

**January 3, 2023**

**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 Schultz, and seconded by Grobe, to approve:

- A. December 27, 2022, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Grobe, to adjourn Sine Die. Motion Carried.

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Tim Wichman, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: January 10, 2023

PUBLISH: X

**January 3, 2023**

**MET IN REGULAR SESSION**

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

**2. SCHEDULED SESSIONS**

District Court Judge Maggie Popp Reyes appeared to swear in the following elected officials: Scott Belt, Board of Supervisors, Susan Miller, Board of Supervisors, Jeff Jorgensen, Board of Supervisors, Lea Voss, Treasurer, Matt Wilber, Attorney and Andrew Moats, Recorder.

Motion by Shea, second by Belt, to appoint Melvyn Houser, County Auditor, as Temporary Chairperson for the election of a new Board Chairman and Chairman Pro-Tem for the year 2023.

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

Houser announced nominations are now in order for the office of Chairman for 2023.

Shea was nominated by Wichman.

There being no further nominations, Houser declared it ceased. The Board proceeded to vote as follows:

Wichman voted for Shea;

Shea voted for Shea;

Belt voted for Shea;

Miller voted for Shea; and

Jorgensen voted for Shea.

Shea was elected Chairman for 2023.

Houser announced nominations are now in order for the office of Chairperson Pro-Tem for 2023.

Belt was nominated by Wichman.

There being no further nominations, Melvyn Houser, County Auditor, declared it ceased. The Board proceeded to vote as follows:

Wichman voted for Belt;

Shea voted for Belt;

Belt voted for Belt;

Miller voted for Belt; and

Jorgensen voted for Belt.

Belt was elected Chairman Pro-Tem for 2023.

Thereupon, Houser, Temporary Chairperson, turned the meeting over to Chairman Brian Shea.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 06-2023**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

**RESOLUTION NO. 06-2023**

**RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.**

**WHEREAS**, Section 306.41 of the Code of Iowa, 2002, provides that “The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any

person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor,”

**NOW THEREFORE BE IT RESOLVED** by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved “Pottawattamie County Secondary Road Construction Program for the fiscal year 2023-2024, and any approved supplements thereto.”

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

**Dated this 3rd day of January, 2023.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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: \_\_\_\_\_  
Melvyn Houser, County Auditor

RECOMMENDED: \_\_\_\_\_  
Pottawattamie County Engineer

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 07-2023**, entitled: Resolution to Authorize the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems. Said Resolution is set out as follows:

**RESOLUTION NO. 07-2023**

**RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ADMINISTER AND MANAGE CONTRACTS FOR THE SECONDARY ROADS DEPARTMENT, CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK USING LOCAL, FARM TO MARKET, AND FEDERAL AID FUNDS.**

**WHEREAS**, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm-to-Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, as well as, Local and Federally funded contract construction work,

**NOW THEREFORE BE IT RESOLVED** by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that said County Engineer John A. Rasmussen, be hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to administer and manage contracts for the Secondary Roads Department, execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications utilizing Local, Farm-to-

Market and Federally funded construction projects for the Secondary Roads Department in Pottawattamie County for the year 2023.

Dated this 3rd day of January, 2023.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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: \_\_\_\_\_  
Melvyn Houser, County Auditor

RECOMMENDED: \_\_\_\_\_  
Pottawattamie County Engineer

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 08-2023**, entitled: Resolution to Authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight Upon Pottawattamie County Secondary Roads. Said Resolution is set out as follows:

**RESOLUTION NO. 08-2023**

**RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.**

**WHEREAS**, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

**WHEREAS**, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

**NOW THEREFORE BE IT RESOLVED** by the Pottawattamie County Board of Supervisors in session this 3<sup>rd</sup> day of January, 2023, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer  
Mike Bonnet, Program Administrator  
Kristina R. Treantos, Operations Administrator

Dated this 3rd day of January, 2023.

**ROLL CALL VOTE**

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

_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

RECOMMENDED: \_\_\_\_\_  
Pottawattamie County Engineer

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

Motion by Belt, second by Jorgensen, to sign contract to purchase additional Right of Way from Patrick E and Doris A Montang in the amount of \$1,380.00.  
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to sign contract to purchase additional Right of Way from Eric G and Nicole L Thomsen in the amount of \$5,012.00.  
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to sign contract to purchase additional Right of Way from Jeffrey and Julieann Karloff in the amount of \$8,118.00.  
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to sign contract to purchase additional Right of Way from CMRS, LLC in the amount of \$15,602.00.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to sign contract to purchase additional Right of Way from Brandt Land Company in the amount of \$11,936.00.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to sign Leasehold Interest Contract to Kelby Vorthman in the amount of \$100.00.  
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to sign Leasehold Interest Contract to Tom Heitman as a donation.  
UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

Motion by Jorgensen, second by Belt, to adopt Robert’s Rules of Order as written rules of parliamentary procedures for transaction of business in meetings, except when it conflicts with the Code of Iowa.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to establish a policy that the Board of Supervisors’ regular sessions will be held on the following day(s): Tuesday at 10:00 A..M. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 01-2023**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:

**RESOLUTION NO. 01-2023**

**BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

**FIRST:**

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee are terminated upon certification of the officer under which such compensation has been earned.

**SECOND:**

For transportation of persons transferred at the County’s expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

**THIRD:**

For Clerk of Court’s certified bills for payment of Grand Jury.

