Consent Agenda

April 16, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

A. April 9, 2024, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Shea, to open Public Hearing on proposed preliminary plat of Cedar Woods Addition, a subdivision situated in Lewis Township. Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Belt, second by Jorgensen, to close public hearing. Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Shea, second by Wichman, to approve and authorize Board to sign Planning and Zoning **Resolution No. 2024-01**.

PLANNING AND ZONING RESOLUTION NO. 2024-01

WHEREAS, the proposed preliminary plat and supporting documents for Cedar Woods Addition, a subdivision situated in Lewis Township, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under Case #SUB-2024-01; and

WHEREAS, said Commission conducted a public hearing on **March 18**, **2024**, in accordance with Chapter 9.04 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and has given all parties an opportunity to be heard; and

WHEREAS, after careful study and being thoroughly familiar with the involved real estate and the surrounding area, said Commission has submitted its written recommendation to this Board to approve the preliminary plat; and

WHEREAS, this Board conducted a public hearing on April 16, 2024 in accordance with the above-noted Ordinance and Statute, and has examined the proposed preliminary plat; and

WHEREAS, after careful study, and due consideration this Board has determined that the proposed preliminary plat conforms to the requirements of Chapter 9.01-9.30. Subdivision Ordinance of the Pottawattamie County, Iowa, Code; the Pottawattamie County, Iowa, Land Use Plan and Chapter 354, Code of Iowa, and has deemed it to be in the best interest of Pottawattamie County, Iowa, to concur with the County's Planning and Zoning Commission's recommendation:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF **POTTAWATTAMIE COUNTY, IOWA:** That the proposed preliminary plat of **Cedar Woods Addition**, be, and the same is hereby approved as the preliminary plat of said subdivision.

Provided however, that this Resolution shall not be construed as being a final acceptance or approval of said Plat with the meaning of Chapter 9.01-9.30, Subdivision Ordinance, of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa; that after completion of all improvements and satisfaction of all requirements for final plats required by the State and County Ordinances and this Resolution, the final plat shall be submitted to this Board for its consideration.

PASSED AND APPROVED April 16, 2024.

Susan Miller, Chairperson	0	AYE	R O L L NAY O	CALL VOT ABSTAIN O	CE ABSENT O
Scott Belt	0		0	0	0
Tim Wichman	0		0	0	0
Brian Shea	0		0	0	0

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Jeff Jorgensen Attest:

> Melvyn Houser, County Auditor Pottawattamie County, Iowa

RECORD: After Passage

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

Motion by Belt, second by Shea, to open Public Hearing on proposed preliminary plat of Leinen Subdivision, a subdivision situated in Lewis Township. Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Belt, second by Shea, to close public hearing. Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Board to sign Planning and Zoning **Resolution No. 2024-02**.

PLANNING AND ZONING RESOLUTION NO. 2024-02

WHEREAS, the proposed preliminary plat and supporting documents for **Leinen Subdivision**, a subdivision situated in **Lewis Township**, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under **Case #SUB-2024-02**; and

WHEREAS, said Commission conducted a public hearing on March 18, 2024, in accordance with Chapter 9.04 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and has given all parties an opportunity to be heard; and

WHEREAS, after careful study and being thoroughly familiar with the involved real estate and the surrounding area, said Commission has submitted its written recommendation to this Board to approve the preliminary plat; and

WHEREAS, this Board conducted a public hearing on **April 16**, **2024** in accordance with the above-noted Ordinance and Statute, and has examined the proposed preliminary plat; and

WHEREAS, after careful study, and due consideration this Board has determined that the proposed preliminary plat conforms to the requirements of Chapter 9.01-9.30. Subdivision Ordinance of the Pottawattamie County, Iowa, Code; the Pottawattamie County, Iowa, Land Use Plan and Chapter 354, Code of Iowa, and has deemed it to be in the best interest of Pottawattamie County, Iowa, to concur with the County's Planning and Zoning Commission's recommendation:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF **POTTAWATTAMIE COUNTY, IOWA:** That the proposed preliminary plat of **Leinen Subdivision**, be, and the same is hereby approved as the preliminary plat of said subdivision.

Provided however, that this Resolution shall not be construed as being a final acceptance or approval of said Plat with the meaning of Chapter 9.01-9.30, Subdivision Ordinance, of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa; that after completion of all improvements and satisfaction of all requirements for final plats required by the State and County Ordinances and this Resolution, the final plat shall be submitted to this Board for its consideration.

PASSED AND APPROVED April 16, 2024.

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		AYE ROLL NAY	CALL VO ABSTAIN	Γ E ABSENT
Susan Miller, Chairperson	0	0	0	0
Scott Belt	0	0	0	0
Tim Wichman	0	0	0	0
Brian Shea	0	0	0	0
Jeff Jorgensen	0	0	0	0

Attest:

Melvyn Houser, County Auditor Pottawattamie County, Iowa RECORD: After Passage

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

Motion by Wichman, second by Shea, to approve and authorize Board to sign **Resolution No. 34-2024**; Resolution Setting date for a Public Hearing on Designation of the 2024 RMP Housing Urban Renewal Arean and Urban Renewal Plan and Project.

RESOLUTION NO. 34-2024

Resolution Setting Date for a Public Hearing on Designation of the 2024 RMP Housing Urban Renewal Area and on Urban Renewal Plan and Project

WHEREAS, a proposal has been made to the Board of Supervisors (the "Board") of Pottawattamie County, Iowa (the "County") which shows the desirability of designating a portion of the County as the 2024 RMP Housing Urban Renewal Area (the "Urban Renewal Area"), pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, under such proposal the real property (the "Property") lying within the boundaries set out in Exhibit A would be designated as the Urban Renewal Area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, portions of the Property lie within two miles of the incorporated limits of the City of Council Bluffs, Iowa (the "City"), and pursuant to Section 403.17, the City has executed a certain joint agreement (the "Joint Agreement") in order to enable the County exercise urban renewal authority over such portions of the Property; and

WHEREAS, the Property meets the definition of "agricultural land" under Section 403.17 of the Code of Iowa, and, pursuant to said law, a consent agreement (the "Ag Land Consent") has been prepared for execution by the owner (the "Ag Land Owner") of the Property; and

WHEREAS, a proposed urban renewal plan (the "Plan") has been prepared for the governance of projects and initiatives to be undertaken on the Property and which authorizes a certain initial urban renewal project to be undertaken in the Urban Renewal Area consisting of providing tax increment financing support to RMP 87 Development, LLC in connection with the construction of public infrastructure necessary to support the development of a residential subdivision; and

WHEREAS, it is now necessary that a date be set for a public hearing on the designation of the Urban Renewal Area and on the Plan;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

This Board will meet at the Board Room, County Courthouse, 227 S 6th Street, Council Bluffs, Iowa, on May 14, 2024, at 10:00 a.m., at which time and place it will hold a public hearing on the designation of the proposed Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Urban Renewal Area.

The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in the County, which publication shall be not less than four (4) and not more than twenty (20) days before the date set for the hearing.

Pursuant to Section 403.5 of the Code of Iowa, Pam Kalstrup and Matt Wyant are hereby designated as the County's representatives in connection with the consultation process with the Treynor Community School District which is required under that section of the urban renewal law.

The proposed Plan is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

Section 5. The Chairperson and the County Auditor are hereby authorized to execute the Joint Agreement on behalf of the County, and any prior action taken in this regard is all hereby ratified and affirmed.

Pam Kalstrup and Matt Wyant are hereby authorized and directed to present the Ag Land Consent to the Ag Land Owner.

Passed and approved April 16, 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Susan Miller, Chairperson	0	0	0	0
Scott Belt	0	0	0	0
Tim Wichman	0	0	0	0
Brian Shea	0	0	0	0
Jeff Jorgensen	0	0	0	0

ATTEST:

Melvyn Houser, County Auditor

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

Motion by Wichman, second by Belt, to approve and authorize Board to sign Proclamation designating the week of April 14 - 20, 2024 as National Public Safety Telecommunicators week.

Proclamation

National Public Safety Telecommunicators Week

April 14-20, 2024

Whereas emergencies that require police, fire or emergency medical services can occur at any time; and,

Whereas when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

Whereas the safety of our police officers, firefighters and paramedics is dependent upon the quality and accuracy of information obtained from citizens who contact the Pottawattamie County, Iowa emergency communications center; and,

Whereas Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

Whereas Public Safety Telecommunicators are the single vital link for our police officers, firefighters, and paramedics by monitoring their activities by radio, providing them information, and ensuring their safety; and

Whereas Public Safety Telecommunicators of the Pottawattamie County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore Be It Resolved that the Pottawattamie Board of Supervisors declares the week of April 14 through 20, 2024, to be National Public Safety Telecommunicators Week in Pottawattamie, Iowa, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this 16th day of April, 2024

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Susan Miller, Chairperson	0	0	0	0
Scott Belt	0	0	0	0
Tim Wichman	0	0	0	0
Brian Shea	0	0	0	0
Jeff Jorgensen	0	0	0	0

ATTEST:

Melvyn Houser, County Auditor

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

Sam Arkfeld/Captain, Communications Center appeared before the Board to give an update on the 911 Center.

Discussion only. No action taken.

Motion by Belt, second by Shea, to approve and authorize Chairperson to sign Contract Number 24-09 for 2024 Pottawattamie County Housing Trust Fund Grant Agreement. UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve and authorize Chairperson to sign Iowa DOT Funding Agreement 4-24-RAISE-005 in the amount of \$4,900,000 for project HDP-7830(601)—6B-78. UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve and authorize Chairperson to sign Right of Way (ROW) contract to Meredith Farms Inc. for project L-2024(LY12)—73-78. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Chairperson to sign Right of Way (ROW) contract to 6 Down 73-2 Go LLC for project L-2024(LY12)—73-78. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize Chairperson to sign Right of Way (ROW) contract to Don Parish Trust for project L-2024(NO22)—73-78. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Chairperson to sign Right of Way (ROW) contract to Daniel W. & Emily Huneke for project L-2024(NO22)—73-78. UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve and allow Maria Sieck to sign the DHHS Substance Abuse Grant Application. UNANIMOUS VOTE. Motion Carried. Jason Slack/Director, Buildings and Grounds and Garfield Coleman/Risk Manager appeared before the Board to update them on recent damage to the Courthouse roof. Discussion only. No action taken.

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 35-2024** entitled: Resolution of the Pottawattamie County Board of Supervisors Regarding Wage Increases for Nonunion Employees.

RESOLUTION NO. 35-2024

RESOLUTION OF THE POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS REGARDING WAGE INCREASES FOR NONUNION EMPLOYEES

WHEREAS the Pottawattamie County Board of Supervisors is committed to providing equitable and competitive compensation for all nonunion employees; and

WHEREAS, the Board has reviewed the proposed adjustments in the wage structure as delineated in the new step and grade system found in Appendix A to this resolution; and

WHEREAS the general intent is to adjust compensation structures to maintain the County's competitive edge and fairness by raising the first step of specified grades by \$1.50 and ensuring a 2.5% increment between successive steps, while recognizing that specific adjustments may be necessary for various departments to reflect the diverse nature of work performed; and

WHEREAS for grades 201 through 219, a 3% increase will be implemented with a 2.5% increase between steps, allowing employees to move to the next step in July unless they are on the final step, and it is understood that employees in other grades will generally not advance to the next step next fiscal year but will see a greater increase in their current step's wage;

NOW, THEREFORE, BE IT RESOLVED that the Pottawattamie County Board of Supervisors hereby approves the wage increases for all nonunion employees as per the new step and grade system outlined in Appendix A to this resolution, effective July 1, 2024. To provide fair and competitive compensation for the County's nonunion workforce, with the acknowledgment that some department-specific and grade-specific variations may be implemented to accurately compensate for the type of work performed.

BE IT FURTHER RESOLVED that these wage increases, and any department-specific adjustments are to be implemented effective July 1, 2024, and reflected in the payroll system in accordance with the fiscal policies of Pottawattamie County.

Dated this 16th day of April 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Susan Miller, Chairperson	0	0	0	0
Scott Belt	0	0	0	0
Tim Wichman	0	0	0	0
Brian Shea	0	0	0	0
Jeff Jorgensen	0	0	0	0

ATTEST:

Melvyn Houser, County Auditor

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

3. OTHER BUSINESS

Motion by Shea, second by Belt to approve re-hire of Allyson Ybarraa as a Treasurer Clerk II and pay. UNANIMOUS VOTE. Motion Carried

Motion by Shea, second by Jorgensen, to update Animal Control Officer job description and reclassification. Roll Call Vote: AYES: Miller, Belt, Shea, Jorgensen. NAYS: Wichman. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Board to sign Pottawattamie County Sheriff's Deputies Association Wage Reopener Agreement, effective July 1, 2024, through 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. Out of State Travel Notification(s):

- 1) Sheriff Out of State Travel Notification for Anthony Kava.
- 2) Communications Out of State Travel Notification for Torie Brumment, Heather
- Townsend, Angie Dobyns, Abby Fredrich, and Merissa Cox.
- B. Salary Action(s):
 - 1) SWI Juvenile Detention Employment of Robert Durbin Jr as a Part-Time Youth Corrections Worker.
 - 2) Conservation Employment of Hannah Hazlehurst, Cecelia Donegan, and Ian Parker as a Natural Areas Management Interns.
 - 3) Conservation Employment of Joesph Goltl as an Environmental Education Intern.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:44 A. M

Susan Miller, Chair

ATTEST:

Melvyn Houser, County Auditor

APPROVED: April 23, 2024 PUBLISH: X

Scheduled Sessions

Becky Lenihan/Finance and Tax Officer, Auditor's Officer

Public hearing

Discussion regarding Pottawattamie County's Budget FY 2024/25; and to approve and authorize Board to sign Resolution No. 30-2024, regarding the Pottawattamie County Budget for FY 2024/25.

RESOLUTION NO. 30-2024

WHEREAS, the Board of Supervisors of Pottawattamie County, after due consideration of estimated income and expenses for Fiscal Year 2024-2025, duly published such estimates for the county budget; and

WHEREAS, the budget correctly states estimated tax dollars against all parcels of property lying within Pottawattamie County, and the income and expense breakdown for each of the ten (10) budgeting areas; and

WHEREAS, a hearing was held on Tuesday, April 23, 2024, at 10:00 AM, in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, 227 South 6th Street, Council Bluffs, Iowa; and

WHEREAS, the public had due notice of the hearing, and at the hearing due time was allowed for objections to any and all portions of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Pottawattamie County, after hearing no objections, on a motion by Supervisor ______, and a second by Supervisor ______, the Fiscal Year 2024-2025 budget was adopted.

Chairperson Miller called for a roll call vote, the results being: Miller-____; Belt-___; Wichman-____; Shea-____; and Jorgensen-____. Motion carried.

Dated this 23rd day of April, 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Susan Miller, Chair	O	0	0	0
Scott Belt	_ 0	Ο	0	0
Tim Wichman	O	0	0	0
Brian Shea	O	0	0	0
Jeff Jorgensen	O	Ο	0	0
ATTEST:				

Melvyn Houser, County Auditor

Becky Lenihan/Finance and Tax Officer, Auditor's Officer

Discussion and/or decision to approve and authorize Board to sign: Resolution No. 31-2024 entitled: Resolution for Transfer from Rural Services Fund to Secondary Roads Fund. MELVYN HOUSER POTTAWATTAMIE COUNTY AUDITOR AND ELECTION COMMISSIONER 227 S. 6th St, Room 243 P. O. BOX 649 COUNCIL BLUFFS, IOWA 51502-0649



Linda Swolley, Deputy - Real Estate Becky Lenihan, Finance & Tax Officer Phone (712) 328-5700 FAX (712) 328-4740

April 23, 2024

RESO 24-

To: Heather Ausdemore

RE: Second and Third Quarter 2023-2024 Transfer to Secondary Roads Fund

As per board authorization of April 23, 2024, please transfer as follows:

\$2,750,000 FROM: 0011-99-0300-000-81200-000 (Rural Services Fund) \$2,750,000 TO: 0020-0-99-0311-902000-000 (Secondary Roads Fund)

Attached is a copy of authorization from the Pottawattamie County Board of Supervisors.

