

October 3, 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 Jorgensen, to approve:

- A. September 26, 2023, Minutes as read.
- B. Medical Examiner – Employment of Brittany Chapman as a Medical Examiner Investigator - On Call.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Miller, second by Belt, to open Public Hearing to consider disposing of real property by lease pursuant to Iowa Code Section 331.361(2).

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

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

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

Motion by Belt, second by Miller, to approve disposing of real property by lease pursuant to Iowa Code Section 331.361(2).

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

Motion by Miller, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 52-2023** a Resolution to enter into a Farm Lease with Crescent Iowa Farm LLC for Part of the Government Lot 6 22+76-44 or 24699 152nd St.

RESOLUTION NO. 52-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.35 acres and legally described as follows:

A part of the accretions to government Lot 6 in Section 22, Township 76 North, Range 44 West, which is more particularly described as follows:

Commencing at the Northeast corner of said Section 22, thence South 51 degrees 34'51" West, 2730 feet to the Point of Beginning thence South 12 degrees 56'03" West 221.16 feet to the centerline of a county road, thence Northwesterly 238.90 feet along said county road along a 3,621.24 foot radius curve to the left; thence North 86 degrees 48'35" West 92.52 feet; thence North 13 degrees 18'40" East, 181.09 feet; thence along a 20 foot radius curve to the right 36.49 feet; thence, South 77 degrees 57'13" East, 121.10 feet; thence South 77 degrees 10'53" East, 185.60 feet to the Point of Beginning, subject to public right of way, Pottawattamie County, Iowa.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as “open space” in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long-term farm lease (10 years plus) with the adjoining property owner

which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on September 28, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on October 3, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with Crescent Iowa Farm LLC, upon approval of said lease by FEMA.

Dated this 3rd day of October, 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: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 53-2023** a Resolution to enter into a Farm Lease with Marty N and Rachel K Summy for Part of the NE NW 15-76-44 or 15273 Missouri Ave.

RESOLUTION NO. 53-2023
RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .26 acres and legally described as follows:

Parcel 20050 as described below pursuant to Plat of Survey
dated May 14, 2020 and recorded on May 20, 2020 in Book
2020, Page 06283:

A parcel of land located in part of the North 400 feet of the West 300 feet of the Northeast¼ of the Northwest¼ of Section 15, Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa more particularly described as follows:

Beginning at the Northwest corner of the Northeast¼ of the Northwest¼ of Section 15-76-44, thence along the north line of the Northeast ¼ of the Northwest ¼ of Section 15-76-44 N90°00'00"E 136.90 feet, thence departing said north line S2°39'08"W 119.52 feet, thence N89°07'58"W 132.59 feet to the west line of the Northeast¼ of the Northwest¼ of Section 15-76-44 N0°35'10"E 117.39 feet to the Northwest corner of the Northeast¼ of the Northwest¼ of Section 15-76-44 and point of beginning.

The parcel described contains 0.3663 acre of which 0.1039 acre is existing county road right of way.

The north line of the Northwest ¼ of Section 15-76-44 is assumed to bear N90°00'00"E for this survey plat and legal description.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on September 28, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on October 3, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with Marty N – Rachel K Summy, upon approval of said lease by FEMA.

Dated this 3rd day of October, 2023.

	<u>ROLL CALL VOTE</u>			
	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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				

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

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

Motion by Miller, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 54-2023** a Resolution to enter into a Farm Lease with Kelly E Summy Trust for Part of the SE SE 9-7-4 or 14897 Marigold Ln.–

RESOLUTION NO. 54-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .4376 acres and legally described as follows:

A parcel of land located in part of the SE¼ of the SE¼ of Section 9, Township 76 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa more particularly described as follows:

Commencing at the Northwest corner of the SE¼ of the SE¼ of Section 9-76-44, thence along the north line of the SE¼ of the SE¼ of Section 9-76-44 N 89 degrees 53' 38" E 710.86 feet to the point of beginning, thence continuing along the north line of the SE¼ of the SE¼ of Section 9-76-44 N 89 degrees 53' 38" E 118.53 feet, thence departing said north line S 3 degrees 9' 24" W 165.50 feet, thence N 88 degrees 56' 10" W 113.77feet, thence N 1 degree-31' 16"E 162.98 feet, to the north line of the SE¼ of the SE¼ of Section 9-76-44 and point of beginning. The parcel described contains 0.4376 acres. The north line of the SE¼ of the SE¼ of Section 9-76-44 is assumed to bear N 89 degrees 53' 38" E for this legal description.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as “open space” in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on September 28, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on October 3, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Kelly E Summy Trust**, upon approval of said lease by FEMA.

