

JANUARY 2, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman Wichman presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the December 27, 2001 minutes as read. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve the cash count taken December 31, 2001 for the Pottawattamie County Auditor's Office, Pottawattamie County Care Facility, Pottawattamie County Planning Department, Pottawattamie County Recorder's Office, Pottawattamie County Sheriff/Civil Department and Pottawattamie County Treasurer's Office. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to adjourn Sine Die. Unanimous vote. Motion carried.

Tim Wichman, Chairman

ATTEST: _____

Marilyn Jo Drake, County Auditor

APPROVED: January 7, 2002

PUBLISH: X

JANUARY 2, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman Wichman presiding.

Motion by Houser, second by King, to appoint Marilyn Jo Drake, County Auditor, as Temporary Chairman for the election of a new Board Chairman and Chairman Pro-Tem for year 2002. Unanimous vote. Motion carried.

Drake, announced nominations are now in order for the office of Chairman for 2002.

King nominated by Williams.

There being no further nominations, Marilyn Jo Drake, Temporary Chairman, declared it ceased. The Board proceeded to vote via roll call, as follows: Houser voted for King. King voted for King. Moats voted for King. Wichman voted for King. Williams voted for King. Motion carried.

Delbert King was elected Chairman for 2002.

Drake announced nominations are now in order for the office of Chairperson Pro-Tem for 2002:

Wichman nominated by King.

There being no further nominations, Marilyn Jo Drake, Temporary Chairman, declared it ceased. The Board proceeded to vote via roll call, as follows: Houser voted for Wichman. King voted for Wichman. Moats voted for Wichman. Wichman voted for Wichman. Williams voted for Wichman. Motion carried

Tim Wichman was elected Chairman Pro Tem for 2002.

Thereupon Marilyn Jo Drake, Temporary Chairman, turned the meeting over to Chairman King.

Motion by Wichman, second by Moats, 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 Williams, second by Moats, to establish a policy that the Board of Supervisors' regular sessions will be held on the following days: Monday and Wednesday. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign **Resolution No 1-2002**, a resolution for payment of county bills. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to authorize Board to sign **Resolution No. 2-2002**, to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file on or before January 1, 1992, per Code of Iowa, Section 331.323(e). Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign **Resolution No. 3-2002**, a resolution approving deputy appointments for the Auditor's Office, Attorney's Office, Recorder's Office, Treasurer's Office and Sheriff's Department for 2002. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to approve Final Plat of Cooper Acres Subdivision and authorize Board to sign **Planning and Zoning Resolution #2002-01**. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Williams, to authorize Board to sign **Engineer Resolution No. 02-01**, authorizing the County Engineer to close secondary roads for construction and/or maintenance. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Engineer Resolution No. 02-02**, authorizing the County Engineer to certify completion papers and make final acceptance of contract work on the Farm To Market and Federal Aid Systems. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Engineer Resolution No. 02-03**, authorizing the County Engineer to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County secondary roads. Roll Call Vote: Ayes-5. Motion carried.

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Motion by Wichman, second by Moats, to authorize Chairman to sign BROS Agreement with Iowa Department of Transportation for Federal-Aid Highway Bridge Replacement and Rehabilitation (HBRR) Program Project for BROS-CO78(128)- - 5F-78. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve the Pottawattamie County Courthouse being closed on the following legal holidays in 2002-2003, as per Code of Iowa, Section 33.1:

MARTIN LUTHER KING, JR'S BIRTHDAY OBSERVED	MONDAY	JANUARY 21, 2002
PRESIDENT'S DAY	MONDAY	FEBRUARY 18, 2002
MEMORIAL DAY OBSERVED	MONDAY	MAY 27, 2002
INDEPENDENCE DAY	THURSDAY	JULY 4, 2000
LABOR DAY	MONDAY	SEPTEMBER 2, 2002
VETERAN'S DAY	MONDAY	NOVEMBER 11, 2002
THANKSGIVING DAY	THURSDAY	NOVEMBER 28, 2002
LIEU OF LINCOLN'S BIRTHDAY	FRIDAY	NOVEMBER 29, 2002
CHRISTMAS DAY	WEDNESDAY	DECEMBER 25, 2002
NEW YEAR'S DAY	WEDNESDAY	JANUARY 1, 2003

Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2002 year: Botna Valley Reporter-Carson, Gazette-Neola, The Daily Nonpareil-Council Bluffs, The Herald-Oakland, The Journal-Herald-Avoca, and The Walnut Bureau-Walnut. Pay no more than Iowa Code allows. Unanimous vote. Motion carried.

Motion by Williams second by Houser, to approve for the Sheriff's Department the employment of Lee Bowstead as a Deputy at \$15.24/Hr., effective December 3, 2001 and Rex Woodbury as a Deputy at \$15.39/Hr., effective December 31, 2001. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve tax suspension for property located at 810 North 36th Street, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve the re-appointment of Ronald Anderson to the Pottawattamie County Conservation Board for a term of 5 years to expire December 31, 2006. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve the following Representative Appointments for 2002.

<u>KING</u>	<u>HOUSER</u>	<u>MOATS</u>
Animal Control	DeCat	Auditor
Buildings and Grounds	E911	Care Facility
Burials	Economic Development	Care Homes
Conservation/REAP	JTPA	County Burials
Construction	Local Emergency Management	DeCat
Economic Development	Mental Health/Case Management	Department of Human Services
Fourth Judicial District	Metropolitan Area Planning Agency	Economic Development
Personnel	Personnel	Human Services Advisory
Local Emergency Mgmt.	Recorder	Insurance (Liability/Health)
Loess Hills Alliance	Riverbend	Juvenile Crime Prevention
Secondary Roads	Secondary Roads	Personnel
Soil Conservation	Streambed Degradation	Recorder
Solid Waste	SWI Juvenile Emergency Services	Secondary Roads
Stream Bed Degradation	Western Iowa Development Assoc.	Visiting Nurse Association
SWIPCo/SWITA		
Western Iowa Development Assoc.		

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WICHMAN

Assessor
Auditor
Buildings and Grounds
Conservation
Construction
County Property
Economic Development
Mental Health/Case Management
Personnel
Planning & Development/Weed Control
Pottawattamie County Development Corporation
Secondary Roads
Soil Conservation
Transfer Station
Veterans/General Relief

WILLIAMS

Attorney
Board of Health
County Property
Economic Development
Information Systems/Telephone System
Jail
Land Management
Personnel
Secondary Roads
Sheriff
SWI Juvenile Emergency Services Board
Treasurer

RECEIVED AND FILED THE FOLLOWING

Boards

Pottawattamie County Conservation Board – Resignation of Phyllis Reimer effective December 18, 2001.

Pottawattamie County Condemnation Commission – Resignation of Keith Kay effective December 20, 2001.

Salary Actions

Sheriff’s Department/Jail - Resignation of Jarrod Poore effective 12/30/01.

The Board adjourned subject to call at 12:31 P.M.

Delbert King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 7, 2002

PUBLISH: X

JANUARY 7, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:45 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Williams, to approve the January 2, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to concur with the Planning Director's recommendation and to appoint Rick Larson to the Planning and Zoning Commission, effective January 1, 2002 to December 31, 2006, to replace Ladonna Applegate and to re-appoint Lynn Grobe to the Zoning Board of Adjustment, effective January 1, 2002 to December 31, 2006. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve second consideration of Ordinance #2002-01, an ordinance to amend Chapter 1.45, "Voting Precinct Boundaries" of the Pottawattamie County, Iowa, Code by amending the population data for Belknap, Minden/Pleasant and Neola and to adopt said **Ordinance #2002-01** into law. Roll Call Vote: King-Aye; Moats-Aye; Wichman-Aye; Williams-Aye; Houser-Aye. Motion carried.

Motion by Moats, second by Houser, to authorize the Chairman to sign the FY 01-02 Service Agreement for the Household Hazardous Waste Collection Program with the City of Council Bluffs, in the amount of \$24,975. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve an increase of \$1.00 per hour for Sheriff's Department for non-union Sergeants and Lieutenants. This is a one time adjustment. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to appropriate \$3,000 to the West Central Development Corporation for 2002-2003. Unanimous vote. Motion carried.

Motion by Moats, second by Wichman, to approve parking passes for January 1, 2002 to December 31, 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 9, 2002

PUBLISH: X

JANUARY 9, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present, except Williams, who is absent on county business. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Moats, to approve the January 7, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c), for purposes of negotiations. Roll Call Vote: Ayes-4. Motion carried.

Motion by Houser, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes-4. Motion carried.

Motion by Wichman, second by Moats, to approve for Buildings and Grounds the promotion of Darrell Justesen from Maintenance Worker II to Assistant Director at \$14.53/Hr. (G18S4), effective January 7, 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve Metropolitan Area Planning Agency (MAPA) dues in the amount of \$19,360.00 for January 1, 2002 through June 30, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve agreement with The Schemmer Associates for proposal to provide HVAC and access route from the Sally Port and Elevator on the mezzanine level to Room M1. Cost of this proposal will be \$3,640.00, plus reimbursable expenses. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWINGReports

Sheriff's Quarterly Report for quarter ending December 31, 2001.

Salary Actions

Planning and Development – Eliminated position of Inspector I, effective January 22, 2002.

The Board adjourned subject to call at 12:50 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 14, 2002

PUBLISH: X

JANUARY 14, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Wichman, to approve the January 9, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Moats, to authorize a one year lease with the State of Iowa to lease 700 square feet at \$9.00 per square foot in the Department of Human Services Building, Kaneshville Blvd., Council Bluffs, Iowa. Motion died for lack of a second.

Motion by Houser, second by Wichman, to authorize Chairman to sign a two year lease of 700 square feet at \$9.00 per square foot with State of Iowa, in the Department of Human Services Building, Kaneshville Blvd., Council Bluffs, Iowa, for the Department of Human Services-pending County Attorney's approval. (ICN Conference Room). Unanimous vote. Motion carried.