**FOURTH:**

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

**Dated this 3rd Day of January, 2023.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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: \_\_\_\_\_  
Melvyn Houser, County Auditor

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 02-2023**, a Resolution pertaining to the Auditor destroying county vouchers and canceled county warrants which have been on file for more than ten years. Said Resolution is set out as follows:

**RESOLUTION NO. 02-2023**

**WHEREAS**, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2013; and

**WHEREAS**, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2013.

**Dated this 3rd Day of January, 2023.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian Shea	<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"/>

_____	<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				

ATTEST: \_\_\_\_\_  
 Melvyn Houser, County Auditor

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 03-2023**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

**RESOLUTION NO. 03-2023**

**RESOLUTION APPOINTING DEPUTIES**

**WHEREAS**, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

**WHEREAS**, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

**WHEREAS**, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

**NOW THEREFORE BE IT RESOLVED**, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

- |                  |   |
|------------------|---|
| <b>Attorney</b>  | Jon Jacobmeier, Chief Deputy  |
| <b>Auditor</b>   | Kristin M. Everett, First Deputy<br>Linda Swolley, First Deputy, Real Estate<br>Kristy Hassay, Second Deputy, Real Estate |
| <b>Recorder</b>  | Lynn Herrington, First Deputy   |
| <b>Sheriff</b>   | Jeff Theulen, Chief Deputy  |
| <b>Treasurer</b> | Jamie Smothers, First Deputy<br>Heather Ausdemore, First Deputy   |

**Dated this 3rd Day of January, 2023.**

**ROLL CALL VOTE**

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

ATTEST: \_\_\_\_\_  
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 04-2023**, a Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County. Said Resolution is set out as follows:

**RESOLUTION NO. 04-2023**

**BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2023-2024.

RECAPITULATION	
RAILROADS	\$ 80,214,174.97
PIPELINE	\$ 84,796,613.30
 TOTAL FOR COUNTY	 \$ 165,010,788.27

**Dated this 3rd Day of January, 2023.**

**ROLL CALL VOTE**

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

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 05-2023**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

**RESOLUTION NO. 05-2023  
CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a “Construction Evaluation Resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2023, and January 31, 2024, and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board’s



recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

**Dated this 3rd day of January, 2023.**

**ROLL CALL VOTE**

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

ATTEST: \_\_\_\_\_  
 Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2023 year: The Herald-Oakland, The Avoca Journal Herald-Avoca; and The Daily Nonpareil-Council Bluffs. The County shall pay no more than Iowa Code allows for legal publications in these newspapers.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2023, as per Code of Iowa, Section 33.1:

MARTIN LUTHER KING, JR. DAY	JANUARY 16, 2023
PRESIDENT’S DAY	FEBRUARY 20, 2023
MEMORIAL DAY	MAY 29, 2023
INDEPENDENCE DAY	JULY 4, 2023
LABOR DAY	SEPTEMBER 4, 2023
VETERAN’S DAY (observed)	NOVEMBER 10, 2023
THANKSGIVING DAY	NOVEMBER 23, 2023
LIEU OF LINCOLN’S BIRTHDAY	NOVEMBER 24, 2023
CHRISTMAS	DECEMBER 25, 2023
NEW YEAR’S DAY 2023	JANUARY 1, 2024

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve Federal Standard Mileage Rate for 2023, at 65.5¢ per mile.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve Wichman as first representative, and Jorgensen as second representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2023.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Wichman, to approve appointment of Belt as first representative, and Miller as second representative to the Fourth Judicial District Department of Correctional Services Board of Directors for 2023.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve appointment of Belt as first representative, and Jorgensen as second representative to IGHCP Board for 2023.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve appointment of Miller as first representative, and Shea as second representative to MAPA for 2023.  
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve reimbursement amount of \$50 per month for Elected Officials' mobile cellular usage for 2023.  
UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve appointment of Jana Lemrick as Title VI Coordinator.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller to approve precinct election official compensation as follows:  
Precinct Chairperson: \$250 per election and \$8 per hour for election training sessions.  
Precinct Officials: \$200 per election and \$8 per hour for election training sessions. Officials serving a half a day \$100, anything less than half of day is paid at \$8 per hour.  
Special Precinct Election Board, Result Couriers, Health Care Facility Board, Post-Election Audit, Satellite workers, extra Help in the Office: \$15 per hour. Mileage is paid per Board of Supervisors yearly approved amount.  
UNANIMOUS VOTE. Motion Carried.

**4. REPRESENTATIVE APPOINTMENTS**

A. Discussion and review of Board Members' assignments to 2023 Representative Appointments.

	Primary:	Secondary:
Advance SW Iowa Corp	_____	_____
Council Bluffs Airport Authority	_____	_____
Conservation Board	_____	_____
E911 Board	_____	_____
East Pott Soil and Water Conserv.	_____	_____
EMA Board	_____	_____
Golden Hills RC&D	_____	_____
Hungry Canyons	_____	_____
Loess Hills Alliance Board	_____	_____
PACE	_____	_____
712 Initiative	_____	_____
Pott County Trails	_____	_____
Promise Partners	_____	_____
SW Iowa Juvenile Services	_____	_____
SWIPCO/SWITA	_____	_____
Veteran Affairs	_____	_____
Public Health	_____	_____
West Central Community Action	_____	_____
West Pott Soil and Water Conserv.	_____	_____
WIDA	_____	_____
Workforce Investments Board	_____	_____
Pott County Quarterly Dept. Head	_____	_____
Pott County Operations Committee	_____	_____
Pott County Wellness Committee	_____	_____
Pott County Tourism	_____	_____

Discussion only. No Action Taken.

**5. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Sheriff – Payroll Status Change for Brandy Paulson.
  - 2) Conservation – Employment of William Spagnotti and Christopher Jackson as a Ski/Snowboard Instructors.
  - 3) Conservation – Employment of Luz Buss as a Kitchen Staff Team Member.
  - 4) Conservation – Payroll/status change for Matt Smith and Kallie Larson.

**6. PUBLIC COMMENTS**

No Public Comments.

**7. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:35 A. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: January 10, 2023

PUBLISH: X

**January 10, 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. January 3, 2023, Minutes as read.
- B. Treasurer – Employment of Mandy Puterbaugh as a Clerk II - Treasurer.
- C. December 2022 Vendor Publication.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Riley Gibson/Relationship Manager, TurnKey Logistics, representing Summit Carbon Solutions appeared before the Board to give a presentation to the Board on the project update for Summit Carbon Solution pipeline.

Discussion only. No Action Taken.

Board Meeting as Trustees of Coulthard Levee District and C & R Levee District

Motion by Belt, second by Wichman, to approve minutes from December 20, 2022, Coulthard Levee District, and the C & R Levee District Meeting.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve the invoice from the Bolton & Menk Inc. for the C & R Levee District in the amount of \$58,148.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to accept and approve the highest offer for the purchase of the Caledonia Shop in the amount \$79,225.

AYES: Shea, Belt, Wichman, Jorgensen. NAYS: Miller. Motion Carried

Motion by Wichman, second by Jorgensen, to approve **Resolution No. 09-2023** for the sale of the Caledonia Shop and authorize the Chairman to sign closing documents.

**RESOLUTION NO 09-2023**

**A RESOLUTION AUTHORIZING DISPOSAL OF AN INTEREST IN COUNTY-OWNED PROPERTY AS PROVIDED UNDER IOWA CODE SECTION 331.361**

**WHEREAS**, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

**Caledonia Shop**; 15021 490<sup>th</sup> Street, Griswold, Iowa

Legal Description: A parcel of land located in part of the SW1/4 SW1/4 of Section 5, Township 74 North, Range 38 West of the 5<sup>th</sup> Principal Meridian, Pottawattamie County, Iowa, said parcel being more fully as follows: Commencing at the Southwest Corner of said Section 5; thence S88°43'34"E along the South line of said SW1/4 SW1/4 a distance of 162.00 feet to the Point of Beginning; thence continuing S88°43'34"E along said South Line a distance of 153.00 feet; thence N00°22'55"E a distance of 185.00 feet; thence N88°43'34"W a distance of 285.30 feet; thence S00°22'55"W a distance of 155.00 feet; thence S88°43'34"E a distance of 132.00 feet; thence S00°22'55"W a distance of 30 feet to the Point of Beginning.

and,

**WHEREAS**, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of these county-owned parcels; and,

**WHEREAS**, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and no longer serve the needs of the Secondary Roads Department; and,

**WHEREAS**, these properties will be listed and sold by Real Estate Agent to private buyers; or be gifted or be sold to an Iowa Governmental Subdivision at the appraised value as determined by the Board. The expenses incurred by any sale will be at the buyer’s cost; and,

**WHEREAS**, the highest responsible offer has been submitted, presented, and determined; and,

**NOW THEREFORE BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board of Supervisors does hereby authorize the disposal of Pottawattamie County, Iowa’s interest in the aforementioned properties by sale to the highest responsible offer.

**BE IT FURTHER RESOLVED** The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed.

Dated this 10<sup>th</sup> day of January, 2023.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Brain Shea, Chairman	○	○	○	○
_____ Scott Belt	○	○	○	○
_____ Tim Wichman	○	○	○	○
_____ Susan Miller	○	○	○	○
_____ Jeff Jorgensen	○	○	○	○

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

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

Motion by Wichman, second by Miller, to approve Beaver Control claim form and to have the parks Arrowhead, Botna Bend, and Hitchcock confirm the harvest and collect claim form. Payment will be made from County Gaming Fund at a rate of \$25 per beaver not to exceed \$5,000 per trapping season which is November 5, 2022, thru April 15, 2023.

UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

Discussion was held by the Board to approve assignments to 2023 Representative Meetings as follows:

	<u>Primary:</u>	<u>Secondary:</u>
Advance SW Iowa Corp	Wichman	Shea
Council Bluffs Airport Authority	Belt	Jorgensen
Conservation Board	Wichman	Shea
E911 Board	Shea	Miller
East Pott Soil and Water Conserv.	Wichman	Miller
EMA Board	Shea	Miller
Golden Hills RC&D	Miller	Jorgensen
Hungry Canyons	Jorgensen	
Iowa West Racing	Belt	Miller
Loess Hills Alliance Board	Shea	Jorgensen
PACE	Jorgensen	Miller
712 Initiative	Miller	Belt
Pott County Trails	Shea	Jorgensen
Promise Partners	Belt	Miller
SW Iowa Juvenile Services	Jorgensen	Miller
SWIPCO/SWITA	Miller	
Veteran Affairs	Jorgensen	Shea
Public Health	Shea	Belt
West Central Community Action	Jorgensen	Shea

West Pott Soil and Water Conserv.	Wichman	Belt
WIDA	Miller	Shea
Workforce Investments Board	Belt	Shea
Pott County Quarterly Dept. Head	Shea	Wichman
Pott County Operations Committee	Shea	Belt
Pott County Wellness Committee	Wichman	Miller
Pott County Tourism	Jorgensen	Shea

Motion by Miller, second by Belt, to change Public Comment Policy from 2 minutes to 3 minutes for Public Comments.

UNANIMOUS VOTE. Motion Carried.

#### 4. RECEIVED/FILED

##### A. Salary Action(s):

- 1) Jail – Payroll Status Change for Miles Cleveland, Tim Curry, Stephanie Ford, and Kayla Smeal.
- 2) Conservation – Employment of Xavier Yarges as a Chair Lift Operator.
- 3) Conservation – Employment of Harrison Snith as a Rental Shop Team Member.

##### B. Out of State Travel Notification:

- 1) Jail – Out of State Travel Notification for Kayla Smeal and Mark Smith.