Thank-you,

Becky Lenihan Finance and Tax Officer

RESOLUTION NO. 31-2024

RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND

WHEREAS, it is desired to transfer money from the Rural Services Fund to Secondary Roads Fund; and

WHEREAS, said transfers are in accordance with Section 331.432, Code of Iowa.

NOW THEREFORE BE IT RESOLVED, that the Pottawattamie County Board of Supervisors authorizes the following transfers:

SECTION 1: The sum of \$2,750,000 is ordered to be transferred from Rural Services Fund to the Secondary Roads Fund;

SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

Dated this 23rd Day of April, 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Susan Miller, Chairperson	0	0	0	0
Scott Belt	0	0	0	0
Tim Wichman	0	0	0	0
Brian Shea	0	0	0	0
Jeff Jorgensen	0	0	0	0

ATTEST:

Melvyn Houser, County Auditor

<u>Tom Kallman/Manager,</u> <u>Regional Water</u>

Update on the two Regional Water Projects in the County (Pioneer Trail and Minden).

<u>Matt Wyant/Director, Planning</u> <u>and Development</u>

Discussion on consultation session with Treynor School on the Urban Renewal Plan that will be held on April 24th at 1 P.M. in the Planning Department.



227 South 6th Street Council Bluffs, IA 51501 Ph: 712-328-5644 | Fax: 712-328-5770 PottCounty-ia.gov

Chairperson Susan Miller Scott Belt Tim Wichman Brian Shea Jeff Jorgensen

DATE:	April 17, 2024
TO:	Superintendent, Treynor Community School District
FROM:	Board of Supervisors Pottawattamie County, Iowa
RE:	2024 RMP Housing Urban Renewal Area / Urban Renewal Plan

The Board of Supervisors of Pottawattamie County is in the process of establishing an urban renewal area, and, pursuant to Section 403.5 of the Code of Iowa, the County is sending you the enclosed copy of its urban renewal plan and scheduling a meeting at which you will have the opportunity to discuss this plan.

The meeting to discuss our urban renewal plan has been set for April 24, 2024, at 1:00 p.m. in Planning and Development Office, First Floor of the County Courthouse, 227 South 6th Street, Council Bluffs, Iowa. If you are unable to send a representative to the meeting, we invite your written comments. In addition, Section 403.5 gives your designated representative the right to make written recommendations concerning the urban renewal plan no later than seven days following the date of the meeting.

The County will also hold a public hearing on this urban renewal plan at 10:00 a.m. on May 14, 2024, and a copy of the notice of hearing is enclosed for your information.

Please contact Matt Wyant at (712) 328-5792 if you have questions.

Enclosures

NOTICE OF A PUBLIC HEARING ON DESIGNATION OF THE 2024 RMP HOUSING URBAN RENEWAL AREA, AND ON PROPOSED URBAN RENEWAL PLAN AND PROJECTS

Notice Is Hereby Given: That at 10 a.m., in the Supervisors' Hearing Room, Second Floor of the County Courthouse, 227 South 6th Street, Council Bluffs, Iowa, on May 14, 2024, there will be conducted a public hearing on the question of designating as the 2024 RMP Housing Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403, Code of Iowa, the property (the "Property") situated in Pottawattamie County, Iowa described as follows:

Parcel 22047, a parcel of land located in part of the Northwest Quarter of the Northeast Quarter and in part of the Northeast Quarter of the Northeast Quarter and in part of the Southeast Quarter of the Northeast Quarter and in part of the Southwest Quarter of the Northeast Quarter, all in Section 30, Township 75 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described in Plat of Survey filed May 05, 2022 in Book 2022 at Page 06473;

AND

Parcel "F", a parcel of land located in part of the Northwest Quarter of the Northeast Quarter in Section 30, Township 75 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, and in part of Lot 36, Cloverleaf Acres, Phase II, Pottawattamie County, Iowa, more particularly described in Plat of Survey filed November 12, 2015 in Book 2015 at Page 14876.

The subject matter of the public hearing will also include the adoption of a proposed urban renewal plan (the "Plan") and approval of certain urban renewal projects for the Urban Renewal Area identified above, pursuant to Chapter 403, Code of Iowa, a copy of which Plan is on file for public inspection in the office of the County Auditor.

The general scope of the proposed Plan, as more specifically described therein, includes the following:

Increasing the tax base and promoting economic growth in Pottawattamie County by encouraging commercial, industrial and residential development. The Plan authorizes certain initial urban renewal projects to be undertaken in the Urban Renewal Area consisting of providing tax increment financing support to RMP 87 Development, LLC in connection with the construction of public infrastructure necessary to support the development of a residential subdivision.

At the hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matter of the hearing.

Melvyn Houser County Auditor

POTTAWATTAMIE COUNTY, IOWA

URBAN RENEWAL PLAN 2024 RMP HOUSING URBAN RENEWAL AREA

I. INTRODUCTION

Chapter 403 of the Code of Iowa authorizes counties to establish areas within certain boundaries known as "urban renewal areas," and to exercise special powers within these areas. In order to facilitate the use of urban renewal for economic development, in 1985, the Iowa General Assembly amended Chapter 403 to authorize boards of supervisors to create "economic development" areas. An economic development urban renewal area may be any area of a county which has been designated by the board of supervisors as an area which is appropriate for commercial, industrial and/or residential housing enterprises and in which the county seeks to encourage further development.

As an additional expression of the role for local governments in private economic development, the General Assembly also enacted Chapter 15A of the Code of Iowa, which declares that economic development is a "public purpose" and authorizes local governments to make grants, loans, guarantees, tax incentives and other financial assistance to private enterprise. The statute defines "economic development" as including public investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost.

The process by which an economic development urban renewal area may be created begins with a finding by the board of supervisors that such an area needs to be established within the county. An urban renewal plan is then prepared for the area, which must be consistent with the county's existing comprehensive or general plan. Certain affected taxing entities must be notified and given an opportunity to comment on the plan. The board of supervisors must hold a public hearing on the urban renewal plan, following which, the board of supervisors may approve the plan.

The Board of Supervisors of Pottawattamie County (the "County") has determined to establish the 2024 RMP Housing Urban Renewal Area (the "Urban Renewal Area"). This document is intended to serve as the Urban Renewal Plan (the "Plan") for the Urban Renewal Area and will guide the County in promoting economic growth through the encouragement of commercial, industrial, and residential development in such Urban Renewal Area as detailed herein. This document is an Urban Renewal Plan within the meaning of Chapter 403 of the Code of Iowa and sets out proposed projects and activities within the Urban Renewal Area.

II. DESCRIPTION OF URBAN RENEWAL AREA

A description of all property (the "Property") that has been included within the Urban Renewal Area is attached hereto as Exhibit A.

III. URBAN RENEWAL OBJECTIVES

The primary objectives for the development of the Urban Renewal Area are:

1. To contribute to a diversified, well-balanced local economy by creating job opportunities and strengthening the property tax base.

2. To assist in providing land and resources for new and expanded commercial, industrial and residential development in a manner that is efficient from the standpoint of providing municipal services.

3. To stimulate through public action and commitment, private investment in residential, commercial and industrial development, and to encourage job retention, growth and expansion through the use of various federal, state and local incentives, including tax increment financing.

4. To provide municipal infrastructure, services and facilities that enhance possibilities for economic development and community attractiveness to private enterprise.

5. To help finance the cost of streets, water, sanitary sewer, storm sewer, or other public improvements in support of new residential, commercial and industrial development.

6. To provide a more marketable and attractive investment climate.

7 To provide public facilities to enhance County services and enhance the economic attractiveness of the community.

8. To increase the number of housing units in the County that are safe, attractive and comfortable.

9. To provide assistance for housing on a County-wide basis to families whose incomes are no greater than 80% of the median family income in the County.

IV. URBAN RENEWAL PROJECTS AND ACTIVITIES

The following types of activities are examples of the specific actions which may be undertaken by the County within the Urban Renewal Area:

1. Preparation of plans related to the development and implementation of the Urban Renewal Area and specific urban renewal projects.

2. Construction of public improvements and facilities, including streets, public utilities or other facilities in connection with an urban renewal project.

3. Construction of buildings or specific site improvements such as grading and site preparation activities, access roads and parking, railroad spurs, fencing, utility connections, and related activities.

4. Acquisition, preparation and disposition of property for development and/or redevelopment.

5. Making available, as appropriate, financing for development projects, including conventional municipal borrowing and tax increment financing resulting from increased property values in the Urban Renewal Area.

