nominations, Houser declared it ceased. The Board proceeded to vote as follows:

Shea voted for Wichman;
Grobe voted for Wichman;
Schultz voted for Wichman;
Belt voted for Wichman; and
Wichman voted for Wichman.

Wichman was elected Chairman for 2022.

Houser announced nominations are now in order for the office of Chairperson Pro-Tem for 2022.

Shea was nominated by Belt.

There being no further nominations, Melvyn Houser, County Auditor, declared it ceased. The Board proceeded to vote as follows:

Shea voted for Shea;
Grobe voted for Shea;
Schultz voted for Shea;
Belt voted for Shea; and
Wichman voted for Shea.

Shea was elected Chairman Pro-Tem for 2022.

Thereupon, Houser, Temporary Chairperson, turned the meeting over to Chairman Wichman.

Motion by Shea, second by Belt, to approve Second Consideration of **Ordinance No. 2021-10**, AN ORDINANCE to amend Chapter 5.30, Flood Plain Management, and to adopt said Ordinance into law.

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

Motion by Shea, second by Schultz, to approve appointment of Jana Lemrick as Title VI Coordinator. UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to approve and authorize Board to sign **Resolution No. 06-2022**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

RESOLUTION NO. 06-2022

RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.

WHEREAS, Section 306.41 of the Code of Iowa, 2002, provides that "The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of

this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor.”

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2022, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved “Pottawattamie County Secondary Road Construction Program for the fiscal year 2022-2023, and any approved supplements thereto.”

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

Dated this 3rd day of January, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Shea, second by Schultz, to approve and authorize Board to sign **Resolution No. 07-2022**, entitled: Resolution to Authorize the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems. Said Resolution is set out as follows:

RESOLUTION NO. 07-2022

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK ON THE FARM TO MARKET AND FEDERAL AID SYSTEMS.

WHEREAS, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm to Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, and Federal Aid contract construction work,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2022, that said County Engineer John A. Rasmussen, be and is hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to Market and Federal Aid construction projects in Pottawattamie County for the year 2022.

Dated this 3rd day of January, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	○	○	○	○
_____ Tim Wichman	○	○	○	○

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

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

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

Motion by Shea, second by Belt, to approve and authorize Board to sign **Resolution No. 08-2022**, entitled: Resolution to Authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight Upon Pottawattamie County Secondary Roads. Said Resolution is set out as follows:

RESOLUTION NO. 08-2022

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.

WHEREAS, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

WHEREAS, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2022, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer
Lisa Keierleber, Assistant Engineer
Kristina R. Treantos, Assistant to the Engineer

Dated this 3rd day of January, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Scott A. Belt				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Lynn Grobe				
_____	○	○	○	○
Justin Schultz				
_____	○	○	○	○
Brian Shea				

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
Pottawattamie County Engineer

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

3. OTHER BUSINESS

Motion by Schultz, second by Shea, to adopt Robert’s Rules of Order as written rules of parliamentary procedures for transaction of business in meetings, except when it conflicts with the Code of Iowa. UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Belt, to establish a policy that the Board of Supervisors’ regular sessions will be held on the following day(s): Tuesdays at 10:00 A.M. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Shea, to approve and authorize Board to sign **Resolution No. 01-2022**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:

RESOLUTION NO. 01-2022

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

FIRST:

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee are terminated upon certification of the officer under which such compensation has been earned.

SECOND:

For transportation of persons transferred at the County’s expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

THIRD:

For Clerk of Court’s certified bills for payment of Grand Jury.

FOURTH:

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

Dated this 3rd Day of January, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

Motion by Shea, second by Grobe, to approve and authorize Board to sign **Resolution No. 02-2022**, a Resolution pertaining to the Auditor destroying county vouchers and canceled county warrants which have been on file for more than ten years. Said Resolution is set out as follows:

RESOLUTION NO. 02-2022

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2012; and

WHEREAS, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2012.