#### 5. PUBLIC COMMENTS

Jared Hershberger with Apex Clean Energy appeared before the Board to give them information about Prairie Bluffs Wind project.

#### 6. CLOSED SESSIONS

Motion by Belt, second by Jorgensen, to go into Closed Session pursuant to Iowa Code §21.5(1)(c), for pending or potential litigation.

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

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

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

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 Jorgensen, second by Belt, to go out of Closed Session.

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

#### 7. BUDGET STUDY SESSION

- 1) Treasurer
- 2) Medical Examiner
- 3) GIS
- 4) DHS
- 5) Recorder

#### 8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:33 P. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: January 24, 2023

PUBLISH: X

**January 17, 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 Belt, and second by Wichman, to approve:

- A. January 10, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Pottawattamie Conservation Foundation appeared before the Board for a presentation of funds for the Ferguson Estate land acquisition at Hitchcock Nature Center in the amount of \$125,000. Discussion only. No action taken.

Drew Kamp and Alicia Frieze from the Council Bluffs Area Chamber of Commerce appeared before the Board to give a presentation on Workforce Development efforts. Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve **Resolution No. 10-2023** for the sale of the Walnut Shop and to authorize the Chairman to sign closing documents.

**RESOLUTION NO. 10-2023**

**A RESOLUTION AUTHORIZING DISPOSAL OF AN INTEREST IN COUNTY-OWNED PROPERTY AS PROVIDED UNDER IOWA CODE SECTION 331.361**

**WHEREAS**, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

**Walnut Shop**; 705 Oak Street, Walnut, Iowa

Legal Description: Briefly described as the east 382 feet of the west 407 feet in the south ½ of the south ½ in the northwest, northeast southwest in 9-77-38, Walnut Town in Pottawattamie County, Iowa

and,

**WHEREAS**, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of this county-owned parcel; and,

**WHEREAS**, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and the Walnut Shop no longer serves the needs of the Secondary Roads Department; and,

**WHEREAS**, this property is to be sold to the City of Walnut, an Iowa Governmental Subdivision, at the appraised value with the expenses incurred by the sale at the buyer’s cost; and,

**NOW THEREFORE BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board hereby authorizes the disposal of Pottawattamie County, Iowa’s interest in the Walnut Shop by sale to the City of Walnut.

**BE IT FURTHER RESOLVED** The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed.

Dated this 17<sup>th</sup> day of January, 2023.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○

Brain Shea, Chairman

\_\_\_\_\_

Scott Belt

\_\_\_\_\_

Tim Wichman

\_\_\_\_\_

Susan Miller

\_\_\_\_\_

Jeff Jorgensen

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor

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

Motion by Wichman, second by Belt, to approve **Resolution No. 11-2023** for the sale of the Hancock Shop and authorize the Chairman to sign closing documents.

**RESOLUTION NO. 11-2023**

**A RESOLUTION AUTHORIZING DISPOSAL OF AN INTEREST IN COUNTY-OWNED PROPERTY AS PROVIDED UNDER IOWA CODE SECTION 331.361**

**WHEREAS**, the Board of Supervisors has provided legal notice of and held a public hearing for the disposal of an interest in county-owned property on November 22, 2022 and is described below:

**Hancock Shop;** 217 North Main Street, Hancock, Iowa

Legal Description: Lots 7 through 9, and Lot 6, except the east 12’ in Block 2, Original town of Hancock, Pottawattamie County, Iowa

and,

**WHEREAS**, the Board of Supervisors believes it to be in the best interests of Pottawattamie County to dispose of this county-owned parcel; and,

**WHEREAS**, the Secondary Roads Facility plan has consolidated shops to reduce operating costs and the Hancock Shop no longer serves the needs of the Secondary Roads Department; and,

**WHEREAS**, this property is to be sold to the City of Hancock, an Iowa Governmental Subdivision, at the appraised value with the expenses incurred by the sale at the buyer’s cost; and,

**NOW THEREFORE BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that the Board hereby authorizes the disposal of Pottawattamie County, Iowa’s interest in the Hancock Shop by sale to the City of Hancock.

**BE IT FURTHER RESOLVED** The Chairperson and County Auditor are hereby authorized and directed to execute the sale and deliver the deed.

Dated this 17<sup>th</sup> day of January, 2023.

**ROLL CALL VOTE**

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

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

Motion by Belt, second by Miller, to approve and authorize Recorder to execute Media Conversion Contract with Fidlar Technologies in the amount of \$48,430.72 to be paid from Gaming Fund.  
UNANIMOUS VOTE. Motion Carried.

Andrew Moats, County Recorder and Peggy Becker, Interim Administrator, Veteran Affairs appeared before the Board to discuss a lease for a copier for the Avoca Courthouse.  
Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve allotment for Veteran Affairs Commissioner pay which took effect in July of 2019 from \$25 to \$50.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to authorize Board Chairman to sign FEMA CRS Community Annual Recertification and Progress Report form.  
UNANIMOUS VOTE. Motion Carried.

### 3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve the following appointments for the Board of Health Dr. Shawn Jones and DVM Amber Strohbehn both for a term 3 years (2026).  
UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Belt, and second by Wichman, to approve Pottawattamie County Treasurer's Semi-Annual Report for 7/1/2022 – 12/31/2022.  
UNANIMOUS VOTE. Motion Carried.

### 4. RECEIVED/FILED

#### A. Salary Action(s):

- 1) Conservation – Payroll status change for Taylor Hill and Jordyn Reimer.
- 2) Sheriff – Payroll status change for Megan Wirt, Jeremy Harker, Kurt Ferguson, Jim Harvey, Teresa Schultz, and Travis Kephart.
- 3) Conservation – Employment of Mikayla Yanovich and Nathan Hunt as a Ski/Snowboard Instructors.
- 4) Conservation – Employment of Mallory Kjeldgaard as a Ticket Agent.
- 5) Conservation – Employment of Jack Jaffe as a Rental Shop Team Member.