6. Pursuant to state law, provision of direct financial assistance, including grants, loans and tax increment rebate agreements, to private persons engaged in economic development, in such form and subject to such conditions as may be determined by the Board of Supervisors.

V. SPECIFIC URBAN RENEWAL PROJECTS

The County has determined to undertake the following initiative in the Urban Renewal Area as an economic development urban renewal project:

Name of Project: RMP 87 Development, LLC Housing Development Project

Date of Board Approval of Project: May 14, 2024

Description of the Project: RMP 87 Development, LLC (the "Developer") is undertaking the development of a residential subdivision (the "Housing Project") situated on the Property (as described in Section II hereof), including the corresponding construction of public infrastructure (the "Infrastructure Project"). The Infrastructure Project will include the construction of street and storm water management improvements, and the necessary grading, site preparation and landscaping associated therewith. The County will use tax increment financing to support the Developer's construction of the Infrastructure Project on the Property. The addition of new residential housing in the County will enhance the quality of life in the County thereby resulting in economic growth in the County.

The costs incurred by the County in providing tax increment financing assistance to the Developer will include legal and administrative fees (the "Admin Fees") in an amount not to exceed \$10,000.

Description of Properties to be Acquired in Connection with the Project: It is not anticipated that the County will acquire real property in connection with the Housing Project.

Description of Use of TIF: The County intends to enter into a development agreement (the "Agreement") with the Developer with respect to the Infrastructure Project and to provide annual appropriation economic development payments (the "Payments") to the Developer thereunder. The Payments, in an amount not to exceed \$400,000, will be funded with incremental property tax revenues to be derived from the Property. It is anticipated that the County's total commitment of incremental property tax revenues with respect to the

Infrastructure Project including the Payments (\$400,000), the Admin Fees and the LMI Set Aside (\$184,560) (as described below) will not exceed \$594,560.

LMI Set Aside: Pursuant to the provisions of Section 403.22 of the Code of Iowa, the County will provide low and moderate income family housing assistance in its area of operation in an amount not less than 46.14% of the incremental property tax revenues applied to the Infrastructure Project.

VI. LAND USE PLAN AND PROPOSED DEVELOPMENT

The County's long range development plans for this Urban Renewal Area are matched to its general plan for development in the County and will be tailored to comply with the overall land use needs. All urban renewal activities within the Urban Renewal Area will be consistent with the County's general land use plans.

VII. TAX INCREMENT FINANCING

In order to promote economic growth in the Urban Renewal Area, the County may be requested to acquire land, construct public improvements or provide economic development loans, grants or other tax incentives for the benefit of private and public enterprises in order to enhance the value of property in the Urban Renewal Area. As part of the Urban Renewal Area, the County has adopted an ordinance to create a tax increment district (the "TIF District"), within which the property taxes eventually paid by new private development may be used to pay costs of urban renewal projects for these types of activities, including reimbursing the County or paying debt service on obligations issued by the County. The use of these tax revenues is known as tax increment financing ("TIF").

Depending upon the date upon which the TIF District is legally established and the date on which debt is initially certified within the TIF District, an original taxable valuation is established for the property within the TIF District, which is known as the "base valuation." The "base valuation" is the assessed value of the taxable property in the TIF District as of January 1 of the calendar year preceding the calendar year in which the County first certifies the amount of any debt payable from TIF revenues to be generated within that TIF District. When the value of the property inside the TIF District increases by virtue of new construction or any other reason, the difference between the base valuation and the new property value is the "tax increment" or "incremental value."

Procedurally, after tax increment debt has been incurred for the financing of improvements within the TIF District or for the payment of economic development incentives to private and public entities, property taxes levied by all local jurisdictions (city, county, school, area college) against the incremental value, with the exception of taxes levied to repay current or future debt incurred by local jurisdictions and the school district instructional support and physical plant and equipment levies, are allocated by state law to the County's tax increment fund rather than to each local jurisdiction. These new tax dollars are then used to pay principal of and interest on any tax increment debt incurred or to pay the costs of projects in the Urban Renewal Area.

VIII. RESIDENTIAL DEVELOPMENT

One of the County's objectives in the Urban Renewal Area is to promote new residential development and the corresponding construction of public infrastructure.

When a County utilizes TIF to support the provision of public infrastructure related to residential development, a percentage of the TIF revenues generated by the project (or other funds of the County) must be used to provide assistance to LMI families

Unless a reduction is approved by the Iowa Economic Development Authority, the percent of incremental revenues used to provide LMI assistance must be at least equal to the percentage of LMI families living in the County. That percentage is currently 46.14%. LMI families are those whose incomes do not exceed 80% of the median county income.

The requirement to provide assistance for LMI housing may be met either by ensuring that at least 46.14% of the units constructed in the area are occupied by families whose incomes are at or below 80% of the median county income, or by setting aside an amount equal to 46.14% of the project costs for LMI housing activities elsewhere in the County.

If funds are set aside, as opposed to constructing affordable housing in the Urban Renewal Area, the type of assistance provided anywhere within the County may include but is not necessarily limited to:

- 1. Owner/renter-occupied housing rehabilitation.
- 2. Grants, credits or other direct assistance to LMI families.
- 3. Homeownership assistance.
- 4. Tenant-based rental assistance.
- 5. Down-payment assistance.
- 6. Mortgage interest buy-down assistance.
- 7. Infrastructure development for LMI housing.

IX. EFFECTIVE PERIOD

This Urban Renewal Plan will become effective upon its adoption by the Board of Supervisors and will remain in effect until it is repealed by the Board of Supervisors. The collection of incremental property taxes in the Urban Renewal Area will continue for the maximum number of years authorized by Chapter 403 of the Code of Iowa unless otherwise determined by action of the Board of Supervisors.

X. PLAN AMENDMENTS

This Urban Renewal Plan may be amended in accordance with the procedures set forth in Chapter 403 of the Code of Iowa to, for example, change the project boundaries, modify urban renewal objectives or activities, or to carry out any other purposes consistent with Chapter 403 of the Code of Iowa.

XI. FINANCIAL INFORMATION

COUNTY DEBT INFORMATION

- 1. Current constitutional debt limit:
- 2. Outstanding general obligation debt:
- 3. Proposed amount of debt to be incurred:

\$<u>681,392,038</u>

\$_____(Project)

- \$ <u>10,000</u> (Admin Fees)
- \$<u>184,560</u> (LMI Set Aside)
- \$ 594,560 (Total)

-6-DORSEY & WHITNEY LLP, ATTORNEYS, DES MOINES, IOWA

EXHIBIT A LEGAL DESCRIPTION 2024 RMP HOUSING URBAN RENEWAL AREA

Parcel 22047, a parcel of land located in part of the Northwest Quarter of the Northeast Quarter and in part of the Northeast Quarter of the Northeast Quarter and in part of the Southeast Quarter of the Northeast Quarter and in part of the Southwest Quarter of the Northeast Quarter, all in Section 30, Township 75 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described in Plat of Survey filed May 05, 2022 in Book 2022 at Page 06473;

AND

Parcel "F", a parcel of land located in part of the Northwest Quarter of the Northeast Quarter in Section 30, Township 75 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, and in part of Lot 36, Cloverleaf Acres, Phase II, Pottawattamie County, Iowa, more particularly described in Plat of Survey filed November 12, 2015 in Book 2015 at Page 14876.

Matt Wyant/Director, Planning and Development

Update on Public Health building.



PROJECT STATUS REPORT

PROJECT SUMMARY

REPORT DATE	PROJECT NAME	PREPARED BY
April 23 rd , 2024	Public Health Services Building	Matt Wyant, Director

STATUS SUMMARY

2020 Board of Supervisors allotted funding for a new public health facility to be constructed on the corner of 5th Ave and Pearl Streets in Council Bluffs. Field Day Development was contracted with to ensure that we stay on budget and in compliance with state codes. Alley Poyner Macchietto Architecture was selected to design and engineer the building. Boyd Jones was selected through a bidding process to be the General Contractor. **Construction has just passed** <u>55% completion</u> and is on track to be completed in November of 2024.