Dated this 3rd day of October, 2023.

	<u>ROLL CALL VOTE</u>			
	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: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion made by Wichman, second by Jorgensen, to authorize Chairman to sign lease amendment for public health clinic located at 600 S. 4th Street, Council Bluffs.
UNANIMOUS VOTE. Motion Carried.

Motion made by Belt, second by Wichman, to approve and sign Proclamation designating the month of October 2023 as Breast Cancer Awareness Month.

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

PROCLAMATION

BREAST CANCER AWARENESS MONTH – OCTOBER 2023

WHEREAS, breast cancer touches every corner of the United States and hundreds of thousands of Americans will be diagnosed with breast cancer; and

WHEREAS, we show our support for every individual and every family struggling with breast cancer and we pause to remember those we have lost; and.

WHEREAS, Breast Cancer Awareness Month in October is a chance to raise awareness about the importance of early detection of breast cancer by getting a mammogram and encouraging our community, organizations, churches, families and individuals to get involved; and

WHEREAS, we salute the women and men who dedicate themselves to prevention, detection and treatment as we observe Breast Cancer Awareness Month.

NOW THEREFORE, BE IT RESOLVED, that The Pottawattamie County Board of Supervisors, does hereby declare October 2023 as Breast Cancer Awareness Month and *encourages all citizens, community agencies, organizations, businesses, and schools within Pottawattamie County to increase awareness.*

Approved on this 3rd day of October, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ 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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 64-2023** entitled: RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS.

RESOLUTION NO. 64 -2023

Supporting Operation Green Light for Veterans

WHEREAS, the residents of Pottawattamie County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Pottawattamie County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm’s way for the good of all; and

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, the Pottawattamie County appreciates the sacrifices of our United States Military Personnel and believes specific recognition should be granted; therefore be it

RESOLVED, with designation as a Green Light for Veterans County, Pottawattamie County hereby declares from October through Veterans Day, November 11th, 2023, a time to salute and honor the

service and sacrifice of our men and women in uniform transitioning from Active Service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, Pottawattamie County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

Dated this 3rd Day of October, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ 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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

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

Motion by Wichman, second by Jorgensen, to authorize the Board Chairman to sign contract with Oden Enterprises, Inc. for the Bridge materials in the amount of \$399,192.56.
UNANIMOUS VOTE. Motion Carried

3. OTHER BUSINESS

Motion by Belt, second by Miller, to approve job description changes for Help Desk Technician I, II, III; Network Administrator I, II, III; and Cybersecurity Analyst I positions.
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve the addition of a 3rd Help Desk Technician position to the IT Department.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve setting time and place for public hearing on an amendment for the FY 2023/24 Budget for October 24, 2023, at 10:00 AM.
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) SWI Juvenile Detention – Employment of Avidan Perez as a Part-Time Youth Corrections Worker.
 - 2) WIC – Payroll status change for Kay Wei-Eng.
 - 3) Communications – Payroll status change for Angie Dobyns.
 - 4) Secondary Roads – Payroll status change for Matt White.
- B. Out of State Travel Notification(s):
 - 1) Sheriff – Out of State Travel Notification for Marc Freeman.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
Heath Hoppes, John Springhower, and Kimberly Schneckloth

7. CLOSED SESSION

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

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

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

8. STUDY SESSION

Mitch Kay/Chief Financial Officer appeared before the Board to discuss the Capital Plan.
Discussion only. No Action Taken.

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:57 P. M

Brian Shea, Chairman

ATTEST: _____
Melvyn Houser, County Auditor

APPROVED: October 10, 2023
PUBLISH: X