#### B. Report (s):

- 1) Recorder Fee Book for December 2022.

### 5. PUBLIC COMMENTS

No Public Comments.

### 6. 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 Belt, to go out of Closed Session.

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

### 7. BUDGET STUDY SESSION

- 1) Buildings and Grounds
- 2) Conservation/Bike Trail
- 3) Animal Control
- 4) Environmental Health
- 5) Planning
- 6) Public Health

**8. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:41 P. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: January 24, 2023

PUBLISH: X

**January 24, 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 Belt, and second by Miller, to approve:

- A. Amended January 10, 2023, Minutes as read.
- B. January 17, 2023, Minutes as read.
- C. Treasurer – Employment of Ellen Coats as a Clerk II - Treasurer.
- D. Jail – Employment of Nelson Valle-Milan as a Detention Officer.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Mark Eckman/Executive Director, Council Bluffs Convention & Visitors Bureau appeared before the Board to give an update on Pottawattamie Tourism.

Discussion only. No Action Taken.

Kari Rose/Director, Eckles Memorial Library, Antonia Krupicka-Smith/Director, Council Bluffs Public Library, and Serena Riesgaard/Director, Avoca Public Library, appeared before the Board to give a presentation regarding countywide public library and to request funding request revision.

Discussion only. No action taken.

**3. OTHER BUSINESS**

Motion by Belt, second by Jorgensen to approve pay range of the Seasonal Park Aide position to \$15-\$17 per hour.

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 Luis Perez and Jacob Raine as a Chair Lift Operators.
- 2) Conservation – Employment of Dofiniza Bicaba and Scott Miller as Ski/Snowboard Instructors.
- 3) Conservation – Employment of Quinn Boland as a Snowmaking Team Member.
- 4) Conservation – Employment of Caleb Wilson and Zachary Hardy as a Rental Shop Team Members.
- 5) Conservation – Payroll status change for Peyton Bell and Amy Graeve.
- 6) SWI Juvenile Detention – Employment of Christian Jasek as a Part-Time Youth Corrections Worker.
- 7) Conservation – Employment of Keely Prusia as a Seasonal Marketing Intern.

**6. PUBLIC COMMENTS**

Donna Rhubottom appeared before the Board to Curtail Eminent Domain for Co2 Pipeline.

Geri Frederiksen appeared before the Board and supports SF101.

Lorene White Bliss appeared before the Board also in support of SF101.

**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 Belt, second by Miller, to go out of Closed Session.

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

**8. BUDGET STUDY SESSION**

- 1) Attorney
- 2) Veteran Affairs
- 3) IT
- 4) Sheriff
- 5) Jail
- 6) 911

**9. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:24 P. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: January 31, 2023

PUBLISH: X

**January 25, 2023**

**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 11:00 A.M. All members present. Chairman Shea presiding.

**1. SCHEDULED SESSIONS**

The Board of Supervisors and Jana Lemrick/Director, Human Resources conducted interviews for the Veteran Affairs Commissioner vacancies.

**2. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:30 P. M.

\_\_\_\_\_  
Brian Shea, Chairman

ATTEST:

\_\_\_\_\_  
Melvyn Houser, County Auditor

APPROVED: January 31, 2023

PUBLISH: X

**January 31, 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 Wichman, and second by Miller, to approve:

- A. January 24, 2023, Minutes as read.
- B. January 25, 2023, Minutes as read.
- C. Publication of Pottawattamie County Salary Listing for 2022.
- D. Sheriff's Office – Employment of Brianna Jones as an Office Clerk.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion made by Belt, second by Miller, to open Public Hearing on **Ordinance No. 2023-01**, an Ordinance to Adopt a Code of Ordinances for Pottawattamie County, Iowa.

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

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

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

Motion by Wichman, second by Jorgensen, to approve First Consideration of **Ordinance No. 2023-01**, an Ordinance to Adopt a Code of Ordinances for Pottawattamie County, Iowa; and to set date for Second Consideration for February 7, 2023, at 10 A.M.

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

Paula Hazlewood, Shalimar Mazetis, Niki Ferguson, and Holly Benson Muller from Advance Southwest Iowa Corporation appeared before the Board to give a presentation and provide an update on Advance Southwest Iowa corporation 2022 review. Discussion only. No action taken.

Tom Kallman/Manager, Regional Water appeared before the Board to give an update on the rural water extension to Pioneer Trail. Discussion only. No action taken.

Motion by Wichman, second by Belt, to sign contract to purchase additional Right of Way from Iowa Natural Heritage Foundation in the amount of \$199,000.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to sign contract to purchase additional Right of Way parcel 1A, from James R and Monica A Hughes in the amount of \$22,732.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to sign contract to purchase additional Right of Way parcel 1B, from James R and Monica A Hughes in the amount of \$295.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to sign contract to purchase additional Right of Way parcel 1C, from James R and Monica A Hughes in the amount of \$19,447.00.

UNANIMOUS VOTE. Motion Carried.

Jason Slack/Director, Buildings and Grounds appeared before the Board to discuss Courthouse Parking Lot Reconstruction plans. Discussion only. No action taken.

Motion by Wichman, second by Miller, to approve change order #1 Courthouse AHU Replacement Project in the amount of \$13,001.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve change order #2 Courthouse AHU Replacement Project in the amount of \$8,534.

UNANIMOUS VOTE. Motion Carried.

Jason Slack/Director, Building and Grounds appeared before the Board to give an update on the Courthouse Addition Project. Discussion only. No action taken.