BUDGET OVERVIEW

CATEGORY	SPENT	% OF TOTAL	ON TRACK?	NOTES
Field Day Development	\$123,229.00	Hourly	Yes	Verified on Tyler
Alley Poyner Macchietto	\$429,469.39	6.75% of contract rate	Yes	Verified on Tyler
Boyd Jones	\$1,678,301.48	\$6,097,304.00	Yes	Pay app 6 in process - \$749K \$2,415,058.73

RISK AND ISSUE HISTORY

ISSUE	ASSIGNED TO	DATE
Biweekly meetings are held to ensure site safety	Risk, B&G, CH security, Planning	Continuing

CONCLUSIONS/RECOMMENDATIONS

The project is on track to be completed on time and under budget. This project should redefine how the County approaches large scale projects in the future. Having the right team in place to ensure that programming is completed, codes are met, and project schedules are in place.

John Rasmussen/Engineer and Tina Treantos/Operations Administrator, Secondary <u>Roads</u>

Discussion and/or decision to approve and sign agreement for Lewis Township Volunteer Fire Department Traffic Safety Improvement Program Grant.

IOWA DEPARTMENT OF TRANSPORTATION AGREEMENT FOR TRAFFIC SAFETY IMPROVEMENT PROGRAM FUNDING

(Traffic Control Device)

County	Pottawattamie
Recipient	Pottawattamie County
Project No.	L-TSF-C078(211)74-78
lowa DOT	
Agreement No.	_2025-TS-028

This agreement is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and Pottawattamie County, Iowa, hereinafter designated the "Recipient". The Recipient submitted an application to the DOT for funding through the Traffic Safety Improvement Program (TSIP) under Iowa Code Section 312.2(11), and the application was approved by Transportation Commission Order No. SO-2024-26 on December 12, 2023.

Pursuant to the terms of this agreement, and applicable statutes and administrative rules, the DOT agrees to provide funding to the Recipient to aid in the development of a certain traffic safety improvement project.

In consideration of the foregoing and the mutual promises contained in this agreement, the parties agree as follows:

1. Project Information

- a. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
- b. All notices required under this agreement shall be made in writing to the DOT's and/or the Recipient's contact person. The DOT's contact person shall be the Local Systems Project Development Engineer and Western Region Local Systems Field Engineer. The Recipient's contact person shall be the County Engineer, John Rasmussen.
- c. The Recipient shall be responsible for the development and completion of the following described project located in Pottawattamie County:

Purchase and installation of an activated warning light system at the Lewis Township Volunteer Fire Department on Iowa Highway 92. See Exhibit A-1 for the location of the project and Exhibit A-2 for the estimated project cost.

d. Project-specific funding stipulations in order for the project to be considered eligible to receive TSIP funds include:

None.

2. Project Costs

a. Eligible project costs for the project described in Section 1 of this agreement which are incurred after the effective date of Commission approval shall be paid from TSIP funds and other funds as listed below, subject to the execution of a signed agreement:

TSIP funds: \$13,000

b. The portion of the total project costs paid by TSIP shall not exceed the amount stated above or the actual cost of the TSIP eligible items, whichever is the lesser amount.

- c. If a letting is required, the project shall be let to contract before July 1, 2026, but no earlier than July 1, 2024. If a letting is not required, project activities shall be initiated prior to July 1, 2026. If any of these conditions are not met, the Recipient may be in default, for which the Department may revoke funding commitments. This agreement may be extended for a period of 12 months upon receipt of a written request from the Recipient at least 30 days prior to the deadline.
- d. Project activities or costs considered eligible for TSIP funds include the cost of materials purchased for initial installation of traffic control devices or replacement of obsolete traffic control devices. Devices shall comply with the applicable warrants in the Manual on Uniform Traffic Control Devices (MUTCD) as adopted in 761 Iowa Administrative Code 130.1(321).
- e. Project activities and costs considered ineligible for TSIP funds include, but are not limited to, the following: (a) any and all costs incurred prior to Commission approval of funding; (b) maintenance or energy costs; (c) installation costs; (d) aesthetic items such as brick pavers or decorative lighting/signal poles; or (e) lighting not installed on a shared traffic signal pole.
- f. For traffic control device projects where the devices will be furnished and installed by a contractor, the contract will need to have a bid item for materials only.
- g. If Federal highway funds, Federal Swap funds, Farm-to-Market funds, or other Federal funds are used in combination with TSIP funds, the Recipient shall also follow all administrative and contracting procedures which would normally be used when such funds are used on a non-TSIP project. The Recipient shall comply with all requirements for the use of said funds.

3. Right of Way and Permits

- a. In the event that right-of-way is required for the project, said right-of-way shall be acquired in accordance with 761 Iowa Administrative Code Chapter 111, Real Property Acquisition and Relocation Assistance. If the project impacts the Primary Road System, the Recipient shall submit preliminary right-of-way plans to the DOT's Right of Way Bureau for review and approval prior to the commencement of any acquisition. Additionally, if said right-of-way is for an improvement to the Primary Road System, it shall be acquired in the name of the State of Iowa.
- b. The Recipient shall be responsible for obtaining any permits, such as the Work Within the Right-of-Way Permit, Access Connection/Entrance Permit, Utility Accommodation Permit, Application for Approval of a Traffic Control Device, and/or other construction permits required for the project prior to the start of construction. Neither the approval of the TSIP application for funding nor the signing of this agreement shall be construed as approval of any required permit from the DOT.
- c. The Recipient shall be responsible for obtaining any environmental permits and approvals, when necessary, to comply with all environmental regulations.

4. Project Design

a. The Recipient shall develop all project improvements using engineering judgment. The Recipient shall use the DOT "Design Manual" on projects involving the Primary Road System and/or routes located on the National Highway System. Projects not on the Primary Road system shall use "A Policy on Geometric Design of Highways and Streets", (latest edition), by the American Association of State Highway and Transportation Officials. In all cases the "The Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), as adopted pursuant to 761 Iowa Administrative Code, Chapter 130 shall apply.

5. Procurement

a. If the estimated project cost is greater than the competitive bid threshold established pursuant to Iowa Code 314.1, the Recipient shall follow the competitive bidding procedures in Iowa Code sections 26.3

through 26.13. Project plans, specifications and engineer's cost estimate for site specific improvements and/or traffic control devices shall be prepared and certified by a professional engineer licensed to practice in the State of Iowa. The Recipient shall submit the plans, specifications and other contract documents to the DOT for review. This submittal may be in divisions and in the order of preference as determined by the Recipient. However, the plans, specifications and other contract documents for each division must be submitted at least ten weeks (traffic control devices) or fourteen weeks (site specific project) prior to the project letting of each division. The DOT shall review said submittal(s) recognizing the Recipient's development schedule and shall, after satisfactory review, authorize in writing the Recipient to proceed with implementation of the project. The work on this project shall be in accordance with the survey, plans, and specifications on file. Any substantial modification of these plans and specifications must be approved by the DOT prior to the modification being put into effect.

- b. If the estimated project cost is less than the competitive bid threshold established pursuant to Iowa Code section 314.1, the Recipient shall solicit competitive quotations in accordance with Iowa Code section 26.14. Before placing an order to purchase the materials, the Recipient shall provide the DOT with a summary of the quotes received and the vendor selected and request approval to proceed. After receiving DOT approval, the Recipient may proceed with the purchase of materials.
- c. The Recipient shall notify prospective bidders and quoters that Sales Tax Exemption Certificates will be issued, as provided for by Iowa Code section 423.3, subsection 80. The Recipient shall be responsible for obtaining the sales tax exemption certificates through the Iowa Department of Revenue and Finance. The Recipient shall issue these certificates to the successful bidder and any subcontractors to enable them to purchase qualifying materials for the project free of sales tax.
- d. The Recipient shall use positive efforts to solicit bids or quotes from and to utilize Targeted Small Business (TSB) enterprises as contractors and ensure that the contractors make positive efforts to utilize these enterprises as subcontractors, suppliers or participants in the work covered by this agreement. Efforts shall be made and documented in accordance with Exhibit B which is attached hereto and by this reference incorporated into this agreement.

