

**August 23, 2022**

**MET IN REGULAR SESSION**

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

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

After discussion was held by the Board, a motion was made by Grobe, and second by Schultz, to approve:

- A. August 9, 2022, Minutes as read.
- B. Renewal of Class B Beer (BB) (Includes Wine Coolers), granting privileges of Class B Beer (BB) (Includes Wine Coolers) / Class C Native Wine Permit (On-Premises) / Outdoor Service / Sunday Sales to Pioneer Trail Orchard and Pumpkin L.L.C. d/b/a Pioneer Trail Orchard and Pumpkin Patch L.L.C, Council Bluffs.
- C. Renewal of Class E Liquor License (LE, granting privileges of Class B Wine Permit, Class C Beer Permit (Carryout Beer), Class E Liquor License (LE), and Sunday Sales for Taylor Oil Enterprises, Limited d/b/a Taylor Quik Pik, Council Bluffs.
- D. Medical Examiner – Employment of Felica Luczek and Jacob Hardiman as on call Medical Examiner Investigators.
- E. Communications– Employment of Monica Brooks, Camsley Hovey, and Lacy Gillette as a Telecommunications Operators.

**2. SCHEDULED SESSIONS**

Drew Kamp and Alicia Frieze from the Council Bluffs Area Chamber of Commerce appeared before the Board to give a presentation on the Workforce Development efforts. Discussion only. No action taken.

Motion by Schultz, second by Shea, to approve the FY22/23 Workforce Contract for Workforce Development Services with the Council Bluffs Area Chamber of Commerce.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Shea, to approve and authorize Board to sign **Resolution No. 47-2022** entitled: RESOLUTION AUTHORIZING AMENDED FORGIVABLE LOAN AGREEMENT WITH REGIONAL WATER.

**RESOLUTION NO. 47-2022**

**Resolution Authorizing Amended 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

**WHEREAS**, the County and Regional Water have entered into a certain forgivable loan agreement (the “Original Forgivable Loan Agreement”) in connection with the Water Improvement Project and the Forgivable Loan; and

**WHEREAS**, it is now necessary to amend the Original Forgivable Loan Agreement in order to extend the completion date of the Water Improvement Project and to extend the maturity date of the Forgivable Loan; and

**WHEREAS**, an amended forgivable loan agreement (the “Amended Forgivable Loan Agreement”) has been prepared to set forth the new understanding between the County and Regional water; and

**WHEREAS**, it is now necessary to take action for the approval of the Amended Forgivable Loan Agreement and to make provision for the execution and delivery thereof;

**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 and reaffirms 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, income 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 and reaffirms that a public purpose will reasonably be accomplished by making the Forgivable Loan in connection with the Water Improvement Project.

Section 3. The Amended Forgivable Loan Agreement is hereby approved, and the Chairperson of the Board of Supervisors and the County Auditor are hereby authorized and directed to execute and deliver the Amended Forgivable Loan Agreement on behalf of the County, in substantially the form and content in which the Amended Forgivable Loan Agreement has been presented to this Board of Supervisors. Such officers, and their designees, are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Amended Forgivable Loan Agreement.

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

Passed and Approved this August 23, 2022.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<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"/>
_____ 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 Chairman to sign a RISE Grant Agreement application for Magnolia Road in Underwood.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Grobe, to approve and authorize Board to sign **Resolution No. 62-2022** entitled: RESOLUTION DECLARING POTTAWATTAMIE COUNTY’S STANCE AGAINST THE USE OF EMINENT DOMAIN FOR THE CONSTRUCTION OF CARBON DIOXIDE TRANSMISSION PIPELINES.

**RESOLUTION NO. 62-2022**

**RESOLUTION DECLARING POTTAWATTAMIE COUNTY’S STANCE AGAINST THE USE OF EMINENT DOMAIN FOR THE CONSTRUCTION OF CARBON DIOXIDE TRANSMISSION PIPELINES.**

**WHEREAS**, Summit Carbon Solutions and Navigator Heartland Greenway intend to construct carbon dioxide pipelines across the state of Iowa, some of which pass through Pottawattamie County, IA.

**WHEREAS**, these pipelines are for the transmission of captured carbon dioxide gas from various ethanol facilities in Iowa to an underground storage location in North Dakota.

**WHEREAS**, the only beneficiary of these pipelines will be those producing the carbon dioxide, those transmitting it and those storing it with no contribution to the general public.

**WHEREAS**, the path needed to construct the pipelines can only be achieved by enforcing Eminent Domain granted by the Iowa Utilities Board across privately held land of opposed landowners.

**NOW THEREFORE BE IT RESOLVED**, that while Pottawattamie County encourages business growth and development and recognizes the importance of ethanol facilities to the local economy, this particular type of pipeline should not be considered a public utility. Pottawattamie County is opposed to the use of Eminent Domain laws against private landowners as there is no benefit to general public.

**Dated this 23rd Day of August, 2022.**

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<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"/>
_____ 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.**

**3. OTHER**

Motion by Schultz, second by Shea, to approve and authorize funding for on-site employee blood draws up to \$5,000.  
 UNANIMOUS VOTE. Motion Carried.

**4. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Sheriff – Payroll status change for James Doty and Cassie Green.
  - 2) Jail – Payroll status change for Ryan Hecker, Jay Wilson, and Grant Gilliam.
  - 3) Secondary Roads – Payroll status change for Tyler Campbell.

## 5. PUBLIC COMMENTS

Lisa Lima appeared before the Board concerned about the Carbon Dioxide Pipeline. The County should draft ordinance that already exist.

## 6. CLOSED SESSION

Motion by Shea, second by Schultz, 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: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.

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

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

## 7. OPEN SESSION

After discussion was held by the Board on the Amendment of Bargaining Unit for the Pottawattamie County Deputy Sheriffs Association, a motion was made by Schultz, and second by Shea, to table and revisit after January 1st, 2023, for the new Board of Supervisors to weigh in on the decision.

UNANIMOUS VOTE. Motion Carried.

## 8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

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

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Tim Wichman, Chairman

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

APPROVED: August 30, 2022

PUBLISH: X