Motion by Belt, second by Miller, to approve setting time and place for a public hearing on an amendment to the FY 2022/23 budget for February 21, 2023, at 10 A.M.  
UNANIMOUS VOTE. Motion Carried.

### **3. OTHER BUSINESS**

Motion by Wichman, second by Miller, to approve and authorize Board Chairman to sign lease agreement with Bishop Business for lease of copier for Avoca Courthouse.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following appointment for the Zoning Board of Adjustment: Karen Andersen for a 5-year term ending on December 31, 2027.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve the following appointment for the Zoning Board of Appeals: Austin Kay for a 5-year term ending on December 31, 2027.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following appointments for the Planning Commission: Justin Schultz, Brett Larson, and Delores Silkworth all for a 5-year term ending on December 31, 2027.  
UNANIMOUS VOTE. Motion Carried.

Matt Wyant/Director, Planning and Development appeared before the Board to discuss funding for furniture for new courthouse addition.  
Discussion only. No action taken.

Motion by Wichman, second by Belt, to approve the pay for the Kitchen Manager position to \$18 per hour.  
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to approve Pottawattamie County 2023 Insurance Renewal with Smith Davis.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following appointments to the Veteran Affairs Commission: Holly Collins, Dan Kinney, and James Murray with 2-year terms expiring on June 30, 2025 and Ex-Officio Lynn Grobe and Andrew Dewey with 2 year terms expiring on June 30, 2025.  
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 Eiress Jones as a Hospitality and Guest Services worker.
- 2) Conservation – Employment of Jeanette Augustyn as a Ski/Snowboard Instructor.
- 3) Conservation – Payroll status changes for Steve Leland, Clayton Bohnenkamp, Christian Leland, Maximillian Leland, Nathan Carver, Joey Eisan, Charles Foote, and Clarence Slinger.
- 4) Jail – Payroll status change for Patricia Briles.
- 5) Attorney – Payroll status changes for Jon Jacobmeier, Lyndze Thompson, Hope Rodarte, Angela Christiansen, Christine Circo, and Jennifer Wallner.

#### **B. Report (s):**

- 1) Sheriff Report of Fees Disbursed and Collected for December 2022.

#### **C. Out of State Travel Notification:**

- 1) Sheriff – Out of State Travel Notification for Jeremy Petersen, Aaron Soucie, Marc Freeman, Josh Harker, and Zach Norman.

### **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 Belt, to go out of Closed Session.

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

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5(1)(j) for discussion and/or decision on purchase or sale of particular real estate.

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

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

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

## 8. BUDGET STUDY SESSION

- 1) Thriving Family Alliance
- 2) WIC
- 3) General Assistance
- 4) CD Treatment
- 5) Community Services
- 6) Human Resources/Risk
- 7) Secondary Roads
- 8) Auditor
- 9) Board of Supervisors

## 9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:55 P. M.

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: February 7, 2023

PUBLISH: X



**February 7, 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 seconded by Jorgensen, to approve:

- A. January 31, 2023, Minutes as read.
- B. Sheriff – Employment of Matthew Owens as a Road Deputy.
- C. Sheriff – Employment of Barbara Hilton as a Part-time Entry Security Personnel.
- D. January 2023 Vendor Publication Report.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Lynn Dittmer, Director of Redevelopment, 712 Initiative appeared before the Board to give an update on the 712 Initiative.

Discussion only. No action taken.

Motion by Wichman, second by Belt, to approve and authorize Chairman to sign amended Final Plat Schmidt's Creek Phase II.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve and authorize Board to sign **Resolution No. 12-2023**, entitled: Resolution to amend the Secondary Roads County Five Year Program (CYFP). Said Resolution is set out as follows:

**RESOLUTION TO REVISE THE 2023 COUNTY FIVE YEAR PROGRAM (CYFP)****RESOLUTION NO. 12-2023**

Whereas, unforeseen circumstances have arisen since adoption of the approved Secondary Road Construction Program (CYFP) and previous revisions requiring changes to the sequence, funding, and timing of the proposed work plan, and

Whereas, the Board of Supervisors of Pottawattamie County, Iowa, in accordance with Iowa Code Section 309.22 may initiate and recommend modifications per Iowa Code 309.23 and Iowa Department of Transportation Instructional Memorandum 2.050.

Therefore, be it resolved, the Board of Supervisors shall amend the County Five Year Program with the following changes:

Accomplishment Year:

<b>TPMS No.</b>	<b>Project Location</b>	<b>Type of Work</b>	<b>Accomplishment Year (\$1000)</b>
32553	On 390 <sup>th</sup> Street, S34 T76 R40	Bridge Replacement	220
52927	On 400 <sup>th</sup> Street, S11 T24 R40	Box Culvert	215
47271	240 <sup>th</sup> Street Paving	HMA Paving	1,000
52716	Dumfries Avenue Paving	HMA Paving	1,000
52963	On Beechnut Rd, S13 T74 R41	Bridge Replacement	260
51168	On Truman Ave, S14 T77 R38	Bridge Replacement	260

1<sup>st</sup> Priority Year:

<b>Project No.</b>	<b>Project Location</b>	<b>Type of Work</b>	<b>Accomplishment Year (\$1000)</b>
47266	Magnolia Road, 260 <sup>th</sup> E 1 Mile	Bridge/PCC Paving	5,500

Dated this 7<sup>th</sup> day of February 2023.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____	○	○	○	○
Brain Shea, Chairman				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

ATTEST: \_\_\_\_\_  
 Melvyn Houser, County Auditor

Recommended: \_\_\_\_\_  
 Pottawattamie County Engineer

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

Motion by Belt, second by Miller, to approve and authorize Board to sign 28E Cooperative Agreement for participation in Rebuilding American Infrastructure and Sustainability and Equity (RAISE) Grant. UNANIMOUS VOTE. Motion Carried.