6. Construction and Maintenance

- a. The Recipient shall conduct the project development and implementation in compliance with applicable laws, ordinances and administrative rules.
- b. The Recipient shall maintain records, documents, and other evidence in support of work performed under the terms of this contract. All accounting practices applied and all records maintained will be in accordance with generally accepted accounting principles and procedures. Documentation shall be made available for inspection and audit by authorized representatives of the DOT or its designee at all reasonable times during the period of the contract and for three (3) years after the date of final payment. Reimbursement shall be based on eligible actual and indirect costs associated with performance of contract service work. The Recipient shall provide copies of said records and documents to the DOT upon request.
- c. The Recipient shall require its contractors to permit the DOT authorized representative to inspect all work materials, records, and any other data with regard to agreement related costs, revenues and operating sources.
- d. The Recipient shall install, or cause to be installed, the traffic control devices provided by this agreement.
- e. Upon project completion and prior to final reimbursement for the project, the Recipient shall furnish three sets of "as-built" plans for any portion of the project which is on or intersects any primary road or primary road extension to the DOT's contact person for future maintenance and road design purposes.

- f. If this project requires the installation of or modification to a traffic control signal system, the Recipient shall be responsible for all future ownership, maintenance, operation and energy costs of said installation or modification.
- g. The Recipient hereby certifies that, for a period of five (5) years following completion of the project and receipt of final payment from the DOT, there shall be no modifications in the geometric features, the construction features, or the access management features (including driveway design and location) of the project, nor shall there be any fixed objects or obstructions placed in any clear zone established in conjunction with this project without the prior written approval of the Traffic and Safety Bureau. Failure to comply shall be considered a default under the terms of this agreement.

7. Payments and Reimbursements

- a. The Recipient may submit to the DOT periodic itemized claims for reimbursement for eligible project activities. Eligible and ineligible costs are outlined in Iowa Administrative Code (IAC) 761 Chapter 164, Traffic Safety Improvement Program (see IAC 761-164.6(312) and IAC 761-164.7(312)). Reimbursement claims shall include certification by a professional engineer licensed to practice in the State of Iowa that all eligible project activities for which reimbursement is requested have been completed in substantial compliance with the terms of this agreement. Reimbursement claims shall not be submitted until after July 1, 2024.
- b. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the construction costs or 5% of the TSIP funds available for the project, whichever is less. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the funds withheld, if any.
- c. Upon completion of the project described in this agreement, a professional engineer licensed to practice in the State of Iowa shall certify in writing to the DOT that the project activities were completed in substantial compliance with the terms of this agreement. Final reimbursement of TSIP funds shall be made only after the DOT accepts the project as complete.
- d. The Recipient shall request reimbursement and final payment from the DOT within one year of field completion of the work. If this condition is not met, the Recipient may be in default, for which the Department may revoke funding commitments.
- e. If the Recipient fails to perform any obligation under this agreement, the DOT shall have the right, after first giving thirty (30) days written notice to Recipient by certified mail return receipt requested, to declare this agreement in default. The Recipient shall have thirty (30) days from date of mailing of notice to cure the default. If the Recipient cures the default, the Recipient shall notify DOT no later than five (5) days after cure or before the end of said thirty (30) day period to cure default. Within ten (10) working days of receipt of Recipient's notice of cure, the DOT shall issue either a notice of acceptance of cure or notice of continued default.
- f. In the event a default is not cured the DOT may revoke funding commitments and/or seek repayment of TSIP funds granted by this agreement through charges against the Recipient's road use tax funds.

8. General Provisions

a. This agreement shall be considered to be in default if the DOT determines that the Recipient's application for funding contained inaccuracies, omissions, errors or misrepresentations.

- b. To the extent allowed by law, the Recipient agrees to indemnify, defend and hold the DOT harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, or inspection of this project. To the extent allowed by law, this agreement to indemnify, defend and hold harmless applies to all aspects of the DOT's application review and approval process, plan and construction reviews, and funding participation.
- c. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- d. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the associated Federal regulations that implement these laws.
- e. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Non-Federal-aid Project Development Guide (Non-Federal-aid Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: https://www.iowadot.gov/local_systems/publications/im/lpa_ims.htm. The Recipient shall follow the applicable procedures and guidelines contained in the Non-Federal-aid Guide and I.M.s in effect at the time project activities are conducted.
- f. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
- g. This agreement is not assignable without the prior written consent of the DOT.
- h. It is the intent of both parties that no third-party beneficiaries be created by this agreement.
- i. In case of dispute concerning the terms of this agreement, the parties shall submit the matter to arbitration pursuant to Iowa Code Chapter 679A. Either party has the right to submit the matter to arbitration after ten (10) days' notice to the other party of their intent to seek arbitration. The written notice must include a precise statement of the disputed question. DOT and the Recipient agree to be bound by the decision of the appointed arbitrator. Neither party may seek any remedy with the state or federal courts absent exhaustion of the provisions of this paragraph for arbitration.
- j. This agreement, including referenced exhibits, constitutes the entire agreement between the DOT and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement must be made in the form of an addendum to this agreement. Said addendum shall become effective only upon written approval of the DOT and Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2025-TS-028 as of the date shown opposite its signature below.

Pottawattamie County, Iowa:

Ву:		Date	, 20
Title: Champers	son-Board	_ Date OF SUPERVISOR	ς
		that I am the Auditor of th	
	, who sig	ned said Agreement for a	and on behalf of the County was duly
			ly passed and adopted by the County,
on theday of	ANGUST	, 20 <u>23</u> .	
Signed Pottawattamie	County Auditor	Date	, 20
lowa Department of T	ransportation:		
By: Dave Lorenzer Director, Systems Opera		Date	, 20

EXHIBIT A-1 [Project Location]

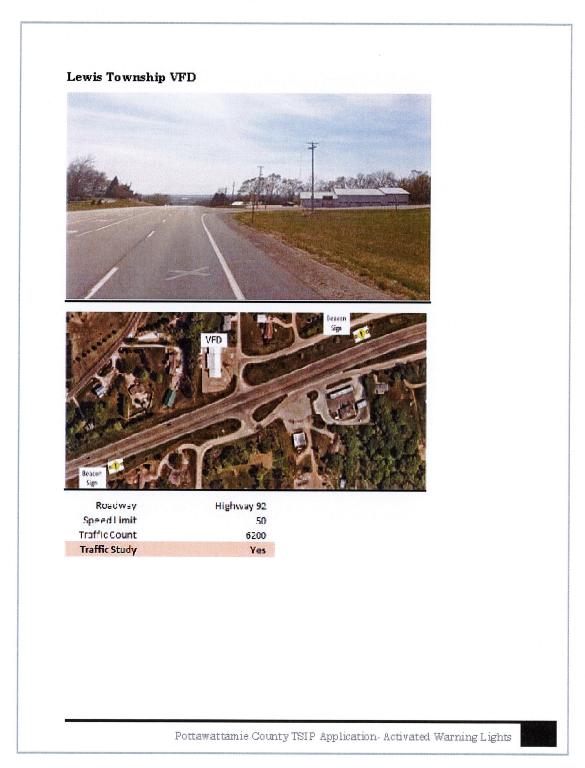


EXHIBIT A-2 [Estimated Project Cost]



Traffic and Parking Control Co., Inc. 5100 West Brown Deer Rd Brown Deer, WI 53223 Phone No.:800-236-0112 E-Mail: customerservice@tapconet.com

SALES QUOTE

SALES QUOTE DATE 7/18/2023

SALES QUOTE NUMBER Q23000992 **CUSTOMER NO.** C41783 Page: 1

BILL TO Pottawattamie County

John Rasmussen 223 S 6th St COUNCIL BLUFFS, IA 51501 United States of America

SHIP TO

Pottawattamie County John Rasmussen 21901 340th St Oakland, IA 51560 United States of America