The Board adjourned subject to call at 3:30 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 16, 2002

PUBLISH: X

JANUARY 16, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the January 14, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve for Southwest Iowa Transit Authority bus support for FY03 in the amount of \$5,000. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve SWIPCo dues in the amount of \$10,324.00 for Fiscal Year 2002-2003. Unanimous vote. Motion carried.

Motion by Houser, second by Moats to approve and authorize Bob Williams, Pottawattamie County Supervisor, to sign a Memorandum of Agreement between the City of Council Bluffs, Pottawattamie County, State of Iowa, and FEMA, whereby four parties agree to participate in FEMA's "Project Impact" Initiative and National Mitigation Strategy on Wednesday, January 23, 2002 in the Council Bluffs Public Library Community Room at 3:30 p.m. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve stair treads for Courthouse, Annex and Law Enforcement Center from Bushman Carpets at \$33,237.00. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to set agenda aside as allowed by Code of Iowa, Chapter 21.4 to consider action for the Special Deputies. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize a loan of \$15,000.00 to the Special Deputies for purchase of a vehicle to be repaid to the Gaming Fund by January 10, 2003. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve Financial Report of Pottawattamie County Care Facility for December 2001. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve for publication the payroll amounts paid in the year 2001. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve for publication the Claims Allowed for the month of December 2001. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve Lease Agreement by and between City of Avoca, Iowa, Newtown Avoca Historical Society and Pottawattamie County, Iowa for a term beginning on the 1st day of November, 2001 and ending on the 1st day of November, 2006. Pottawattamie County shall pay \$11,000 per year payable November 1st of each year. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Reports**

Recorder's Quarter Report for period ending December 31, 2001.

Salary Actions

Sheriff's Department/Jail – Termination of Bob Davis effective December 29, 2001.

The Board adjourned subject to call at 2:50 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 24, 2002

PUBLISH: X

JANUARY 24, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Wichman, to approve the January 16, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve ISAC Supervisors Affiliate dues in the amount of \$200. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve signing “Memorandum of Understanding” regarding modification of the current contract with Secondary Roads. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign contract between Pottawattamie County and the Pottawattamie County Deputy Sheriff’s Association. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Reports

Notice of Bonding – West Pottawattamie County Agricultural Extension District Treasurer.

The Board adjourned subject to call at 1:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 28, 2002
PUBLISH: X

JANUARY 28, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the January 24, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to award the bid for Property/Casualty Insurance Renewals to Iowa Communities Assurance Pool (ICAP) and Iowa Municipalities Workers Compensation Association (IMWCA), which includes \$17,000 on auto, through Smith, Davis & Abel Insurance Services. Roll Call Vote: King-Aye; Moats-Nay; Wichman-Aye; Williams-Aye; Houser-Aye. Motion carried.

Motion by Williams, second by Wichman, to open the public hearing on the ordinance to amend Section 5B.45.080, Certificate of Compliance, Private Water Wells Ordinance of the Pottawattamie County, Iowa, Code by deleting the requirement that the water analysis test results shall be obtained prior to the issuance of a Certificate of Compliance for a Well Permit. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing on the ordinance to amend Section 5B.45.080, Certificate of Compliance, Private Water Wells Ordinance of the Pottawattamie County, Iowa, Code by deleting the requirement that the water analysis test results shall be obtained prior to the issuance of a Certificate of Compliance for a Well Permit. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve first consideration of the ordinance to amend Section 5B.45.080, Certificate of Compliance, Private Water Wells Ordinance of the Pottawattamie County, Iowa, Code by deleting the requirement that the water analysis test results shall be obtained prior to the issuance of a Certificate of Compliance for a Well Permit and to set second consideration for Wednesday, January 30, 2002 at 11:00 A.M. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize the Board to sign **Resolution No. 5-2002**, a Resolution endorsing the U.S. 275-IA 92-U.S. 6 roadway connector project and local street projects in Pottawattamie County, Iowa, and Council Bluffs, Iowa; approving the joint application for RISE program funding and authorizing the Chairperson to execute the same on behalf of the Board of Supervisors. Roll Call Vote: Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Houser, second by Wichman, to authorize Chairman to sign letter to Iowa Department of Economic Development, regarding project 98-DF-012, Pottawattamie County Signature Authorization for CEO Change for Emergency Back Up Generator Project. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize Chairman to sign letter to Iowa Department of Economic Development to amend contract on project number 98-DF-012, Pottawattamie County Emergency Back Up Generator. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to authorize Board to sign **Engineer's Resolution No. 02-4**, to set Public Hearing on proposed road vacation in Rockford Township for Monday, February 11, 2002, at 10:00 a.m., in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to appoint Supervisor Williams, as a land negotiator for Secondary Roads. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve **Board Resolution No. 4-2002**, Utilities Resolution. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Moats, to approve stop payment on warrant numbers 5820 and 9900 and issue new warrants. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:06 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 30, 2002

PUBLISH: X

JANUARY 30, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Moats, to approve the January 28, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to offer a \$40,000 early retirement to an employee in the Sheriff's Department. Roll Call Vote: King-Aye; Moats-Aye; Wichman-Nay; Williams-Aye; Houser-Aye. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign the Iowa Department of Transportation Unified Certification Program Agreement. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve second consideration of the ordinance to amend Section 5B.45.080, Certificate of Compliance, Private Water Wells Ordinance of the Pottawattamie County, Iowa, Code by deleting the requirement that the water analysis test results shall be obtained prior to the issuance of a Certificate of Compliance for a Well Permit and to adopt Ordinance #2002-02 into law. Ayes: Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Houser, to adopt the Emergency Response and Remedial Action Plan (ERRAP) for the Transfer Station. Ayes: Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Moats, to authorize Chairman to sign "Notice of Disallowance-Homestead Tax Credit" on parcel # 0-35-186-8458-0-0 and parcel # 0-35-600-17612-22-0. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign **Resolution No. 6-2002**, a resolution authorizing the County to apply for membership in the Iowa Municipalities Workers Compensation Association (IMWCA), a 28E Agreement. Roll Call Vote: Ayes-5. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Reports**

County Auditor's Report of Fees Collected for quarter ending December 31, 2001.

The Board adjourned subject to call 11:40 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: February 4, 2002

PUBLISH: X

FEBRUARY 4, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the January 30, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve for the Auditor’s Office the promotion of Joan Miller from Clerk 1 to Tax and Deed Land Descriptions and Title Transfer position at \$11.89593/Hr., effective 1/15/02. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Conservation Board – Employment of Chad Kunze, Park Ranger, Narrows River Park at \$25,000 annually, effective February 4, 2002.

The Board adjourned subject to call 3:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: FEBRUARY 6, 2002

PUBLISH: X

FEBRUARY 6, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Wichman, to approve the February 4, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve for the Sheriff's Department/Jail the employment of Dennis Kenyon as a Detention Officer at \$13.00/Hr., effective 02/04/02 and Phyllis Gorrin as a Detention Officer at \$13.00/Hr., effective 02/06/02. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve **Board Resolution No. 7-2002**, regarding the issuance by the County of not to exceed \$8,000,000 of Industrial Development Revenue Bonds the proceeds of which will be loaned to Phillips Realty, LLC., calling a public hearing on the proposal to issue such bonds, authorizing execution of a "Memorandum of Agreement" and declaring an official intent to reimburse. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Wichman, to begin the process for hiring a GIS Coordinator. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to match the City of Walnut up to \$10,000 for the Library Renovation Project of Walnut. Unanimous vote. Motion carried.

The Board adjourned subject to call at 3:45 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: FEBRUARY 11, 2002

PUBLISH: X

FEBRUARY 11, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Wichman, to approve the February 6, 2002 minutes as read. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to open a public hearing on a proposed road vacation in Rockford Township, Section 36. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Moats, to approve Engineer's Resolution No. 02-5, final order to vacate a 60 foot wide road located in Rockford Township, Section 36-T77N-R44W. Roll Call Vote: Ayes-5. Motion carried.

10:30 AM-PUBLIC HEARINGS

Ordinance #2002-03: AN ORDINANCE to amend the Pottawattamie County, Iowa, Code by adding Chapter 7.60, entitled "Secondary Road Snow & Ice Clearance and Maintenance Policy". Said ordinance to establish the policy and level of service in respect to clearance of snow or ice and maintenance of Pottawattamie County's secondary roads during the winter months.

Ordinance #2002-04: AN ORDINANCE to amend Chapter 7.50, "Winter Parking Restrictions Ordinance" of the Pottawattamie County, Iowa, Code by amending Section 7.50.070(a), to add the following streets to the list of roads considered to be on the "Established Emergency Snow Routes": Chestnut Road, Coit Road, Grand Avenue, Greenview Road, Longview Loop, Overland Trail, Perry Road, School Hill Road, Sunnydale Road, Mudhollow Road between Evergreen Lane and Honeysuckle Road, and 230th Street south of Iowa Highway 92.

Motion by Wichman, second by Houser, to open the public hearing on Ordinance #2002-03 and #2002-04. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to close the public hearing on Ordinance #2002-03 and #2002-04. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve first consideration of Ordinance #2002-03 and to set second consideration for Wednesday, February 13, 2002 at 11:00 AM. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve first consideration of Ordinance #2002-04 and to set second consideration for Wednesday, February 13, 2002 at 11:00 AM. Unanimous vote. Motion carried.

1:30 PM

Motion by Wichman, second by Houser, to approve the Final Plat of Morse Subdivision, and to adopt Planning and Zoning Resolution #2002-02. Ayes-Wichman, King, Houser, Williams. Absent-Moats. Motion carried.

Motion by Wichman, second by Houser, to authorize the Chairman to sign the Iowa Department of Natural Resources Grant Agreement for the Well Testing, Closure and Renovation Programs, in the amount of \$16, 500, for FY 2002-03. Ayes-Wichman, King, Houser, Williams. Absent-Moats. Motion carried.

Motion by Wichman, second by Moats, to appoint Cathy Temeyer to the Pottawattamie County Conservation Board to complete Phyllis Reimer's vacated term that expires on December 31, 2003. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve for publication the Claims Allowed for the month of January 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 3:30 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: February 13, 2002
PUBLISH: X

FEBRUARY 13, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the February 11, 2002 minutes as read. Unanimous vote. Motion carried.

11:00 Second Consideration:

Ordinance #2002-03: AN ORDINANCE to amend the Pottawattamie County, Iowa, Code by adding Chapter 7.60, entitled "Secondary Road Snow & Ice Clearance and Maintenance Policy". Said ordinance to establish the policy and level of service in respect to clearance of snow or ice and maintenance of Pottawattamie County's secondary roads during the winter months.

AND

Ordinance #2002-04: AN ORDINANCE to amend Chapter 7.50, "Winter Parking Restrictions Ordinance" of the Pottawattamie County, Iowa, Code by amending Section 7.50.070(a), to add the following streets the list of roads considered to be on the "Established Emergency Snow Routes": Chestnut Road, Coit Road, Grand Avenue, Greenview Road, Longview Loop, Overland Trail, Perry Road, School Hill Road, Sunnysdale Road, Mudhollow Road between Evergreen Lane and Honeysuckle Road, and 230th Street south of Iowa Highway 92.

Motion by Wichman, second by Houser to approve second consideration of Ordinance #2002-03, an ordinance to adopt Chapter 7.60, Secondary Roads Snow and Ice Clearance and Maintenance Policy and Ordinance #2002-04, to amend Chapter 7.50, Winter Parking Restriction Ordinance, to include additional street names. Roll Call Vote: Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Moats, second by Houser, to approve "Financial Report of Pottawattamie County Care Facility" for January 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve for the Auditor's Office the employment of Carolyn Stender as Election/Drainage Clerk at \$9.496126/Hr., effective February 11, 2002. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Salary Actions**

Sheriff's Department – Retirement of Larry Brown effective February 8, 2002.

The Board adjourned subject to call at 1:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: February 20, 2002

PUBLISH: X

FEBRUARY 15, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 12:00 P.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Moats, to approve **Board Resolution No. 8-2002**, a resolution urging the United States Army Corps of Engineers to keep the plan now in place for the operation of the Missouri River Mainstem Reservoir System. Unanimous vote. Motion carried.

The Board adjourned subject to call at 4:00 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: February 20, 2002
PUBLISH: X

FEBRUARY 19, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Williams, to set aside the agenda as allowed by Code of Iowa Chapter 21.4(2), and allow the Board to consider resolution for embargo on certain county roads. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign Engineer's Resolution No. 02-06, resolution to embargo seal coat roads for a temporary time period. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call at 12:30 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: February 20, 2002
PUBLISH: X

FEBRUARY 20, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of February 13, 2002, February 15, 2002 and February 19, 2002, as read. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to concur with Conservation Director Mark Shoemaker and employ Carol A. Young as Outreach Manager at Hitchcock Nature Area at an annual salary of \$38,000, beginning February 21, 2002. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to authorize for publication a notice to set a public hearing for the Pottawattamie County Fiscal Year 2002-2003 budget for Thursday, March 14, 2002 at 10:00 a.m., in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Roll Call Vote: King-Aye; Moats-Aye; Williams-Aye; Houser-Aye; Wichman-Aye. Motion carried.

RECEIVED AND FILED THE FOLLOWINGSalary Actions

Pottawattamie County Sheriff's Department/Jail – Resignation of Donna Leuck effective 2/13/02.

The Board adjourned subject to call at 12:00 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: FEBRUARY 25, 2002

PUBLISH: X

FEBRUARY 25, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Houser, to approve the minutes of February 20, 2002, as read. Unanimous vote. Motion carried.

10:00 PUBLIC HEARINGS

CASE #ZMA-2002-01: The request of Bluffs Development for a zoning map amendment to reclassify approximately 14.581 acres from a Class R-2 (Suburban Residential) District to a Class R-3 (Urban Residential) District, located in Garner Township, McPherson Avenue, legally described as: "Proposed Lots 95-106, Bent Tree Estates, also known as Part of the NW1/4 of Section 25, Township 75N, Range 43W of the 5th P.M."

Motion by Wichman, second by Houser, to open the public hearing on Case #ZMA-2002-01. Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Wichman, second by Moats, to close the public hearing on Case #ZMA-2002-01. Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Houser, second by Wichman, to approve first consideration of an ordinance to reclassify approximately 14.581 acres from a Class R-2 (Suburban Residential) District to a Class R-3 (Urban Residential) District and to set second consideration for March 4, 2002 at 10:00 A.M. Unanimous vote. Motion carried.

CASE #SUB-97-001: The request of Robert J. and Kathleen L. Mings for a preliminary plat approval of Stoneybrook Subdivision, Phase II, located in Lewis Township, Highway 92, legally described as: "Part of the S1/2 SW1/4 of Section 2, Township 74N, Range 43W of the 5th P.M."

Motion by Wichman, second by Houser, to open the public hearing on Case #SUB-97-001. Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Wichman, second by Moats, to close the public hearing on Case #SUB-97-001. Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Wichman, second by Moats, to approve the preliminary plat of Stoneybrook Subdivision, Phase II and to adopt **Planning and Zoning Resolution #2002-03**. Wichman-Aye; Moats-Aye; King-Aye; Houser-Aye; Williams-Aye. Motion carried.

Motion by Houser, second by Moats, to set aside agenda as allowed by Code of Iowa, Chapter 21.4, to consider the purchase of a copy machine for the Auditor's Office and approval of beer permit. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize payment for ABS-Konica 7055 copier for Auditor's Office in the amount of \$12,539.00. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to authorize a one day beer permit for Crescent Ski Hills, 17026 Snowhill Lane, Honey Creek, to be used on March 9, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize an increase for the Jail (Detention) Supervisors salaries, and set the salary of the Assistant Jail Supervisor at \$50,000 annually, all retro from January 1, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve for publication the Semi-Annual Report of Pottawattamie County, Iowa, for the period from July 1, 2001 through December 31, 2001. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Sheriff's Department/Jail – Resignation of Pauline Schmitz effective February 21, 2002.

The Board adjourned subject to call at 12:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: March 4, 2002
PUBLISH: X

MARCH 4, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present, except Houser and Williams. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Moats, to approve the minutes of February 25, 2002, as read. Unanimous vote. Motion carried.

10:00 SECOND CONSIDERATION:

CASE #ZMA-2002-01: The request of Bluffs Development for a zoning map amendment to reclassify approximately 14.581 acres from a Class R-2 (Suburban Residential) District to a Class R-3 (Urban Residential) District, located in Garner Township, McPherson Avenue, legally described as: "Proposed Lots 95-106, Bent Tree Estates, also known as Part of the NW1/4 of Section 25, Township 75N, Range 43W of the 5th P.M.

Motion by Wichman, second by Moats, to approve second consideration of an ordinance to reclassify approximately 14.581 acres from a Class R-2 (Suburban Residential) District to a Class R-3 (Urban Residential) District and to adopt **Ordinance #2002-05** into law. Ayes-King, Moats, Wichman; Absent-Houser, Williams. Motion carried.

Motion by Moats, second by Wichman, to authorize the Board to sign **Resolution No. 9-2002**, Resolution for the Destruction of Noxious Weeds and to direct publication of same. Ayes-King, Moats, Wichman; Absent-Houser, Williams. Motion carried.

Motion by Moats, second by Wichman, to approve Draw #5 in the amount of \$2,103.00, for Emergency Back-up Generator Program for Silver City, Iowa. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve **Engineer Resolution #02-07** to update "Policy For Purchase of Right-Of-Way By County Engineer". Roll Call Vote: Ayes-King, Moats, Wichman. Absent-Houser, Williams. Motion carried.

Motion by Moats, second by Wichman, to authorize Chairman to sign BROS Agreement CO78(129)- - 5F-78. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve Tax Suspension for property located at 1306 Dorene Blvd., Carter Lake, Iowa. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve employment of Randall Elwood as a Detention Officer at \$13.00/Hr., effective 2/22/02, for the Sheriff's Department/Jail. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve for the Pottawattamie County Conservation Board the employment of Tina Popson as Program Manager at Hitchcock Nature Area at \$27,000 annually, effective 3/27/02. Unanimous vote. Motion carried.

Motion by Moats, second by Wichman, to approve employment of Trudy Nelson as a full-time Cook at \$8.98/Hr., effective 2/25/02, at the Pottawattamie County Care Facility. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Care Facility – Resignation of Deborah Settlemyer effective 2/21/02.

The Board adjourned subject to call at 11:35 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: March 8, 2002

PUBLISH: X

MARCH 8, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of March 4, 2002, as read. Unanimous vote. Motion carried.

The Board adjourned subject to call at 1:00 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: March 11, 2002
PUBLISH: X

MARCH 11, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Wichman, to approve the minutes of March 11, 2002, as read. Unanimous vote. Motion carried.

Motion by Moats, to hire an additional staff member for the Care Facility. Died for lack of a second.

Motion by Williams, second by Houser, to certify the results of the Carter Lake City Council election of March 5, 2002 and authorize the Auditor to pay costs. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize a pledge of \$25,000 to the Veterans Memorial Plaza.

Motion by Williams, second by Houser, to amend previous motion and pledge \$75,000 to the Veterans Memorial Plaza; one-half to be paid on ground breaking and one-half to be paid on dedication of memorial. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Houser, second by Williams, to authorize Chairman to sign Engineer's Resolution #02-08 to amend Engineer's budget for Fiscal Year 2001-2002. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to advertise for bids for the remodeling project of 3rd and 4th floors of Courthouse, and set April 11, 2002 at 2:00 pm for public hearing and bid opening in the Board of Supervisors' Hearing Room, Second floor, Courthouse, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) for union negotiations. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Houser, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Liquor, Sunday Sales and Outdoor Permit for Quail Run Country Club, Neola, Iowa and the Aeroplane Inn, Honey Creek, Iowa. Roll Call Vote: Ayes-Houser, King, Wichman, Williams. Nays-Moats. Motion carried.

Motion by Houser, second by Williams, to approve for publication the Claims Allowed for February 2002. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve financial report of the Pottawattamie County Care Facility for February 2002. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Petitions**

No. 04781EQCV082363 and No. 04781EQCV082364

The Board adjourned subject to call at 4:25 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: March 14, 2002

PUBLISH: X

MARCH 14, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of March 11, 2002, as read. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to open the public hearing on the Pottawattamie County Fiscal Year 2002-2003 budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Wichman, to close the public hearing. Roll Call vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign **Resolution No. 10-2002** adopting the FY 2002-2003 Pottawattamie County Budget and approving the Compensation Board's recommendations as follows: Sheriff-\$71,110 (4½%); Attorney-\$79,930 (4½%); Auditor-\$49,611 (4½); Treasurer-\$49,611 (4½%); Recorder-\$48,418 (5½%) and Board of Supervisors-\$28,939 (5½%). Roll Call Vote: Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

Motion by Wichman, second by Moats, to approve the change of step and grade for Deb Townsend of Planning and Development from G9S1 to G9S4 at \$10.348374/hr. to be effective 4/22/02. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize Melvyn Houser to draft a letter of support for the concept of an Urban Conservation Regional Office. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve Class "C" Beer, Sunday Sales Renewal for Kum & Go #23, Neola, Iowa. Roll Call Vote: Ayes-4; Nays-Moats. Motion carried.

Motion by Wichman, second by Houser, to approve "Notice of Disallowance-Homestead Tax Credit" on parcel number 0-35-294-011712-000-000. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve tax suspension for property located at 1914 South 11th Street, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to appoint Chad Graeve to the Loess Hills Alliance Board for a term of two (2) years to expire February 2004. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: March 18, 2002

PUBLISH: X

MARCH 18, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members , except Houser, present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of March 14, 2002, as read. Unanimous vote. Motion carried.

10:00 Public Hearings/First Consideration

Case #ZMA-2002-02: The request of Ridgecrest Church, Legal Optionholder, Pottawattamie County Planning, for a zoning map amendment to reclassify approximately 3.4 acres from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District, located in Garner Township, Homestead Avenue, legally described as the West 400' of the North 400' of the East 800' of the NW1/4 SW1/4, Section 10, Township 75N, Range 43W of the 5th P.M.

Motion by Williams, second by Moats, to open the public hearing on Case #ZMA-2002-02. Ayes-Williams, Moats, King; Absent-Wichman, Houser. Motion carried.

Motion by Williams, second by Moats, to close the public hearing on Case #ZMA-2002-02. Ayes-Williams, Moats, King; Absent-Wichman, Houser. Motion carried.

Motion by Williams, second by Moats, to approve first consideration and waive second consideration of an ordinance to reclassify approximately 3.4 acres from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-06** into law. Ayes-Williams, Moats, King; Absent-Wichman, Houser. Motion carried.

Case #ZMA-93-001: The request of Michael L. Coy, for approval to amend the Zoning Map Amendment Agreement signed June 22, 1993, Ordinance #93-5, to expand permitted uses allowed on the subject property currently located in a C-2 (General Commercial) District, Lewis Township, Valley View Drive legally described as part of the SE1/4 SW1/4, Section 5, Township 74N, Range 43W of the 5th P.M.

Motion by Williams, second by Moats, to open the public hearing on Case #ZMA-1993-01. Ayes-Williams, Moats, King; Absent-Wichman, Houser. Motion carried.

Motion by Williams, second by Moats, to close the public hearing on Case #ZMA-1993-01. Ayes-Williams, Moats, King; Absent-Wichman, Houser. Motion carried.

Motion by Moats, second by Williams, to concur with the Planning and Zoning Commission and approve first consideration of an amendment to a zoning map amendment agreement to permit the expansion of permitted uses on the subject property and set second consideration for Monday, March 25, 2002 at 11:00 A.M. Ayes-Williams, Moats, King; Absent-Wichman, Houser. Motion carried.

Motion by Williams, second by Moats, to approve Class "C" Liquor License for six (6) months for Rolla Rena Skating Cr. Inc., Council Bluffs, Iowa. Roll Call Vote: Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve for the Sheriff's Department, the employment of William Baylor as a Detention Officer at \$13.00/Hr., effective March 15, 2002 and Christopher Schneider as a Detention Officer at \$13.00/Hr., effective March 25, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve the appointment of Bryce Leighton to the Condemnation Commission. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve promotion of Beth Towne to Assistant To Deputy Auditor of Elections a G14S8 at \$14.064764/hr. to be effective March 18, 2002 . Roll Call Vote: Wichman-Aye; Moats-Aye; King-Aye; Williams-Aye. Motion carried.

Motion by Moats, second by Williams, to authorize Board to sign Temporary Easement for test well with the City of Carson, on Pottawattamie County Property. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING:

Salary Actions

Information Services – Retirement of Donald Malick, Director, effective May 10, 2002.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: March 25, 2002

PUBLISH: X

MARCH 25, 2002

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of March 18, 2002, as read. Unanimous vote. Motion carried.

11:00 Second Consideration:

Case #ZMA-93-001: The request of Michael L. Coy, for approval to amend the Zoning Map Amendment Agreement signed June 22, 1993, Ordinance #93-5, to expand permitted uses allowed on the subject property currently located in a C-2 (General Commercial) District, Lewis Township, Valley View Drive legally described as part of the SE1/4 SW1/4, Section 5, Township 74N, Range 43W of the 5th P.M.

Motion by Moats, second by Williams, to continue second consideration of an amendment to a zoning map amendment agreement to permit the expansion of permitted uses on Michael Coy’s property, Case #ZMA-93-001, to Thursday, April 4, 2002 at 11:00 A.M. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to authorize the Chairman to sign a White Goods Decontamination Contract with Environmental Services of Iowa, for the Transfer Station at the rate of \$8.00 per unit. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve Tax Suspension for property located at 1802 7th Avenue, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve Tax Suspension for property located at 3534 9th Avenue, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to abate taxes on the following properties: Rockford Township 36-77-44 (Hancock Park); Hancock Town 8-76-39 (Botna Bend Park), Grove Township 10-74-39 (Farm Creek), and Grove Township 10-74-39 (Farm Creek). Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign “Business Associate Exhibit To Administrative Services Agreement between Midlands Benefit Administrators & Pottawattamie County. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to award bid for installation of the doors from the mezzanine level for the Deputies to Prairie Construction in the amount of \$26,300.00. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING:

Salary Actions

Pottawattamie County WIC Program – Employment of Katharyn Freeman as part-time Registered Nurse at \$16.769245/Hr. effective April 8, 2002.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: APRIL 4, 2002
PUBLISH: X

APRIL 4, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members, except King, present. Chairman Pro Tem Wichman presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of March 25, 2002, as read. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to certify the results of the March 26, 2002 Iowa Western Community College Election and authorize the Auditor to pay the bills, to be reimbursed by Iowa Western Community College. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to award bid for Project #LOT-PR-2001(13) for paving Pioneer Trail to Western Engineering in the amount of \$1,042,839.85 and award bid for Project #LOT-PR-2001(14) for M16 to Western Engineering in the amount of \$543,696.12, low bid on both projects. Unanimous vote. Motion carried.

11:00 Continuation of Second Consideration

Case #ZMA-93-001: The request of Michael L. Coy, for approval to amend the Zoning Map Amendment Agreement signed June 22, 1993, Ordinance #93-5, to expand permitted uses allowed on the subject property currently located in a C-2 (General Commercial) District, Lewis Township, Valley View Drive legally described as part of the SE1/4 SW1/4, Section 5, Township 74N, Range 43W of the 5th P.M.

Motion by Houser, second by Moats, to approve Second Consideration and authorize an amendment to the Zoning Map Amendment Agreement signed June 22, 1993, Ordinance #93-5. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to take the bids for updating Land Use Plan under advisement and set Thursday, April 11, 2002 at 11:30 A.M. for review. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to authorize Chairman Pro Tem to sign the new project agreement for Twin Ponies Site 17A Project. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve Change Order #3 on the remodeling of Courthouse Fifth Floor, total amount \$56,868.00 and authorize Chairman Pro Tem Wichman to sign. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve promotion of Darrell Justesen to Maintenance Superintendent at \$14.53/Hr., effective April 4, 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Liquor License/Sunday Sales Privilege/Outdoor Service for Tammy's Club 92, Carson, Iowa.

Motion by Moats, second by Williams, to approve rate increase for FBG Service Corporation for cleaning services to \$11,847, to be effective April 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve Tax Suspension for property located at 2107 Avenue K, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve stop payment on warrant no. 12310 and issue new warrant. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING:Petition

No. 82490

Reports

Auditor's report for quarter ending March 31, 2002 and Sheriff's report for quarter ending March 31, 2002.

Salary Actions

Pottawattamie County Attorney's Office – Employment of Aretha Walling as a temporary Receptionist effective 3/27/02 at \$10.00/Hr.

Pottawattamie County WIC Program – Resignation of Kolene Plummer effective 3/21/02.

Sheriff's Department/Jail – Resignation of Jamie Evans effective 3/26/02 and Mike Caricofe effective 3/21/02.

The Board adjourned subject to call at 12:25 P.M.

Tim Wichman, Chairman Pro-Tem

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: April 8, 2002
PUBLISH: X

APRIL 8, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 11:00 A.M., all members, except King and Houser, present. Chairman Pro Tem Wichman presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of April 4, 2002, as read. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to certify the results of Area 13 Iowa Western Community College School Bond election of March 26, 2002 and authorize Auditor to pay the costs of the election-to be reimbursed by Iowa Western Community College. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize Chairman Pro Tem to sign allowed and disallowed "Family Farm Tax Credit Applications" for 2001. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:30 A.M.

Tim Wichman, Chairman Pro-Tem

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: APRIL 11, 2002
PUBLISH: X

APRIL 11, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 11:00 A.M., all members, except King, present. Chairman Pro Tem Wichman presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of April 8, 2002, as corrected. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to concur with Planning Director Kay Mocha, and select Schemmer Associates as consultants for the Land Use Plan pending Loess Hills Alliance Grant. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve Environmental Clearance Worksheet-Iowa Community Development Block Grant for Back-up Generator Project for Neola. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to go into Executive Session as per Code of Iowa, Chapter 21.5(c) – Negotiations. Roll Call Vote: Ayes-4. Motion carried.

Motion by Williams, second by Houser, to go out of Executive Session. Roll Call Vote: Ayes-4. Motion carried.

Motion by Williams, second by Moats, to open the public hearing to discuss the renovation of 3rd and 4th floors of the courthouse and discuss the letting of bids. Roll Call Vote: Ayes-4. Motion carried.

Motion by Williams, second by Moats, to close the public hearing and set bid awarding for Tuesday, April 16, 2002 at 10:00 A.M., in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Roll Call Vote: Ayes-4. Motion carried.

Motion by Williams, second by Moats, to authorize Chairman to sign proposal from Ray Martin Company of Omaha to replace the air conditioner on 5th floor at a cost of \$24,975.00. Unanimous vote. Motion carried.

The Board adjourned subject to call at 3:45 P.M.

Tim Wichman, Chairman Pro-Tem

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: APRIL 16, 2002

PUBLISH: X

APRIL 16, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of April 11, 2002, as read. Unanimous vote. Motion carried.

Motion by Wichman to eliminate alternate #2 and #3 to the bids received for remodeling project on 3rd and 4th floors of the Pottawattamie County Courthouse. Died for lack of a second.

Motion by Wichman to delete alternate #2 to the bids received for the remodeling project on 3rd and 4th floors of the Pottawattamie County Courthouse in the amount of \$38,000.00. Died for lack of a second.

Motion by Moats, second by Williams, to accept the bid with alternates included from W. Boyd Jones for \$1,239,000 for entire project of remodeling 3rd and 4th floors of the Pottawattamie County Courthouse. Roll Call Vote: King-Aye; Moats-Aye; Williams-Aye; Houser-Aye; Wichman-Aye. Motion carried.

Motion by Moats, second by Williams, to authorize Chairman to sign "Notice of Disallowance - Homestead Tax Credit" for parcel number 0-35-833-1095-69-0. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve stop payment on warrant number 12375 and issue new warrant. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Liquor License/Sunday Sales Permit for I-80 Lounge, Underwood, Iowa. Roll Call Vote: Ayes-4; Nays-Moats. Motion carried.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: APRIL 17, 2002

PUBLISH: X

APRIL 17, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of April 16, 2002, as read. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to approve for publication the Claims Allowed for March 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve Financial Report of Pottawattamie County Care Facility for March 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize the Chairman to sign contracts with Western Engineering Company, Inc, of Harlan, Iowa for Project No. LOT-PR-2001(13) in the amount of \$1,042,839.84 and for Project No. LOT-PR-2001(14) in the amount of \$543,696.12. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to eliminate the position of Assistant County Engineer, to be effective 4/19/02, as recommended. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve the purchase of approximately 5.5 acres in Keg Creek Township, adjacent to Area XIII from Greg and Carolyn Miller in the amount of \$100,000. This property will be the location of a new Secondary Roads Shop. Unanimous vote. Motion carried.

Motion by Moats, second by Houser to approve a \$1,500 claim to Danny Bain and Patrick Sondag, at the recommendation of the County Attorney. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:50 A.M.

Delbert E. King, Chairman

ATTEST: _____
Cheryll Ross, First Deputy
Auditor's Office

APPROVED: April 22, 2002
PUBLISH: X

APRIL 19, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to authorize Chairman to sign Service Agreement with Alltell commencing April 24, 2002 through April 23, 2003, in the amount of \$18,240.00. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c), pending litigation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call 11:50 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: April 22, 2002
PUBLISH: X

APRIL 22, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:20 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of April 17, 2002 and April 19, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize Jerry Hare, County Engineer to sign Hungry Canyons Agreement for Section 15, Hardin Township Project. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) for purposes of negotiations. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Williams, to approve Class "C" Beer Permit/Sunday Sales Privilege for Food & Fill, Minden, Iowa. Roll Call Vote: Ayes-4; Nays-Moats. Motion carried.

Motion by Wichman, second by Williams, to approve "Applications For Homestead Tax Credits" and "Applications For Military Exemptions" Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize Chairman to sign "Statement of Values" and related schedules for Iowa Communities Assurance Pool (ICAP). Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to approve Fireworks Permit for Underwood High School, Ed Hawks, Superintendent, Underwood, Iowa. Unanimous vote. Motion carried.

The Board adjourned subject to call at 1:30 P.M.

Delbert E. King, Chairman

ATTEST: _____

Marilyn Jo Drake, County Auditor

APPROVED: April 24, 2002

PUBLISH: X

APRIL 24, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 8:55 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of April 22, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve for the Sheriff's Department/Jail the employment of Fredrick Albers as a Detention Officer at \$13.00/Hr., effective 4/20/02. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign a GIS Agreement with the City of Council Bluffs. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to set aside agenda as allowed by Code of Iowa, Chapter 21.4, to sign emergency detour resolution. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to authorize Board to sign Engineer Resolution #02-09, for temporary closure of county road M23 and designate detour. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call at 11:15 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: April 25, 2002
PUBLISH: X

APRIL 25, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 11:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of April 24, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) – pending litigation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Williams, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call at 12:45 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: April 29, 2002
PUBLISH: X

APRIL 29, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:15 A.M., all members, except Houser, present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of April 25, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to Authorize Chairman to sign "Request For Release of Funds and Certification-Iowa Community Development Block Grant Program-Generator Project-Neola." Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve **Resolution No.11-2002** approving Pottawattamie County Hazard Mitigation Plan. Roll Call Vote: Ayes-4. Motion carried.

Motion by Moats, second by Williams, to approve "Applications For Homestead Tax Credits" and "Applications For Military Exemptions". Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve for the Sheriff' Department/Jail the employment of Jonathan Poore as a Detention Officer at \$13.00/Hr., effective April 29, 2002. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Petition – No. EQCV 082364

The Board adjourned subject to call at 11:35 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: May 1, 2002

PUBLISH: X

MAY 1, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Moats, to approve the minutes of April 29, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize Chairman to sign agreement between the Pottawattamie County Board of Supervisors/Sheriff and Intellitech Corporation. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to go into Executive Session, as allowed by Code of Iowa, Chapter 21.5(c) - pending litigation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser, to sign **Resolution No. 12-2002**, to set a public hearing regarding the Issuance of Not to Exceed \$2,500,000 Aggregate Principal Amount of Industrial Development Revenue Bonds (Nadler Brothers Company/Printers Limited, LLC Project) Series 2002 for Wednesday, May 29, 2002 at 10:30 a.m. in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call at 11:20 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: May 6, 2002
PUBLISH: X

MAY 6, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Williams, to approve the minutes of May 1, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign agreement with Iowa Department Of Transportation for Federal-Aid Highway Bridge Replacement and Rehabilitation Program for Project #BROS-CO78(130) - - 8J-78, 300th Street over Middle Silver Creek, Section 24-74-42. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve revised Capital Plan. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: May 8, 2002
PUBLISH: X

MAY 8, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of May 6, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to enter into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) – pending litigation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to distribute \$21,642.50 of the Low And Moderate Income (LMI) funds to the City of Minden. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve Financial Report of Pottawattamie County Care Facility for April 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve for the Sheriff's Department the employment of Fredrick Albers as a Detention Officer at \$13.00/Hr., effective April 20, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve **Board Resolution No. 13-2002** to transfer \$1,000,000 from Rural Services Basic Fund to Secondary Roads Fund. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call 11:05 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: May 13, 2002

PUBLISH: X

MAY 13, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Wichman, to approve the minutes of May 8, 2002 as written. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) – Pending Litigation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Houser, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) – Negotiations. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Wichman, to set a public hearing on an amendment for the Fiscal Year 2001-2002 budget for May 29, 2002 at 10:00 A.M., in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa, and publish the same. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve Class "C" Beer Permit/ Sunday Sales Privilege for Treynor Electric Quick Store, McClelland, Iowa. Roll Call Vote: Ayes-4; Nays-Moats. Motion carried.

Motion by Wichman, second by Houser, to approve Fireworks Permit for Underwood Memorial Building Association, Underwood, Iowa. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to deny Change Order Number 4 with Lund-Ross Construction for additional Fire Alarm modifications on 5th Floor and garage level spaces in the amount of \$1,766.00. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve employment of Andrew Coulson as a part-time law clerk in the Attorneys' Office at \$10.00 per hour. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize Board to sign Engineer's Resolution No. 02-10, that speed limits be established and appropriate signs be erected on Council Lane, in Lake Township, Section 18. Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call at 12:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: May 15, 2002
PUBLISH: X

MAY 15, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of May 13, 2002 as written.

10:00 Public Hearing:

Ordinance #2002-07: An Ordinance to amend the Pottawattamie County, Iowa, Code by adding Chapter 7.40, entitled "Entrance Permits". Said ordinance is to establish standards for the construction of entrances, to provide a process to remove improperly constructed entrances, to provide a procedure for the maintenance of existing entrances and to establish a penalty for failure to obtain an entrance permit, and approve GIS Program Manager Position.

Motion by Wichman, second by Houser, to open the public hearing on Ordinance #2002-07, Entrance Permits. Ayes: Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Moats, to close the public hearing on Ordinance #2002-07, Entrance Permits. Ayes: Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Houser, second by Wichman, to approve first consideration of Ordinance #2002-07, Entrance Permits, and to set second consideration for Wednesday, May 22, 2002 at 10:30 A.M. Unanimous vote. Motion carried.

Motion by Moats, , second by Houser, to authorize stop payment on warrant number 13599 and issue new warrant after 90 days. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: MAY 22, 2002

PUBLISH: X

MAY 22, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of May 15, 2002 as written. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to set a public hearing on Monday, June 10, 2002 at 11:00 a.m., to establish special assessment districts for Bluebird Lane and 145th Street, in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Unanimous vote. Motion carried.

10:30 Second Consideration:

Ordinance #2002-07: An Ordinance to amend the Pottawattamie County, Iowa, Code by adding Chapter 7.40, entitled "Entrance Permits". Said ordinance is to establish standards for the construction of entrances, to provide a process to remove improperly constructed entrances, to provide a procedure for the maintenance of existing entrances and to establish a penalty for failure to obtain an entrance permit.

Motion by Wichman, second by Moats, to approve second consideration of Ordinance #2002-07, Entrance Permits, and to adopt same into law. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Houser, second by Wichman, to approve contracts and bonds with Dixon Construction Company for projects BROS (125) (126) and (127) for three bridges. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize a 4% wage increase for non-union employees, Sheriff's Detention Supervisors and Sergeants and Lieutenants, to be effective July 1, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve Fireworks Permits for Bill Bracker and Kevin Fick. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve for publication the Claims Allowed for April 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve Class "C" Liquor Renewal/Sunday Sales Privilege for Bent Tree Golf Club, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve for the Pottawattamie County Care Facility the employment of Judy Camenzind as the floater Certified Medication Aide/Certified Nurse Aide at \$8.97713 per hour effective May 30, 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve Change Order Number 4 for additional Fire Alarm modifications in the amount of \$1,766. Roll Call Vote: Ayes-4. Nays-Wichman. Motion carried.

Motion by Moats, second by Houser, to approve "Certificate of Substantial Completion" for renovation of 5th floor and garage level spaces. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to make final payments of \$73,907.00 and \$1,766.00 to Lund Ross Constructors for completion of 5th floor and garage level spaces. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to authorize Chairman to sign "A Time for Me" proclamation recognizing the month of June as "Caregiver Retreat" month. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions – Sheriff's Department/Jail – Resignation of Andrew McClure effective May 16, 2002.

The Board adjourned subject to call at 2:20 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: MAY 29, 2002
PUBLISH: X

MAY 29, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of May 22, 2002 as written. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to open the public hearing on amending the Fiscal Year 2001-2002 Pottawattamie County Budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to close public hearing. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve **Board Resolution No. 14-2002**, amending the Fiscal Year 2001-2002 Pottawattamie County Budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Wichman, to approve **Board Resolution No. 15-2002**, amending Appropriation Resolution No. 20-2001, for Fiscal Year 2001-2002 budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign “Cooperative Agreement” between Loess Hills Alliance and the Pottawattamie County Board of Supervisors for partial funding of the revision of the County’s Comprehensive Land Use Plan. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve for the Auditor’s Office the employment of LaVonne Feller as a temporary Election Clerk (5/02-11/02) at \$12.19 per hour, effective 5/13/02. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to grant \$75,000 to the City of Neola for the proposed Neola Area Community Center; \$37,500 upon ground breaking, and \$37,500 upon substantial completion. Roll Call Vote: Ayes-5. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

West Pottawattamie Soil & Water Conservation District – Resignation of Julia Gubbels effective 6/7/02.

The Board adjourned subject to call at 12:00 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: June 10, 2002
PUBLISH: X

JUNE 10, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present, except Houser, who is absent on county business. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of May 29, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to sign Engineer's Resolution #02-11, to set a public hearing, for a proposed road vacation in Section 20, Township 75N, Range 41W, on Wednesday, June 26, 2002, at 10:00 a.m. in the Board of Supervisors Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to authorize Chairman to sign a letter of support for the "Youth Violence Prevention for Vulnerable Youth" grant application being submitted by the Pottawattamie County Decategorization project to the U.S. Department of Health and Human Services. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to certify the results of the June 4, 2002, Primary Election and authorize the Auditor to pay the costs of the election. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to open a public hearing for Bluebird Lane and 145th Street, both Special Assessment Districts. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Williams, to close the public hearing. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, to put Bluebird Lane in Secondary Road plan and cover entire cost. Died for lack of a second.

Motion by Moats, second by Williams, to authorize Chairman to sign Engineers Resolution # 02-12, to establish a Special Assessment District for the purpose of funding base stabilization, oiling and armor coat on the county road commonly referred to as "Bluebird Lane", 2640 feet in length, located in Section 15 Lewis Township, whereby the cost is split 50%. Roll Call Vote: King-Aye; Moats-Aye; Houser-Absent; Wichman-Nay; Williams-Aye. Motion carried.

Motion by Moats, second by Williams, to authorize Chairman to sign Engineers Resolution #02-13, to establish a Special Assessment District for the purpose of funding base stabilization, oiling and armor coat on the County road commonly referred to as "145th Street", 3,960 feet in length, located in Section 4, Crescent Township, 50% split between Pottawattamie County and home owners. Roll Call Vote: Williams-Aye; Wichman-Nay; Moats-Aye; King-Aye; Houser-Absent. Motion carried.

Motion by Wichman, second by Williams, to approve six month Class "B" Beer Permit/Sunday Sales Privilege and Outdoor Application for 4 stands at Westfair, Council Bluffs. Roll Call Vote: Ayes-4; Nay-Moats. Motion carried.

Motion by Wichman, second by Williams, to approve six month Class "B" Beer Permit/Sunday Sales Privilege and Outdoor Application for Brian Productions, Inc., Amphitheater, Council Bluffs. Roll Call Vote: Ayes-4; Nay-Moats. Motion carried.

Motion by Wichman, second by Williams, to approve for publication the Claims Allowed for May 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve Financial Report of Pottawattamie County Care Facility for May 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve Service Agreement Between Pottawattamie County, Iowa and Council Bluffs Area Chamber of Commerce d/b/a Pottawattamie County Growth Alliance. The County shall pay the Alliance, as a grant, the sum of \$75,000 for July 1, 2002 through June 30, 2003. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Williams, to approve for the Sheriff's Department/Jail the employment of Ryan Lucy as a Detention Officer at \$13.00 per hour to be effective 6/8/02 and LaJean Webster as a Detention Officer at \$13.00 per hour to be effective 5/31/02. Unanimous vote. Motion carried.

Motion by Moats, to approve the reappointment of Elmer Hessel as a commissioner of Veteran Affairs Commission to be effective July 1, 2002 through June 30, 2005. Died for lack of second.

RECEIVED AND FILED THE FOLLOWING

Salary Actions – Pottawattamie County WIC Program – Employment of Rachel Esser as a part-time Farmer's Market employee for the months of June and July.

The Board adjourned subject to call at 1:55 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: JUNE 13, 2002

PUBLISH: X

JUNE 13, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of June 10, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to begin negotiations with Martin Luther Homes and set up committee to check into the buy/lease option, employee transition and consumer transition. Roll Call Vote: Williams-Aye; Houser-Aye; Wichman-Aye; King-Aye; Moats-Nay. Motion carried.

Motion by Houser to approve a fireworks permit for Bruce Dietrich. Died for lack of a second.

Motion by Wichman, second by Houser, to approve Fireworks Permit for Jim Griffin, Council Bluffs and Lori Falk-Goss, Council Bluffs. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve Class "C" Liquor License/Sunday Sales Permit for Iowa Feed & Grain Co., Crescent, Iowa. Roll Call Vote: Ayes-4, Nays-Moats. Motion carried.

Motion by Houser, second by Moats, to approve the following salaries effective July 1, 2002: Jim Yochum, Director/Buildings and Grounds - \$45,000, Suzanne Watson, Director/Case Management, Mental Health, CPC - \$50,500, Kay Mocha, Director/Planning And Development - \$43,500, Jerry Hare/County Engineer - \$76,000, Linda Chollett, Administrator/Pottawattamie County Care Facility – No increase, Darlene McMartin, Administrator/Veterans Affairs - \$34,000. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams. Nay-King. Motion carried.

Motion by Wichman, second by Houser, to set a public hearing to amend the Fiscal Year 2001-2002 Pottawattamie County Budget for Wednesday, June 26, 2002, at 10:00 A.M. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:20 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: June 17, 2002

PUBLISH: X

JUNE 17, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Wichman, to approve the minutes of June 13, 2002 as written. Unanimous vote. Motion carried.

10:00 PUBLIC MEETING – The request of Larry Hackett, Craig Wiggins-property owner, to allow the construction of a single driveway, rather than to utilize the shared driveway as approved with the final plat, located in Garner Township, McPherson Avenue, Prairie Meadows Subdivision, Lot 1.

The Board advised Mr. Hackett that they would tour the site at noon on this date.

PUBLIC HEARINGS/FIRST CONSIDERATION

CASE #ZMA-2002-05: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 1.40 acres (Helen Clem property owner) from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District located in Lake Township, Highway 183, Lot 3, Auditor's Subdivision SW1/4 SW1/4, south of road, 7-75-43.

Motion by Wichman, second by Williams, to open the public hearing on Case #ZMA-2002-05. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Moats, second by Williams, to close the public hearing on Case #ZMA-2002-05. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Williams, second by Wichman, to approve first consideration to approve an ordinance to reclassify approximately 1.40 acres of the Helen Clem property, as filed under Case #ZMA-2002-05, from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District and to set second consideration for June 24, 2002 at 11:00 AM. Unanimous vote. Motion carried.

CASE #ZMA-2002-06: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 4.8 acres (Ernest Gray property owner) from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Highway 183, Lot 2, Auditor's Subdivision NW1/4 NW1/4, 18-75-43.

Motion by Wichman, second by Williams, to open the public hearing on Case #ZMA-2002-06. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Wichman, second by Williams, to close the public hearing on Case #ZMA-2002-06. Ayes-Williams, King, Moats, Wichman, Houser. Motion carried.

Motion by Williams, second by Wichman, to approve first consideration to approve an ordinance to reclassify approximately 4.8 acres of the Ernest Gray property, as filed under Case #ZMA-2002-06, from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District and to set second consideration for June 24, 2002 at 11:00 AM. Unanimous vote. Motion carried.

CASE #ZMA-2002-07: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 1.0 acres (Patrick Collins property owner) from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Memory Lane, legally described as 18-75-43 PT LT 3 A S SW SE SECT 7 & PT LT 3 A S NW NE SECT 18 COMM NE COR NW NE SECT 18 TH W453.7' SE273.52' NE23.84'SE23.45' TO WLY ROW MUD HOLLOW RDSW135.24' TO POB THSW450.73' NW376.13' NWLY90' NE890.41' S574.29' SELY207.76'TO POB (PARCELS A & C).

Motion by Wichman, second by Moats, to open the public hearing on Case #ZMA-2002-07. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Williams, second by Moats, to close the public hearing on Case #ZMA-2002-07. Ayes-Williams, King, Moats, Wichman, Houser. Motion carried.

Motion by Williams, second by Wichman, to concur with the Planning and Zoning Commission and allow the zoning classification to remain C-2 (General Commercial) on the Patrick Collins property, as filed under Case #ZMA-2002-07, with no further action to be taken by the Board at this time. Unanimous vote. Motion carried.

CASE #ZMA-2002-08: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately .70 acres (Gordon Brockman property owner) from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Highway 183, legally described as 18-75-43 NE1/4 SW1/4 S154' E162' Lot 5.

Motion by Wichman, second by Williams, to open the public hearing on Case #ZMA-2002-08. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Houser, second by Moats, to close the public hearing on Case #ZMA-2002-08. Ayes-Williams, King, Moats, Wichman, Houser. Motion carried.

Motion by Houser, second by Williams, to approve first consideration to approve an ordinance to reclassify approximately .70 acres of the Gordon Brockman property, as filed under Case #ZMA-2002-08, from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District and to set second consideration for June 24, 2002 at 11:00 AM. Unanimous vote. Motion carried.

CASE #ZMA-2002-09: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately .92 acres (Thomas Walker property owner) from a Class C-2 (General Commercial) District to a Class R-3 (Urban Residential) District, Lewis Township, Crystal Lane, legally described as 5-74-43 Aud Sub Pt Lt 10 Aud Sub W1/2 NE & Pt Lt 1 Aud Sub SE NW & Pt Lt Aud Sub NE NW Lt 3.

Motion by Wichman, second by Moats, to open the public hearing on Case #ZMA-2002-09. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Wichman, second by Williams, to close the public hearing on Case #ZMA-2002-09. Ayes-Williams, King, Moats, Wichman, Houser. Motion carried.

Motion by Wichman, second by Williams, to approve first consideration to approve an ordinance to reclassify approximately .92 acres of the Thomas Walker property, as filed under Case #ZMA-2002-09, from a Class C-2 (General Commercial) District to a Class R-3 (Urban Residential) District and to set second consideration for June 24, 2002 at 11:00 AM. Unanimous vote. Motion carried.

CASE #ZMA-2002-10: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 8.64 acres (James Adland property owner) from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) District, Garner Township, 225th Street, legally described as 1-75-43 SW NW Sely I-80 Swly of Creek.

Motion by Wichman, second by Moats, to open the public hearing on Case #ZMA-2002-10. Ayes-Williams, King, Moats, Wichman. Absent-Houser. Motion carried.

Motion by Wichman, second by Williams, to close the public hearing on Case #ZMA-2002-10. Ayes-Williams, King, Moats, Wichman, Houser. Motion carried.

Motion by Wichman, second by Moats, to approve first consideration to approve an ordinance to reclassify approximately 8.64 acres of the James Adland property, as filed under Case #ZMA-2002-10, from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) and to set second consideration for June 24, 2002 at 11:00 AM. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve the insurance package for July 1, 2002 with United Health Care, Kansas City Life and CNA. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to open a public hearing approving proceeding with the issuance and sale of not to exceed \$2,500,000 aggregate principal amount of Industrial Development Revenue Bonds (Nadler Brothers Company/Printers Limited, LLC Project) Series 2002, of Pottawattamie County, Iowa. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to close the public hearing. Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign **Resolution No. 16-2002**, to authorize the use of \$2,500,000 bond ability of Pottawattamie County for Nadler Brothers Company/Printers Limited, LLC Project, Series 2002. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser to approve the revisions to the General Relief Manual to be effective July 1, 2002, whereby Pottawattamie County would pay only for funerals of indigent transients at \$250 each and change the cost of rent relief by income guidelines. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize that Pottawattamie County legal settlement for General Relief to match the State of Iowa requirement. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve a change of title for Pottawattamie County General Relief Supervisor to Pottawattamie County General Relief Director to match the requirements of the State of Iowa and Department of Human Services. Roll Call Vote: Ayes-Wichman, Houser, Williams. Nays-King. Absent-Moats. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign "Notice of Disallowance-Homestead Tax Credits" and "Notice of Disallowance-Military Service Tax Exemptions". Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to reappoint Elmer Hessel as a commissioner on the Veteran Affairs Commission for a term of three (3) years, which will expire on June 30, 2005. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve for the Pottawattamie County Conservation Board a volunteer medical insurance coverage endorsement for volunteers. The premium is \$10.00 per volunteer per year. Unanimous vote. Motion carried.

The Board adjourned subject to call at 1:00 P.M.

Delbert E. King, Chairman

ATTEST: _____

Marilyn Jo Drake, County Auditor

APPROVED: June 19, 2002

PUBLISH: X

JUNE 19, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M., all members present, except Wichman. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of June 17, 2002 as written. Unanimous vote. Motion carried.

10:00 PUBLIC HEARING/FIRST CONSIDERATION

Case #ZMA-2002-04: The request of Pottawattamie County Planning and Zoning Commission, Front-Tier Corporation, property owner, for a zoning map amendment to reclassify approximately 134.65 acres from a Class A-I/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District, located in Garner Township, Hunt Avenue legally described as : 15-75-43 Pt SE $\frac{1}{4}$ commencing 1486.17N of S $\frac{1}{4}$ corner of Section 15-NE1351 along I-80 Row E1359.35 S1869.34 NW464.22 NE90 NLY 338.2 WLY465.07 W1016.86 to POB and 15-75-43 PT W $\frac{1}{2}$ SE commencing S $\frac{1}{4}$ corner N1486.17 ELY 1086.98 S1610.40 W1081.81 to POB, and 22-75-43 E50 W280.9 N $\frac{1}{2}$ NE and 15-75-43 SE $\frac{1}{4}$ Section 15-N $\frac{1}{2}$ NE 22-75-43 commencing 277N 33W of SE corner Section 15-N492.81 W759.03 NW464.22 NE90 NLY338.2 WLY465.07 S303.26 SLY161.66 SW86.5 SLY107.96 S899.71 SLY930.08 NE813.23 along road to point of beginning.

Motion by Houser, second by Williams, to open the public hearing on Case #ZMA-2002-04. Ayes-Williams, Houser, King, Moats, Absent-Wichman. Motion carried.

Motion by Moats, second by Williams, to close the public hearing on Case #ZMA-2002-04. Ayes-Williams, Houser, King, Moats, Absent-Wichman. Motion carried.

Motion by Moats, second by Houser, to continue first consideration of an ordinance to reclassify approximately 134.65 acres on property owned by Front-Tier Corporation, as filed under Case #ZMA-2002-04, to July 1, 2002 at 1:00 PM, with the Board touring said property at 9:00 AM on the same day. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve Fireworks Permits for Jim Murray, Treynor and Robert Caputo d/b/a Mother Goose Child Care Center, Council Bluffs. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve employment of Mike Schonlau as GIS Program Coordinator at \$25.97/Hr., effective 6/3/02, and contract to become effective 7/01/02-6/30/03 at \$54,000 annually. Unanimous vote. Motion carried.

The Board adjourned subject to call at 2:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: June 24, 2002

PUBLISH: X

JUNE 24, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of June 19, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize Chairman to sign contract with Bluffs Electric, Inc. to install seven 30 foot metal poles with two 400 watt flood lights on each pole for lighting purposes in the south parking lot, at a cost of \$17,820.00. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve the salaries for the Assistant County Attorneys, fixing the anniversary date for all to be effective July 1, 2002. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to issue a fireworks permit to Bruce Dietrich/Double Bar Seven on Highway 183 for July 4 and July 5, 2002. Roll Call Vote: King-Aye; Moats-Aye; Williams-Aye; Houser-Aye; Wichman-Nay. Motion carried.

Motion by Williams, second by Wichman, to concur with the Sheriff's Department and approve employment of John Kile as a Detention Officer at \$13.00 per hour to be effective June 19, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to concur with Engineer Jerry Hare and sign **Engineer's Resolution No. 02-14** to set a public hearing for Monday, July 15, 2002, for a proposed road vacation in Hardin Township, Section 19 and 20. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to install driveways for Gary Wright on L34. Roll Call Vote: Ayes-5. Motion carried.

11:00 PUBLIC HEARINGS/SECOND CONSIDERATIONS:

CASE #ZMA-2002-05: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 1.40 acres (Helen Clem property owner) from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District located in Lake Township, Highway 183, Lot 3, Auditor's Subdivision SW1/4 SW1/4, south of road, 7-75-43

Motion by Wichman, second by Houser, to approve second consideration of an ordinance to reclassify approximately 1.40 acres of the Helen Clem property, as filed under Case #ZMA-2002-05, from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-08** into law. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

CASE #ZMA-2002-06: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 4.8 acres (Ernest Gray property owner) from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Highway 183, Lot 2, Auditor's Subdivision NW1/4 NW1/4, 18-75-43.

Motion by Wichman, second by Houser, to approve second consideration of an ordinance to reclassify approximately 4.8 acres of the Ernest Gray property, as filed under Case #ZMA-2002-06, from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District and to adopt **Ordinance #2002-09** into law. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

CASE #ZMA-2002-08: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately .70 acres (Gordon Brockman property owner) from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Highway 183, legally described as 18-75-43 NE1/4 SW1/4 S154' E162' Lot 5.

Motion by Moats, second by Wichman, to approve second consideration of an ordinance to reclassify approximately .70 acres of the Gordon Brockman property, as filed under Case #ZMA-2002-08, from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District and to adopt **Ordinance #2002-10** into law. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

CASE #ZMA-2002-09: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately .92 acres (Thomas Walker property owner) from a Class C-2 (General Commercial) District to a Class R-3 (Urban Residential) District, Lewis Township, Crystal Lane, legally described as 5-74-43 Aud Sub Pt Lt 10 Aud Sub W1/2 NE & Pt Lt 1 Aud Sub SE NW & Pt Lt Aud Sub NE NW Lt 3.

Motion by Houser, second by Moats, to approve second consideration of an ordinance to reclassify approximately .92 acres of the Thomas Walker property, as filed under Case #ZMA-2002-09, from a Class C-2 (General Commercial) District to a Class R-3 (Urban Residential) District and to adopt **Ordinance #2002-11** into law. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

CASE #ZMA-2002-10: The request of Pottawattamie County Planning and Zoning Commission for a zoning map amendment to reclassify approximately 8.64 acres (James Adland property owner) from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) District, Garner Township, 225th Street, legally described as 1-75-43 SW NW Sely I-80 Swly of Creek.

Motion by Wichman, second by Moats, to approve second consideration of an ordinance to reclassify approximately 8.64 acres of the James Adland property, as filed under Case #ZMA-2002-10, from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) and to adopt **Ordinance #2002-12** into law. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

The Board adjourned subject to call at 11:40 A.M.

Delbert E. King, Chairman

ATTEST: _____

Marilyn Jo Drake, County Auditor

APPROVED: June 26, 2002

PUBLISH: X

JUNE 26, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of June 24, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve Cigarette Permits for the following: Aeroplane Inn-Honey Creek; Desoto Bend Mini Mart-Missouri Valley; Double Bar Seven-Council Bluffs; Fill & Food, Hwy 92, Council Bluffs, Fill & Food-Minden; Filling Station-Council Bluffs; Honey Creek Campground-Crescent; Iowa Feed & Grain- Crescent; I-80 Lounge-Underwood; KC Mart-Underwood; Kum & Go-Neola; Tammy's Club 92-Carson; Treynor Electric (Quick Store)-Council Bluffs and Quail Run (NW Pottawattamie County Golf Association) Neola. Unanimous vote. Motion carried.

Motion by Moats, second by Wichman, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) for purposes of discussing pending litigation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to approve tax adjustments for Fiscal Year 2001-2002. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to authorize Board to sign **Resolution No. 17-2002**, to transfer \$150,000 from the General Basic Fund to the FIS Fund 1900. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 21-2002**, to transfer \$300,000 from the General Basic Fund to the Secondary Road Fund per budget for Fiscal Year 2002. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to authorize Board to sign **Resolution No. 22-2002**, to transfer \$856,365 from the Rural Services Basic Fund to the Secondary Road Fund, per budget for Fiscal Year 2002. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Moats, to open public hearing on Road Vacation proposal in Section 20-75N-41 (Elmtree Road). Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to close public hearing. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Williams, to authorize Board to sign **Engineer's Resolution #02-15**, to vacate a road in Section 20-75N-41W, known as Elmtree Road. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign a contract with VODEC for MHMRDD Services for three years with no rate changes. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign a contract with New Hope Village for mental health services for three years. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to authorize Board to sign a contract with Southwest Iowa Transit Agency for transportation services for Pottawattamie County clients. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to open a public hearing on amending the Fiscal Year 2002 Pottawattamie County Budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Houser, to close the public hearing. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 18-2002** to amend the 2002 Fiscal Year Pottawattamie County Budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Moats, to authorize Board to sign **Resolution No. 19-2002** to appropriate the funds for the Fiscal Year 2002 budget. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 20-2002**, to approve the Fiscal Year 2002-2003 appropriations for each county department. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Houser, to approve agreement between Pottawattamie County, Iowa and Pottawattamie County Deputy Sheriffs Association for Fiscal Year 2002-2003. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Salary Actions**

Pottawattamie County Conservation Board – Contracts and Agreements for Employment for the following Fiscal Year 2002-2003: Mark Shoemaker/Executive Director-\$40,500; Cindy Thompson/ Administrative Director-\$31,200; David Fischer/Park Ranger-\$32,200; Jonathan Fenner/Park Ranger-\$30,450; Chad Kunze/Park Ranger-\$25,000; Brett Ford/Operations Supervisor-\$32,200; Chad Graeve/Land Manager-\$30,700; Carol Young/Outreach Manager-\$38,000 and Tina Popson/Program Manager-\$27,000.

The Board adjourned subject to call at 12:45 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: July 1, 2002
PUBLISH: X

JULY 1, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of June 26, 2002 as written. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Liquor Renewal/Sunday Sales Privilege/ Outdoor Application for Double Bar Seven, Council Bluffs, Iowa. Roll Call Vote: Ayes-Houser, King, Williams. Nays-Wichman. Absent-Moats. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Beer Renewal/Sunday Sales Privilege/ Carryout for Fill & Food #10, Council Bluffs, Iowa. Ayes-4. Absent-Moats. Motion carried.

Motion by Wichman, second by Houser, to deny request of Debra Parker, Attorney's Office, for an unpaid leave of absence of 365 days from June 12, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign Resolution No. 23-2002, to cancel outstanding warrants prior to July 1, 2000. Roll Call Vote: Ayes-4. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign an agreement with The Schemmer Associates for architectural services for the East Highway 92 Maintenance Facility. Basic compensation shall be a stipulated sum of \$80,400. Unanimous vote. Motion carried.

1:00 CONTINUATION OF PUBLIC HEARING/FIRST CONSIDERATION:

Case #ZMA-2002-04: The request of Pottawattamie County Planning and Zoning Commission, Front Tier Corporation, property owner, for a zoning map amendment to reclassify approximately 134.65 acres from a Class A-I/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District, located in Garner Township, Hunt Avenue legally described as : 15-75-43 Pt SE¼ commencing 1486.17N of S¼ corner of Section 15-NE1351 along I-80 Row E1359.35 S1869.34 NW464.22 NE90 NLY 338.2 WLY465.07 W1016.86 to POB and 15-75-43 PT W½ SE commencing S¼ corner N1486.17 ELY 1086.98 S1610.40 W1081.81 to POB, and 22-75-43 E50 W280.9 N½ NE and 15-75-43 SE¼ Section 15-N½ NE 22-75-43 commencing 277N 33W of SE corner Section 15-N492.81 W759.03 NW464.22 NE90 NLY338.2 WLY465.07 S303.26 SLY161.66 SW86.5 SLY107.96 S899.71 SLY930.08 NE813.23 along road to point of beginning.

Motion by Houser, second by Williams, to re-open the public hearing on Case #ZMA-2002-04. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

Motion by Moats, second by Houser, to close the public hearing on Case #ZMA-2002-04. Ayes-Williams, Houser, King, Moats, Wichman. Motion carried.

Motion by Wichman, second by Moats, to approve first consideration of an ordinance to reclassify approximately 134.65 acres owned by Front-Tier Corporation, as filed under Case #ZMA-2002-04, from a Class A-1/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District and to set second consideration for Monday, July 15, 2002 at 10:00 A.M. Unanimous vote. Motion carried.

The Board adjourned subject to call at 2:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: July 15, 2002

PUBLISH: X

JULY 15, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of July 1, 2002 as written. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to authorize Chairman to sign "Law Enforcement Services Contracts" with the City of Carson, City of Crescent, City of Hancock, City of Macedonia, City of McClelland, City of Minden, City of Neola, City of Oakland, City of Treynor, City of Underwood and City of Walnut, to provide law enforcement services at a per capita rate of \$17.50. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 25-2002**, that Pottawattamie County allow the tax credit to taxpayers and all taxing entities and will absorb the loss on credits for fiscal year 2002-2003. Roll Call Vote: Wichman-Aye; Houser-Nay; Moats-Aye; King-Aye; Williams-Aye. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign **Resolution No. 24-2002**, transferring \$150,000 from the Gaming Fund to the Hitchcock Nature Area Fund (0031). Roll Call Vote: Ayes-5. Motion carried.

10:00 AM – PUBLIC MEETING-SECOND CONSIDERATION:

Case #ZMA-2002-04: The request of Pottawattamie County Planning and Zoning Commission, Front Tier Corporation, property owner, for a zoning map amendment to reclassify approximately 134.65 acres from a Class A-I/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District, located in Garner Township, