

February 14, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. February 7, 2023, Minutes as read.
- B. Renewal of Class C Liquor License, granting privileges of Class C Liquor License/Sunday Service for Palace Event Center, LLC d/b/a Palace Event Center, Treynor.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to approve Second Consideration of **Ordinance No. 2023-01**, an Ordinance to Adopt a Code of Ordinances for Pottawattamie County, Iowa; and to adopt Ordinance No. 2023-01 into law.

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-01**

AN ORDINANCE to adopt a Code of Ordinances for Pottawattamie County, Iowa.

WHEREAS, Section 331.302(10.a.), Code of Iowa, requires that the Board of Supervisors shall compile a Code of Ordinances at least once every five years;

WHEREAS, the Board of Supervisors has compiled a Code of Ordinances containing all County Ordinances in effect; and

WHEREAS, the Board of Supervisors has determined that said proposed Code should be adopted as the County Code of Pottawattamie County, Iowa.

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

SECTION 1- ADOPTION OF CODE: That the Ordinances of Pottawattamie County, Iowa, of a general and permanent nature as codified in the volume entitled “Pottawattamie County, Iowa, County Code”, as compiled and edited, are ordained as general ordinances and are adopted as and shall constitute the County Code of Pottawattamie County, 2023, to be hereinafter referred to and cited as the “Pottawattamie County, Iowa, County Code (2023)”.

SECTION 2 - CODIFICATION OF EXISTING ORDINANCES: That all existing County Ordinances, as amended, shall be codified or adopted as follows:

Ordinance #97-04	OSI Tax Exemption Ordinance
Ordinance #97-05	OSI TIF Ordinance
Ordinance #97-11	Schmitz Tax Exemption Ordinance
Ordinance #97-12	CBEC TIF Ordinance
Ordinance #99-06	Van Horn Tax Exemption Ordinance
Ordinance #99-15	OSI TIF Amendment #1
Ordinance #2000-02	Bent Tree TIF Ordinance
Ordinance #2008-08	Special Valuation of Wind Conversion Property
Ordinance#2017-05	Residency Requirement for Pott. Co. Sheriff Office
Ordinance#2021-03	Industrial Park Urban Renewal TIF Ordinance
Ordinance#2021-05	Heartland Ridge Subdivision TIF Ordinance
Chapter 1.10	Code of Conduct
Chapter 1.20	Procurement Policy
Chapter 1.30	Accepting and Reporting of Gifts
Chapter 1.40	Local Option Sales and Service Tax
Chapter 1.45	Voting Precincts
Chapter 1.50	Schedule of Fees

Chapter 1.75	Violations and Penalties
Chapter 1.85	Tap-On Recovery Fees
Chapter 1.95	Tax Sale Certificate
Chapter 3.10	Drug Paraphernalia
Chapter 3.15	Civil Emergencies
Chapter 3.20	Conservation Board Lands Rules and Regulations
Chapter 3.30	Motor Vehicles
Chapter 3.40	Discharging Firearms within 1000' of School Property
Chapter 3.50	Animal Control
Chapter 3.55	Sexually Oriented Businesses
Chapter 3.60	High-Risk Sexual Conduct
Chapter 3.80	Disorderly House
Chapter 3.90	Jail Loitering
Chapter 4.10	Veteran's Assistance Program
Chapter 5C	Requirements for Properly Plugging Abandoned Wells
Chapter 5.05	Sanitary Landfill and Waste Incinerator Siting
Chapter 5.10	Hazardous Substances
Chapter 5.25	Yard Waste Separation
Chapter 5.30	Floodplain Management
Chapter 5.40	Illegal Dumping
Chapter 5.50	Onsite Wastewater Treatment and Disposal Systems
Chapter 5.60	Private Water Wells
Chapter 7.05	Courthouse Parking
Chapter 7.10	Driving on Levees
Chapter 7.20	Road Classifications
Chapter 7.25	Jake Brake
Chapter 7.30	Uniform Rural Address System
Chapter 7.40	Entrance Permits
Chapter 7.50	Winter Parking Restrictions
Chapter 7.60	Secondary Roads Snow & Ice Clearance
Chapter 8	Zoning Ordinance
Chapter 9	Subdivision Ordinance
Chapter 10	Building Code
Chapter 11	Industrial Property Tax Value Added Exemption
Chapter 12	All-Terrain and Off-Road Vehicles

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 from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED February 14, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea, 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"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Susan Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: _____
Becky Lenihan, Finance & Tax Officer

Pottawattamie County, Iowa

Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

Motion by Wichman, second by Belt to approve and authorize Chairman to sign HMGP amendment. UNANIMOUS VOTE. Motion Carried.