Dated this 3rd Day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.**

Motion by Schultz, second by Belt, to approve and authorize Board to sign **Resolution No. 03-2022**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

RESOLUTION NO. 03-2022

RESOLUTION APPOINTING DEPUTIES

WHEREAS, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

WHEREAS, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

WHEREAS, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

- Attorney** Jon Jacobmeier, Chief Deputy
- Auditor** Kristin M. Everett, First Deputy
Linda Swolley, First Deputy, Real Estate
Kristy Hassay, Second Deputy, Real Estate
- Recorder** Lynn Herrington, First Deputy
Andrew Moats, First Deputy
- Sheriff** Jeff Theulen, Chief Deputy
- Treasurer** Jamie Smothers, First Deputy
Heather Ausdemore, First Deputy

Dated this 3rd Day of January, 2022.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	<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: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried**

Motion by Schultz, second by Belt, to approve and authorize Board to sign **Resolution No. 04-2022**, a Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County. Said Resolution is set out as follows:

RESOLUTION NO. 04-2022

BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2021-2022.

RECAPITULATION

TELEPHONE – TELEGRAPH	\$ 10,582,707
RAILROADS	\$ 75,276,765
PIPELINE	\$ 76,500,169
 TOTAL FOR COUNTY	 \$ 162,359,641

Dated this 3rd Day of January, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Schultz, to approve and authorize Board to sign **Resolution No. 05-2022**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

RESOLUTION NO. 05-2022

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a “Construction Evaluation Resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2022, and January 31, 2023, and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

Dated this 3rd day of January, 2022.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Scott A. Belt	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Lynn Grobe	○	○	○	○
_____ Justin Schultz	○	○	○	○
_____ Brian Shea	○	○	○	○

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Schultz, second by Shea, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2022 year: The Herald-Oakland, The Avoca Journal Herald-Avoca; and The Daily Nonpareil-Council Bluffs. The County shall pay no more than Iowa Code allows for legal publications in these newspapers.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Schultz, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2022, as per Code of Iowa, Section 33.1:

MARTIN LUTHER KING, JR. DAY	JANUARY 17, 2022
PRESIDENT’S DAY	FEBRUARY 21, 2022
MEMORIAL DAY	MAY 30, 2022
INDEPENDENCE DAY	JULY 4, 2022
LABOR DAY	SEPTEMBER 5, 2022
VETERAN’S DAY	NOVEMBER 11, 2022
THANKSGIVING DAY	NOVEMBER 24, 2022
LIEU OF LINCOLN’S BIRTHDAY	NOVEMBER 25, 2022
CHRISTMAS	DECEMBER 25, 2022
	OBSERVED DECEMBER 26, 2022
NEW YEAR’S DAY 2022	JANUARY 1, 2022 OBSERVED ON JANUARY 2, 2023

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Federal Standard Mileage Rate for 2022, at 58.5¢ per mile.
UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve Lynn Grobe as first representative, and Brian Shea as second representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2022.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to approve appointment of Scott Belt as first representative, to the Fourth Judicial District Department of Correctional Services Board of Directors for 2022.
UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve appointment of Scott Belt as first representative, and Jana Lemrick as second representative to IGHCP Board for 2022.
UNANIMOUS VOTE. Motion Carried

Motion by Schultz, second by Shea, to approve appointment of Scott Belt as first representative, and Tim Wichman as second representative to MAPA for 2022.
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve reimbursement amount of \$50.00 per month for Elected Officials' mobile cellular usage for 2022.
UNANIMOUS VOTE. Motion Carried.

4. RECEIVED/FILED

- A. Salary Action(s):
1) Sheriff – Payroll Status Change for Rex Woodbury.

5. CLOSED SESSION

Motion by Shea, second by Belt, to go into Closed Session pursuant Iowa Code 21.5(1)(c) for pending litigation.

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

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

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

6. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:56 A.M.

Tim Wichman, Chairman

ATTEST: _____
Melvyn Houser, Pottawattamie County Auditor

APPROVED: January 11, 2022

PUBLISH: X