

August 29, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members, except Supervisor Wichman 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 Jorgensen, to approve:

- A. August 22, 2023, Minutes as read.
- B. Renewal of Class E Retail Liquor License and Sunday Sales for Taylor Oil Enterprises, Limited d/b/a Taylor Quik Pik, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open Public Hearing on proposed preliminary plat of Stoneybrook East Phase 1 and 2, a subdivision situated in Lewis Township; and to approve and authorize Board to sign Planning and Zoning **Resolution No. 2023-01**.

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

A letter was read from Robert and Cheryl Hemmingsen expressing concerns that the developer Mings has not in previous developments followed the Pollution plan. He has not developed and followed proper procedures to contain water flow onto their property, making more water than before contrary to Iowa law. Developer has not put in acceptable catch basin to contain or control drainage on to neighbors. The subcommittee and our county engineers along with Planning and Development explained that this is a county responsibility to require and enforce said developer to adherence of these preventative state and county requirements.

Motion by Belt, second by Miller, to close public hearing.

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign Planning and Zoning **Resolution No. 2023-01**.

**PLANNING AND ZONING
RESOLUTION NO. 2023-01**

WHEREAS, the proposed preliminary plat and supporting documents for **Stoneybrook East Phase 1 and 2**, 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-2023-01**; and

WHEREAS, said Commission conducted a public hearing on **July 17, 2023**, 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 **August 29, 2023** 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 **Stoneybrook East Phase 1 and 2**, 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.

PASSED AND APPROVED August 29, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea, 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"/>
Tim Wichman				
_____	<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				

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion by Belt, second by Miller, to open Public Hearing to amend Pottawattamie County 2030 Comprehensive Plan by adopting and incorporating the Joint City-County Land Use Study and the associated 28E two-mile limit agreement between the City of Council Bluffs and Pottawattamie County.

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

Motion by Belt, second by Miller, to close public hearing.

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign Planning and Zoning **Resolution No. 2023-02.**

**PLANNING AND ZONING
RESOLUTION NO. 2023-02**

A RESOLUTION TO AMEND THE POTTAWATTAMIE COUNTY 2030 COMPREHENSIVE PLAN, SPECIFICALLY BY ADOPTING AND INCORPORATING THE JOINT CITY-COUNTY LAND USE STUDY.

WHEREAS, On November 3, 2015 the Pottawattamie County Board of Supervisors approved Resolution No. 2015-1 which adopted the Pottawattamie County 2030 Comprehensive Plan; and

WHEREAS, specifics of this Study are included in “Attachment B”, attached hereto; and

WHEREAS, following public meeting, the Planning and Zoning Commission recommended amending the Pottawattamie County Comprehensive Plan, specifically by adopting and incorporating the Joint City-County Land Use Study, as presented; and

WHEREAS, after study and consideration and a public meeting the Board of Supervisors has determined it is in the best interest of the County to amend the Pottawattamie County 2030 Comprehensive Plan, specifically by adopting and incorporating the Joint City-County Land Use Study, as recommended by the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that the Board of Supervisors of Pottawattamie County, Iowa, hereby amend Pottawattamie County 2030 Plan and adopt the Joint City-County Land Use Study, as recommended by the Planning Commission.

PASSED AND APPROVED August 29, 2023.

ROLL CALL VOTE			
AYE	NAY	ABSTAIN	ABSENT

_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea, 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"/>
Tim Wichman				
_____	<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				

Attest: _____
 Melvyn Houser, County Auditor
 Pottawattamie County, Iowa

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

Motion by Jorgensen, second by Belt, to approve and authorize Board to sign Planning and Zoning Resolution No. 2023-03.

**PLANNING AND ZONING
 RESOLUTION NO. 2023-03**

A RESOLUTION AUTHORIZING POTTAWATTAMIE COUNTY, IOWA TO ENTER INTO THE “JOINT CITY/COUNTY LAND USE 28E AGREEMENT” WITH THE CITY OF COUNCIL BLUFFS AND DIRECTING THE BOARD OF SUPERVISORS TO EXECUTE THIS AGREEMENT ON BEHALF OF POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, This Agreement involved a cooperative planning effort between the City of Council Bluffs and Pottawattamie County over the last three years; and

WHEREAS, the proposed Agreement is attached hereto as Exhibit “C”; and

WHEREAS, it is in the best interest of Pottawattamie County, Iowa to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board is authorized to enter into the “Joint City/County Land Use 28E Agreement” with the City of Council Bluffs, Iowa.

PASSED AND APPROVED August 29, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea, 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"/>
Tim Wichman				
_____	<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				

Attest: _____
 Melvyn Houser, County Auditor
 Pottawattamie County, Iowa

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

Sheriff Andy Brown appointed Joe Narmi to the Compensation Board with a term end date of June 30, 2027.
 Discussion only. No action taken.

Motion by Miller, second by Jorgensen, to approve hiring Summerill Law Firm to bid the jail contract with the US Marshalls and I.C.E in the amount \$82,750 to be paid from the general fund.
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to provide a loan to support a solar panel power purchase agreement with Red Lion Renewables in the amount of \$160,000 for Hitchcock Nature Center contingent on legal review.

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

Motion by Jorgensen, second by Belt, to approve pump house contract with Forrist Crete Custom Concrete for park improvements in the amount of \$152,455.
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve payment of assessments for County owned properties and drainage.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve the rehiring of Nick McCoid as a Truck/Driver Laborer and wages.

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) Community Services – Payroll status for Abbie Ashcraft.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Nancy Kealy and Tom Kealy

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:30 A. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: September 5, 2023

PUBLISH: X