

December 19, 2023**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M. All members present, except Supervisor Belt and Supervisor Jorgensen. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

Let the minutes reflect that today's Agenda is being amended to add an item to the Consent Agenda for approval for Class B Retail Alcohol License for Desoto Bend Mini Mart that was not received before the agenda was posted.

After discussion was held by the Board, a motion was made by Wichman, and second by Miller to approve today's amended Agenda items.

UNANIMOUS VOTE. Motion Carried.

1. CONSENT AGENDA

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

- A. December 12, 2023, Minutes as read.
- B. Information Technology – Employment of Devin Koesters as a Help Desk Technician II.
- C. Renewal of Class B Retail Alcohol License by Donald Rief d/b/a Desoto Bend Mini Mart, with privileges of Class B Retail Alcohol License.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Wichman, second by Miller, to approve Second Consideration of **Ordinance No. 2023-06**, an Ordinance to amend Chapter 8 "Zoning Ordinance" of the Pottawattamie County, Iowa, Code by adding a definition of Agricultural Experiences to Section 8.002.020 A and amending Agricultural Uses Exempt Section 8.001.050; and to adopt **Ordinance No. 2023-06** into law.

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-06**

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

- Repeal a definition for AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities. If the tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes. and replace with a definition for AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities.
- Add a definition for AGRICULTURAL EXPERIENCES: Any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.
- Repeal Section 8.001.050 AGRICULTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.
 - .01 No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.

- .02 If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
- .03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

and replace with Section 8.001.050 AGRICULTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

- .01 No Building Permit or Certificate of Occupancy shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
- .02 Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes.
- .03 It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
- .04 The factors which may be considered when determining whether land or structures are primarily used for agricultural purposes include, but are not limited to: the number of acres used for agricultural activities, the nature of those activities, the financial input by the owner or occupant, the role of the occupant in the agricultural activities, the time spent engaged in these activities, and the income derived from agricultural activities.
- .05 No conditional use permit, special use permit, special exception, or variance shall be required for agricultural experiences on property of which the primary use is agricultural production.

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

SECTION 1 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing a definition for AGRICULTURE and replacing it thereto with the following new definition, to be codified as Section 8.002.020 A .030, definition of AGRICULTURE:

8.002.020 A

.030 The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary *accessory uses* for packing, treating, or storing the produce; provided, however, that the operation of such *accessory use* shall be secondary to that of normal agricultural activities.

SECTION 2 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding a NEW definition for AGRICULTURAL EXPERIENCES, to be codified as Section 8.002.020 A .035, definition of AGRICULTURAL EXPERIENCES:

8.002.020 A

.035 AGRICULTURAL EXPERIENCES: Any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

SECTION 3a – REPEAL OF CONFLICTING ORDINANCES: That Section 8.001.050 AGRICULTURAL USES EXEMPT 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.

SECOND CONSIDERATION: December 19, 2023
 PUBLICATION: December 28, 2023
 RECORD: December 29, 2023
 Roll Call Vote: **AYES: Shea, Wichman, Miller. Motion Carried.**

Motion by Miller, second by Wichman, to approve the transfer of the Liquor license and Tobacco permits from the Auditor's Office to the Planning and Development Department.
 UNANIMOUS VOTE. Motion Carried.

David Bayer/Chief Information Officer, Information Technology appeared before the Board to discuss the Agreement with the City of Avoca Police Department for computer purchase.
 Discussion only. No action taken.

Jason Slack/Director, Buildings and Grounds appeared before the Board to discuss the removal of tree from Parcel #74441238000. Jason asked for this to be tabled because the property may not be owned by the County.
 Discussion only. No action taken.

Motion by Wichman, second by Miller, to relocate building material from current location to jail property.
 UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, and second by Miller, to approve pay range to be \$14 -\$15 for Natural Areas Management Intern, Position in Conservation.
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, and second by Miller, to approve pay range increase to be \$16-\$18 for Natural Areas Management Intern, Crew Lead, Position in Conservation.
 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) Conservation – Employment of Konatsu Taira as a Ski/Snowboard Instructor.
- 2) Conservation – Employment of Trentyn Jansen and Ezekiel Leichtner as Chair Lift Attendants.
- 3) Conservation – Employment of Garbiel Castro, Joey Eisan, and Kimberly Starkovich as Rental Shop Team Members.
- 4) Conservation – Payroll status change for John Huebscher.
- 5) Conservation – Employment of Abigail Ridder as a Natural Areas Management Intern-Crew Lead.
- 6) Conservation – Employment of Roger Clark as a Snowmaking Team Member.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:
 Doreen Blakely

7. CLOSED SESSION

Motion by Wichman, second by Miller, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on labor negotiations/collective bargaining matters.
 Roll Call Vote: **AYES: Shea, Wichman, Miller. Motion Carried.**

Motion by Miller, second by Wichman, to go out of Closed Session.
 Roll Call Vote: **AYES: Shea, Wichman, Miller. 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. STUDY SESSION

Motion by Miller and second by Wichman to remove study session on Ordinance No. 2023-05 to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03).
No action taken.

10. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:56 P. M.

Brian Shea, Chairman

ATTEST: _____
Marilyn Kennedy, Elections Administrator, Auditor’s Office

APPROVED: December 26, 2023

PUBLISH: X