

October 4, 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 Shea, and second by Schultz, to approve:

- A. September 27, 2022, Minutes as read.
- B. Communications – Employment of Makenzie Ayers as a Telecommunicator.
- C. Jail – Employment of Tanya Brannan as a Secretary.

**2. SCHEDULED SESSIONS**

Motion by Schultz, second by Shea, to approve Second Consideration of Ordinance No. 2022-05, an Ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code; and to adopt Ordinance No. 2022-05 into law. Said ordinance is laid out as follows:

**POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2022-05**

**AN ORDINANCE** to amend the following in Chapter 8, of Pottawattamie County, Iowa Zoning Ordinance:

- A. 8.004.085.15 Add “to include corrals and other portable structures”
- B. 8.004.085.15 Remove “and other structures”
- C. 8.004.085.15 Add “Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of *Gallus gallus domesticus*) shall be permitted on properties with a single-family dwelling that have less than one acre of pasture and/or are in the R-3 (Urban Residential) Zoning District, so long as such keeping is in strict compliance with this subsection and all other applicable County ordinances unless, despite compliance with the following, the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business.”

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

**SECTION 1 - REPEAL OF CONFLICTING ORDINANCES:** That section 8.004.085.15 is hereby repealed in its entirety. Furthermore all other Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 2 - 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 8.004.085.15:

8.004.085.15 *Private stables* and other *structures* for raising and keeping animals and fowl, provided that not more than one (1) *animal unit* per acre of pasture shall be permitted and further provided that no such *structure* (to include corrals and other similar portable structures) shall be located closer than fifty (50) feet to any property line, nor shall the animals be kept or pastured closer than twenty-five (25) feet to any *dwelling* on the site. The area devoted to such uses shall be kept in a clean and sanitary condition, and shall be maintained so as drainage will not affect the health and safety of adjacent property owners. Private stables shall not be permitted in the R-3 and R-5 Districts. Notwithstanding the provisions of this section, the keeping of domestic chickens (members of the subspecies of *Gallus gallus domesticus*) shall be permitted on properties with a single-family dwelling that have less than one acre of pasture and/or are in the R-3 (Urban Residential) Zoning District, so long as such keeping is in strict compliance with this subsection and all other applicable County ordinances unless, despite compliance with the following, the presence of any particular chickens endangers the health, safety, peace, quiet, comfort, enjoyment of, or otherwise becomes a public nuisance to nearby residents or occupants or places of business.

**SECTION 3 - 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 4 - REPEAL OF CONFLICTING ORDINANCES:** That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5 - EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED OCTOBER 4, 2022.

	<u>ROLL CALL VOTE</u>			
	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Scott Belt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Lynn Grobe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Justin Schultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Brian Shea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: \_\_\_\_\_  
Melvyn Houser, County Auditor  
Pottawattamie County, Iowa

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

Motion by Schultz, second by Shea, to approve publication of County’s Annual Financial Report for Fiscal Year ending June 30,2022.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Schultz, to approve and authorize Chairman to sign final voucher for project BRS-SWAP-C078(199)—FF-78.  
UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

After discussion was held by the Board, a motion was made by Shea, and second by Schultz, to approve the hiring of Mechanical Operations and Maintenance Technician at a Step 9 of the paygrade.  
UNANIMOUS VOTE. Motion Carried.

**4. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Secondary Roads – Payroll status change for Adam Ring, Kyle Arnold, and Jody Marsh.
  - 2) Sheriff – Payroll status change for Will Bates.
  - 3) Conservation – Employment of Colby Laughhunn as a Snow Sports School Coordinator.
  - 4) Jail – Payroll status change for Mark Smith and Greg Brougham.

**5. PUBLIC COMMENTS**

Jack Elsnes appeared before the board to discuss Apex Clean Energy.

**6. CLOSED SESSION**

Motion by Schultz, second by Shea, to go into Closed Session pursuant to Iowa Code §21.5(1)(i), for discussion and/or decision on personnel matters.  
**Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried,**

Motion by Shea, second by Schultz, to go out of Closed Session.  
**Roll Call Vote: AYES: Wichman, Belt, Grobe, Schultz, Shea. Motion Carried.**

**7. OPEN SESSION**

Motion by Belt, second by Schultz, to approve updated job description for Maintenance Superintendent and change position to exempt status.  
UNANIMOUS VOTE. Motion Carried.

**8. BUDGET STUDY SESSION**

Mitch Kay/Director, Finance and Budget appeared before the Board for a Budget Study Session.  
Discussion only. No action taken.

**9. ADJOURN**

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:36 P.M.

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Tim Wichman, Chairman

ATTEST: \_\_\_\_\_  
Becky Lenihan, Finance & Tax Officer

APPROVED: October 11, 2022  
PUBLISH: X