Deb Masker from Southwest Iowa Leadership Academy appeared before the Board to give a presentation and provide an update on the 2023 Southwest Iowa Leadership Academy Retreat and potential funding by the County.

Discussion only. No action taken.

Lucy Hough/Prevention Coordinator, Iowa State Extension and Outreach appeared before the Board to give an update on the Speak Up Be Safe program.

Discussion only. No action taken.

Cara Morgan/Executive Director, Golden Hills appeared before the Board to present on activities with Golden Hills.

Discussion only. No action taken.

Motion by Miller, second by Jorgensen, to approve funding request for Golden Hills, in the amount of \$15,000 from gaming for FY 23-24.

UNANIMOUS VOTE. Motion Carried.

Thomas Roberts/General Manager, Harrah's and Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to discuss the Renewal of Iowa West Racing Association and Harrah's Operating Agreement.

Discussion only. No action taken.

Brenda Mainwaring/President & CEO, Iowa West Foundation appeared before the Board to present Iowa West's new strategic plan.

Discussion only. No action taken.

Motion by Wichman, second by Belt to participate in the new opioid settlements.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 14-2023**, entitled: A RESOLUTION TO WITHDRAW FROM THE ARTICLES OF AGREEMENT WHICH FORMED THE WORKFORCE DEVELOPMENT CHIEF ELECTED OFFICIAL CONSORTIUM FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014 to pursue disbanding the 28E formed for the workforce services.

RESOLUTION NO. 14-2023

A RESOLUTION TO WITHDRAW FROM THE ARTICLES OF AGREEMENT WHICH FORMED THE WORKFORCE DEVELOPMENT CHIEF ELECTED OFFICIAL CONSORTIUM FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014

WHEREAS, Pottawattamie County previously signed a resolution to approve the Articles of Agreement creating the Workforce Development Chief Elected Official Consortium (CEO) together with 17 other counties in western and southwestern Iowa, known as the "Western Iowa Workforce Development Area" or WILWDA; and,

WHEREAS, this 28E Agreement was filed with the Iowa Secretary of State on July 7, 2020 and assigned filing number M512796; and,

WHEREAS, Article 13 of the Agreement allows counties, at their sole option, to withdraw from the Agreement at least 90 days prior to the beginning of the fiscal year (April 1 or any year); and,

WHEREAS, at their meeting on January 20, 2023, the CEO Board discussed the 28E Agreement, weighing the roles and responsibilities of counties as a result of the Agreement and impacts to services offered to their citizens both under the agreement and in absence of the Agreement; and,

WHEREAS, the CEO Board voted 11-0 at this meeting, after this discussion, to dissolve the 28E Agreement.

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

1. It does hereby invoke Article 13 of the Articles of Agreement which formed the Workforce Development Chief Elected Official Consortium for the Workforce Innovation and Opportunity Act of 2014 and withdraws from the Agreement at the end of the day June 30, 2023.
2. It understands and is its intention withdrawal of the Agreement by all 18 counties will terminate the Agreement.

Passed and approved this 14th day of February 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain Shea, 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"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Becky Lenihan, Finance & Tax Officer

Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

Motion by Miller to rescind Ex-officio to the Conservation Board.
Motion failed for lack of Second.

Motion by Wichman, second by Miller, to approve moving ahead on parking lot regulations to include Kiosk in the center. Team to put parameters together.
Roll Call Vote: AYES: Belt, Wichman, Miller, Jorgensen. NAYS: Shea. Motion Carried.

Motion by Belt, second by Jorgensen, to set date and time for Max Levy to be March 7, 2023 at 10:00 A.M. and to approve publication request.
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.
Discussion only. No action taken.

5. RECEIVED/FILED

- A. Salary Action(s):
- 1) Jail – Payroll status change for Carrie Savage.
 - 2) Communications – Payroll status change for Eric Wallner.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Miller, 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: Shea, Belt, Wichman, Miller, Jorgensen. Motion Carried.

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

Roll Call Vote: AYES: Shea, Belt, Wichman, Miller, Jorgensen. 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 Wichman, second by Miller, to adjourn meeting.

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:19 P. M.

Brian Shea, Chairman

ATTEST:

Becky Lenihan, Finance and Tax Officer

APPROVED: February 21, 2023

PUBLISH: X