Ext. Document No.	SHIP VIA	TERMS	SALESPERSON VALID UNTIL			
EVWS	BEST RATE Prepaid & Add	Net 30 DAYS	Deidre Jones		8/17/2023	
Item/Description			Quantity	Unit Price	Total Price	
*** INSIDE ACTIVATION ***						
2180-C00133-C1 Activation Control Panel, 120VAC	ር, Push Button, Radio, & Keyfo	Each bb Receiver, Add Anten	1 Ina Kit To Order	2,049.30	2,049.30	
150295 Omni-Directional Antenna Kit, RF	P-BNC Connector, Includes 55	Each ' of Cable	1	891.00	891.00	
*** OUTSIDE WARNING *** *** N	O OUTSIDE ACTIVATION ***					
500146 Controller, 12V, 136921, Radio, 3	0W TOP, No Pushbutton, No	Each Battery	2	2,000.00	4,000.00	
137480 DUAL 22AH BATTERY PACK HAR	NESSED AND FUSED	Each	2	443.00	886.00	
2180-BBSAYP-C1 BlinkerBeacon, Single, AMBER, Ye	ellow Housing, Yellow Poly Ar	Each ms, Conduit Grip On Si	4 de	633.00	2,532.00	
300478 W11-8,36"x36" DG3 Yellow,Fire T	ruck (Symbol) Fed Spec	Each	2	235.00	470.00	
2438-00001		Each ing One Blinker Sign to	2	19.00	38.00	

All prices are listed in US Dollar (USD)

For terms and conditions, please visit https://tapconet.com/terms-conditions

January 2023



Traffic and Parking Control Co., Inc. 5100 West Brown Deer Rd Brown Deer, WI 53223 Phone No.:800-236-0112 E-Mail: customerservice@tapconet.com

SALES QUOTE

SALES QUOTE DATE 7/18/2023 **SALES QUOTE NUMBER** Q23000992 **CUSTOMER NO.** C41783

Page: 2

BILL TO

Pottawattamie County John Rasmussen 223 S 6th St COUNCIL BLUFFS, IA 51501 United States of America

SHIP TO Pottawattamie County John Rasmussen 21901 340th St Oakland, IA 51560 United States of America

Ext. Document No.	SHIP VIA	TERMS	SALES	PERSON	VALID UNTIL
EVWS	BEST RATE Prepaid & Add	Net 30 DAYS	Deidr	e Jones	8/17/2023
Item/Description		U/M	Quantity	Unit Price	Total Price
*** POLES *** *** 2" SQUARE ***	•				
2793-00001 Post,Square,2"x2"x14' 12 Gauge	Full Punched Galvanized Stee	Each	2	225.00	450.00
1603-00008 Post,Square,2.25"x2.25"x3' 12 Gi	auge Galvanized Anchor Full P	Each unched Galvanized Ste	2 el	34.33	68.66
1603-00013 Bolt,Corner Bolt for for 2.5" Squ	are Posts or smaller	Each	2	1.95	3.90
3177-00001 Nut,5/16-18 Heavy Hex Jam Nut	t	Each	2	0.10	0.20

Plus Shipping and Handling

Furnish only quote. Installation is not included. Solar powered equipment requires no shading or obstructions

Thank you! Deidre Jones Email: Deidre.jones@tapconet.com Phone: 262-649-5227

	Subtotal: Invoice Discount: Total Sales Tax:	11389.06 0.00 683.34
All prices are listed in US Dollar (USD)	Total:	12,072.40

All prices are listed in US Dollar (USD) For terms and conditions, please visit https://tapconet.com/terms-conditions

EXHIBIT B UTILIZATION OF TARGETED SMALL BUSINESS (TSB) ENTERPRISES ON NON-FEDERAL AID PROJECTS (THIRD-PARTY STATE-ASSISTED PROJECTS)

In accordance with Iowa Code Section 19B.7, it is the policy of the Iowa Department of Transportation (Iowa DOT) that Targeted Small Business (TSB) enterprises shall have the maximum practicable opportunity to participate in the performance of contracts financed in whole or part with State funds.

Under this policy the Recipient shall be responsible to make a positive effort to solicit bids or proposals from TSB firms and to utilize TSB firms as contractors or consultants. The Recipient shall also ensure that the contractors or consultants make positive efforts to utilize TSB firms as subcontractors, subconsultants, suppliers, or participants in the work covered by this agreement.

The Recipient's "positive efforts" shall include, but not be limited to:

- 1. Obtaining the names of qualified TSB firms from the Iowa Economic Development Authority (515-348-6200) or from its website at: <u>https://www.iowaeda.com/small-business/targeted-small-business/</u>
- 2. Notifying qualified TSB firms of proposed projects involving State funding. Notification should be made in sufficient time to allow the TSB firms to participate effectively in the bidding or request for proposal (RFP) process.
- 3. Soliciting bids or proposals from qualified TSB firms on each project, and identifying for TSB firms the availability of subcontract work.
- 4. Considering establishment of a percentage goal for TSB participation in each contract that is a part of this project and for which State funds will be used. Contract goals may vary depending on the type of project, the subcontracting opportunities available, the type of service or supplies needed for the project, and the availability of qualified TSB firms in the area.
- 5. For construction contracts:
 - a) Including in the bid proposals a contract provision titled "Targeted Small Business (TSB) Affirmative Action Responsibilities on Non-Federal Aid Projects (Third-Party State-Assisted Projects)" or a similar document developed by the Recipient. This contract provision is available from the Iowa DOT Administering Bureau.
 - b) Ensuring that the awarded contractor has and shall follow the contract provisions.
- 6. For consultant contracts:
 - a) Identifying the TSB goal in the Request for Proposal (RFP), if one has been set.
 - b) Ensuring that the selected consultant made a positive effort to meet the established TSB goal, if any. This should include obtaining documentation from the consultant that includes a list of TSB firms contacted; a list of TSB firms that responded with a subcontract proposal; and, if the consultant does not propose to use a TSB firm that submitted a subcontract proposal, an explanation why such a TSB firm will not be used.

The Recipient shall provide the Iowa DOT Administering Bureau the following documentation:

- 1. Copies of correspondence and replies, and written notes of personal and/or telephone contacts with any TSB firms. Such documentation can be used to demonstrate the Recipient's positive efforts and it should be placed in the project file.
- 2. Bidding proposals or RFPs noting established TSB goals, if any.
- Form 260017 "Checklist and Certification for the Utilization of Targeted Small Businesses (TSB)" shall be filled out upon completion of each project. <u>https://iowadot.seamlessdocs.com/f/ChecklistandCertforUtilizationofTSBonNonFederalProjects</u>

RESOLUTION NO. 56-2023

APPROVAL OF TRAFFIC SAFETY IMPROVEMENT PROGRAM APPLICATION FOR VOLUNTEER FIRE DEPARTMENT ACTIVATED WARNING BEACONS

WHEREAS, the Iowa Department of Transportation has adopted Administrative Rule 761 – Chapter 164, which created the Traffic Safety Improvement Program (TSIP) to allow funding to be provided to local jurisdictions for eligible traffic safety improvement projects; and,

WHEREAS, Pottawattamic County has determined that providing activated warning beacons for the Volunteer Fire Departments will aid in improving the safety of the traveling public as well as the volunteers responding to an emergency; and,

WHEREAS, activated beacons are recognized traffic control devices in the Manual of Uniform Traffic Control Devices (MUTCD), 2009 edition; and,

WHEREAS, a traffic study conducted by FHU dated March 29, 2022 recommends activated beacons to be installed on Hwy 92 and Cypress Avenue to warn traffic to provide for a safer and faster emergency response of the Lewis Township Fire and Rescue; and,

WHEREAS, the Volunteer Fire Departments in Crescent, Minden, Neola, Oakland, Treynor, Underwood and Walnut also have a desire for the activated warning beacons; and,

WHEREAS, the Pottawattamie County Engineer recommends TSIP applications be submitted to the Iowa Department of Transportation for safety funding of the above mentioned traffic control devices.

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

- 1. Supports the applications to the Iowa Department of Transportation Traffic Safety Improvement Program.
- 2. Certifies that Pottawattamie County will provide continuous maintenance to these activated warning signs.
- 3. Authorizes the Board of Supervisors Chairperson to sign the applications and supporting documents in relation to the TSIP funding.

Dated this 8th Day of August, 2023.

ROLL CALL VOTE

AYE NAY ABSTAIN ABSENT 0 0 0 Brian Shea. Chairman 0 0 0 Scott Bel 0 0 0 Tim Wichman 0 0 0 Susan Mill 0 0 0 Jeff Jorgensen ATTEST:

Melvyn Houser, County Auditor

Kristine Bracker/Attorney

Discussion and/or decision to approve and authorize Board to sign: Resolution No. 36-2024; regarding Charles Avenue Road Right of way between 2nd Street and Bentley Lane(also known as Main Street) located in the town of Bentley, Iowa WHEREAS, Resolution 48-2023 was passed June 20th, 2023 to vacate a Road Right of way; and

WHEREAS, title to the vacated right of way was not transferred to the owners of the real estate abutting said right of way; and

WHEREAS, it is in the best interest of Pottawattamie County to transfer the vacated right of way as described below; and

WHEREAS, there is an additional alley which was not vacated in Resolution 48-2023 which is described below; and

WHEREAS, budget and liability constraints dictate the secondary road system be reduced; and

WHEREAS, it is in the best interest of Pottawattamie County to vacate the alley as described below.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 23rd day of April, 2024, that the following described alley be vacated and transferred as follows:

The north/south alley between Charles Avenue and G30, in Block 12 in Original Town Plat of the unincorporated Town of Bentley per town plat filed for record in Section 13, Township 76, Range 43 West of the 5th P.M., Pottawattamie County, Iowa.

Title of the above-described vacated alley shall be transferred to each property owner of real estate abutting the vacated alley, the West ½ to lots 7-18, and the East ½ to lots 6 and 19, as well as that portion of the vacated alley lying between lots 1-6 and 19-21, all in Block 12, in the Town of Bentley, Iowa.

Note: Utilities are granted a permanent and perpetual easement for the continuance of maintaining existing facilities for such construction, reconstruction, replacement, and repair thereof as may be deemed necessary by the utilities in the future (Iowa Code 306.22, 479.17,479.24)

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 23rd day of April, 2024, that the following described vacated right of way be transferred as follows:

Title of the vacated Central Avenue Road Right of way between 2nd Street and Charles Avenue shall be transferred to each property owner of the real estate abutting the vacated road right of way, the Northerly ¹/₂ to lots 21-44 of Block 3 in the town of Bentley, Iowa. The Southerly ¹/₂ to lots 1-14 of Block 5 in the town of Bentley, Iowa.

Title of the vacated Charles Avenue Road Right of way between 2nd Street and Bentley Lane (also known as Main Street) shall be transferred to each property owner of the real estate abutting the vacated road right of way, the North ½ to Lots 20 and 21 of Block 3 and Lots 11-15 of Block 5 in the town of Bentley, Iowa. The South ½ to Lots 1 and 12 in Block 11, and Lots 1-7 in Block 12, along with all prior vacated alleys and roadways adjacent thereto, all in the town of Bentley, Iowa.

Title of the vacated 20-foot alley in Block 5, shall be transferred to the owners of the real estate abutting the vacated alley. The Northerly $\frac{1}{2}$ to Lots 4-11, Block 5 in the town of Bentley, Iowa, and the Southerly $\frac{1}{2}$ to Lot 15, Block 5 in the town of Bentley, Iowa.

Dated this 23rd day of April, 2024.

ROLL CALL VOTE AYE NAY ABSTAIN ABSENT O O O O Susan Miller, Chairperson O O O O O O O

Scott Belt

	0	0	0	0
Tim Wichman				
Duion Chao	0	0	0	0
Brian Shea				
	0	0	0	0
Jeff Jorgensen				

Committee Appointments

Update from Board members on Committee meetings from the past week.

Received/Filed

Employee Handbook/Employee Travel Authorization & Expense Policy

Appendix A POTTAWATTAMIE COUNTY OUT-OF-STATE TRAVEL NOTIFICATION FORM

This form is used to notify the Board of Supervisors of out-of-state travel and to provide an estimate of travel expenses. It must be submitted to the Board of Supervisor's office no later than one (1) week prior to the out-of-state travel. Completed form must accompany any claims sent for payment or reimbursement.

TRAVEL INFORMATION

Name of Employee Traveling: Sam Arkfeld, David Sand	s, Eric Wallner
Department: Pottawattamie County Sheriff's Office - D	vision of Communications
Destination: Sioux Falls, SD	/
Date of Travel: FROM: 06/16/24	TO: <u>06/22/24</u>
Name of Elected Official/Department Head Authorizin	ng Travel: Captain Arkfeld
PURPOSE OF TRIP	
1. Conference Travel	2 Non-Conference Travel
Giving a presentation	State Purpose:
Serving as panel member, chair Serving as an Office or Board Member Continuing Education Other please explain	FBI LEEDA Supervisor Leadership Institute

Conference Name (Please give complete name)_____

Expense					Cost Estimate
Transportation	Mileage	X	Airfare		\$90 (fuel costs, using SO veh)
Lodging					\$1,774.65 (\$591.55 per person)
Meals: Breakfast	Included	X	Not Included		
Lunch	Included		Not Included	×	\$225.00 (5 lunches per person @ \$15)
Dinner	Included		Not Included	×	\$468.00 (6 dinners per person @ \$26)
Conf./Seminar Fee					\$2,385.00 (\$795.00 per person)
Other:					
Total Estimated Cost					\$4,942.65

Meals may be included in conference fees or provided by the hotel. Indicate whether meal is included or not. If meal is not included, please refer to the U.S. General Services Administration website for allowable meal per diemat <u>www.gsa.gov</u> Select travel, select a state, select calculate per diem allowances for a trip, select your travel dates, select destination county, select breakdown, the total M&IE rate is listed (middle row), scroll up to the top of the page and select M&IE for breakdown by meal (breakfast, lunch, dinner), find the corresponding number on the far left for your total and the breakdown is provided.

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TRAVEL INFORMATION

Name of Employee Traveling: Kalen Knight	
Department: Medical Examiner	
Destination: St. Louis, MO	
Date of Travel: FROM: <u>06/02/2024</u>	го: 06/06/2024
Name of Elected Official/Department Head Authorizin	ng Travel: Cheri Dahlheim
PURPOSE OF TRIP	
1. Conference Travel	2 Non-Conference Travel
 Conference Travel Giving a presentation 	2 Non-Conference Travel State Purpose:
Giving a presentation	
Giving a presentation Serving as panel member, chair	
 Giving a presentation Serving as panel member, chair Serving as an Office or Board Member 	

Conference Name (Please give complete name)_____

Expense			Cost Estimate
Transportation	Mileage	Airfare	0.00
Lodging			875.32
Meals: Breakfast	Included	Not Included	0.00
Lunch	Included	Not Included	0.00
Dinner	Included	Not Included	0.00
Conf./Seminar Fee			0.00
Other:			0.00
Total Estimated Cost			\$875.32

Meals may be included in conference fees or provided by the hotel. Indicate whether meal is included or not. If meal is not included, please refer to the U.S. General Services Administration website for allowable meal per diemat <u>www.gsa.gov</u> Select travel, select a state, select calculate per diem allowances for a trip, select your travel dates, select destination county, select breakdown, the total M&IE rate is listed (middle row), scroll up to the top of the page and select M&IE for breakdown by meal (breakfast, lunch, dinner), find the corresponding number on the far left for your total and the breakdown is provided.

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TRAVEL INFORMATION

Name of Employee Traveling: Karen Foreman	
Department: Medical Examniner	
Destination: St. Louis	
Date of Travel: FROM: <u>06/02/2024</u>	TO: 06/07/2024
Name of Elected Official/Department Head Authorizi	ng Travel: Cheri Dahlheim
PURPOSE OF TRIP	
1. Conference Travel	2 Non-Conference Travel
Giving a presentation	State Purpose:
Serving as panel member, chair	
Serving as an Office or Board Member	
Continuing Education	
Other please explain	

Conference Name (Please give complete name)_____

Expense					Cost Estimate
Transportation	Mileage		Airfare	~	\$351.96
Lodging					\$875.32
Meals: Breakfast	Included	~	Not Included		
Lunch	Included		Not Included	~	\$80.00
Dinner	Included		Not Included	~	\$150.00
Conf./Seminar Fee					\$475.00
Other:	Incidentals				\$75.00
Total Estimated Cost					\$2007.28

Meals may be included in conference fees or provided by the hotel. Indicate whether meal is included or not. If meal is not included, please refer to the U.S. General Services Administration website for allowable meal per diemat <u>www.gsa.gov</u> Select travel, select a state, select calculate per diem allowances for a trip, select your travel dates, select destination county, select breakdown, the total M&IE rate is listed (middle row), scroll up to the top of the page and select M&IE for breakdown by meal (breakfast, lunch, dinner), find the corresponding number on the far left for your total and the breakdown is provided.

Public Comments

Closed Session