Jason Slack/Director, Buildings and Grounds appeared before the board to discuss the Courthouse Parking Lot Reconstruction Project Preliminary Option of cost; and on pay to park or free parking. Discussion only. No action taken.

**3. OTHER BUSINESS**

Motion by Belt, second by Jorgensen, to approve the pay for the Chair Lift Operator position to \$13- \$15 per hour. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve and authorize Board to sign Farm Lease with Hanson Brothers Land and Livestock LLC for property described as: Crescent TWP 22-76-44 G/L 1 W1/2 NW S of Ditch EXC RR UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve the following reappointment for the Conservation Board: Jerry Mathiasen. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve the following appointment for the Conservation Board: Melissa Head as Ex-officio member. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve the following applications made to the Assessor’s Office: Homestead (186 recommend allowed, 11 recommend disallowed), Military (21 recommend allowed, 2 recommend disallowed), Disabled Veteran Homestead (7 recommend allowed, 0 recommend disallowed), Family Farm (10 recommend allowed, 0 recommend disallowed). 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 Joel Carrillo as a Ski and Snowboard Instructor.
- 2) Conservation – Payroll status changes for Christopher Getsfred, Warren Summers, Elliot Coziahr, Howard Roorda, Samuel Raine, and Terry Friis.
- 3) Community Services -Payroll status change for Ashley Gray and Amy Jobe.

## B. Report (s):

- 1) Recorder Fee Book for January 2023.

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:50 P. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: February 14, 2023

PUBLISH: X

**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 14<sup>th</sup> 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



**February 21, 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 Belt, and second by Miller, to approve:

- A. February 14, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Belt, second by Jorgensen, to open public hearing on Pottawattamie County’s amendment to current county budget for fiscal year 2022-23.

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

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

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 15-2023**, a Resolution to Approve Pottawattamie County’s amendment to current county budget for fiscal year 2022-23. Said Resolution is set out as follows:

**RESOLUTION NO. 15 -2023**

**WHEREAS**, there were necessary expenses incurred in several county departments, causing the budget of that department to exceed 100% of costs; and

**WHEREAS**, the Public Health, Medical Examiner, Board Supervisors, and Planning have exceeded their Budget due to said necessary expenditures; and

**WHEREAS**, the Amendment to the Fiscal Year 2022/23 Budget for the Public Health, Roads, Board Supervisors, Conservation, Planning and Non-Departmental shall be substantially as follows:

<b>DEPT #</b>	<b>Revenue Amount</b>	<b>Expense Amount</b>
Board of Supervisors - 01		\$ 210,000
<b>Total</b>		<b>\$ 210,000</b>
Roads - 20		\$ 675,000
<b>Total</b>		<b>\$ 675,000</b>
Conservation - 22	\$ 152,300	\$ 82,300
<b>Total</b>	<b>\$ 152,300</b>	<b>\$ 82,300</b>
Public Health - 23	\$ 368,387	\$ 246,976
<b>Total</b>	<b>\$ 368,387</b>	<b>\$ 246,976</b>
Non-Departmental - 99		\$ 440,866
<b>Total</b>	<b>\$ -</b>	<b>\$ 440,866</b>
	<b>\$ 520,687</b>	<b>\$ 1,655,142</b>

**WHEREAS**, the Board of Supervisors desires to allow those expenditures, and no tax increase will occur due to these expenditures; and

**WHEREAS**, the public had due notice of the Budget Amendment Hearing held on February 21,2023, and at the hearing, due time was allowed for objections to any and all portions of the amended budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Pottawattamie County, hereby amends the Fiscal Year 2022/23 budget.

Dated this 21st day of February, 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 J. Houser, County Auditor

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

Danna Kehm/CEO, Pottawattamie Arts, Culture & Entertainment appeared before the Board to give an update on PACE and programming for the county.  
Discussion only. No action taken.

Motion by Wichman, second by Miller, to approve and authorize Board to sign **Resolution No. 15-2023**, a Resolution of Support for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant application.

**RESOLUTION NO. 16-2023**

**In Support of the Joint RAISE Grant Agreement and Letter of Support for the 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project.**

**WHEREAS**, Pottawattamie County, Iowa bridge FHWA number: 288730 has been identified as being part of a joint Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project, and

**WHEREAS**, it is desired by and in the interest of Pottawattamie County to participate fully in the RAISE project activities as a Sub-recipient and provide all requisite information necessary to bring to completion all project phases through final completion, and

**WHEREAS**, we are in support of Clay County providing Lead – recipient roles and duties, and

**WHEREAS**, we understand and accept the Sub-recipient roles and responsibilities as defined in the "28E Cooperative Agreement for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project", and

**WHEREAS**, each County Bridge Sponsor as shown in Section 4, paragraph A-I shall be responsible for all local matching funds and accepts any costs exceeding the funds requested in the RAISE Grant application for their respective structure.

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Pottawattamie County, Iowa hereby approves and directs the Chair to sign this Letter of Support for the 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project and the 28E Cooperative Agreement for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Project, and to provide all pertinent correspondence and project information to:

Attn: William Rabenberg,

P.E. Clay County Engineer  
 300 W 4<sup>th</sup> Street #5  
 Spencer, IA 51301-3806  
 (712)-262-2825

**Adopted this 21st 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"/>
_____ 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 Miller, second by Belt, to approve project plans for FM-C078(208)- - 55-78 for G30 paving. UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve project plans for L-2023(RCB)- 73-78 for 400<sup>th</sup> Street culvert replacement project. UNANIMOUS VOTE. Motion Carried.

Jamie Petersen/Coordinator, GIS appeared before the Board to discuss Broadband internet coverage and Empower Rural Iowa Broadband Grant Program award area map of Pottawattamie County. Discussion only. No action taken

**3. OTHER BUSINESS**

Motion by Belt, second by Miller, to postpone for 2 weeks **Resolution No. 13-2023**, a Resolution to appoint a representative to the Southern Iowa Regional Housing Authority Board of Commissioners.

Motion by Wichman, second by Miller, to approve funding for Southwest Iowa Leadership Academy in the amount of \$2,500 to be paid from the gaming fund. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve affirmative action plan. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve bringing the EBS trust account current and to fund a surplus in the EBS trust account based on 2.5% of the average premium disbursed by Wellmark for July 2021 – June 2022 (Average = \$615,782.91). 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 Ben Beiermann as a Natural Areas Management Intern.
- 2) Conservation – Payroll status change for Steven Fox and Luke Buss.

B. Out of State Travel Notification:

- 1) Public Health – Out of State Travel Notification for Candy Heyer and Jason Kuehnhold.

**6. PUBLIC COMMENTS**

Shawna Anderson appeared before the Board to talk about the public hearing concerning the amendment to current county budget for fiscal year 2022-23.

**7. CLOSED SESSIONS**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:40 P. M.

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: February 28, 2023

PUBLISH: X

**February 28, 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 21, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Matt Wyant/Director, Planning and Development and Maria Sieck/Administrator, Public Health appeared before the Board to recognize Barb Lee for her service on the Board of Health.

Discussion only. No action taken.

Rachel Hamilton/CEO, Marne Elk Horn Telephone Company appeared before the Board to discuss the permit to bury utilities for Marne Elk Horn Telephone Company.

Discussion only. No action taken.

Jason Slack/Director, Buildings and Grounds appeared before the Board to discuss the Courthouse Renovation Commissioning Report Review.

Discussion only. No action taken.

Motion by Wichman, second by Jorgensen, to approve Jail Chiller Replacement Project Commissioning proposal in the amount of \$39,500, funded from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve Public Health Building Commissioning proposal in the amount of \$26,650, funded from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve change order #12, flagpole removal a credit of \$1,858.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve change order #5, Parking Lot Electrical Conduits not to exceed \$23,458.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve funds for a radio project in the amount of \$186,583.

\$120,000 from ARPA and \$66,583 from gaming to be reimbursed by EMA.

UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

Motion by Wichman, second by Belt, to approve appointment of Tracy Nosekabel/Environmental Health Coordinator, as County Weed Commissioner.

UNANIMOUS VOTE. Motion Carried.

Motion made by Wichman, second by Miller, to approve and authorize Board to sign **Resolution No. 17-2023** entitled: Resolution for the Destruction of Noxious Weeds.

**RESOLUTION NO. 17-2023  
RESOLUTION FOR THE DESTRUCTION OF NOXIOUS WEEDS**

**NOTICE TO ALL PROPERTY OWNERS AND THOSE IN CONTROL THEREOF:** You are hereby notified that the Board of Supervisors of Pottawattamie County, Iowa, did on the 28th day of February, 2023, pass the following resolution:

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA,** that pursuant to the provisions of Chapter 317.14, Code of Iowa, it is hereby ordered:

- 1. That each person in possession or control of all noxious weeds thereon as defined in this Chapter, at such times each year and in such a manner as shall prevent said weeds from blooming or coming to maturity, and shall keep lands free from such growth of any other weeds, as shall render the streets and highways adjoining said land unsafe for public travel. Noxious weeds shall be controlled, cut or otherwise destroyed between April 1 and November 15, 2023, as is necessary to prevent seed production.

**PRIMARY NOXIOUS WEEDS:**

- (1) Quack grass,
- (2) Perennial sow thistle,
- (3) Canada thistle,
- (4) Bull thistle,
- (5) European morning glory or field bindweed,
- (6) Horse nettle,
- (7) Leafy spurge,
- (8) Perennial pepper-grass,
- (9) Russian knapweed,
- (10) Buckthorn,
- (11) All species of thistles belonging in the genera of Cirsium and Carduus.
- (12) Palmer amaranth,

**SECONDARY NOXIOUS WEEDS:**

- (1) Butterprint annual,
- (2) Cocklebur annual,
- (3) Wild mustard annual,
- (4) Wild carrot biennial,
- (5) Buckhorn,
- (6) Sheep sorrel,
- (7) Sour dock perennial,
- (8) Smooth dock,
- (9) Poison hemlock,
- (10) Multiflora rose,
- (12) Puncture vine,
- (13) Teasel biennial
- (14) Shattercane

- 2. That each owner and each person in possession or control of any land in Pottawattamie County, Iowa, infested with any Primary and Secondary Noxious Weed, and all other species of thistles belonging to the genera of Cirsium and Carduus, shall adopt or enter into a program of weed destruction, and treatment of control, described by the Weed Commissioner, which in five years may be expected to destroy and will immediately keep under control such infestation of said noxious weeds.
- 3. That all weeds other than noxious weeds on all county trunk and local county roads between the fence line thereof, shall be destroyed and controlled by the adjoining property owner, to prevent seed production.
- 4. That if the owners or persons in possession or control of any land in Pottawattamie County fails to comply with the foregoing order, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the land and their owners thereof.
- 5. That the County Auditor be and is hereby directed to cause notice of this making and entering of the foregoing order shall be given by one publication in each of the official newspapers of the County.

**DATED THIS 28 DAY OF February 2023.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Brian 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: \_\_\_\_\_  
Melvyn J. Houser, County Auditor

Roll Call Vote: **AYES: Shea, Belt, Wichman, Miller, Jorgensen. 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 Kandi Ploen.
- 2) Conservation – Payroll status change for Riah Leland.

**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.**

Motion by Miller, second by Belt, 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 1:17 P. M

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: March 7, 2023

PUBLISH: X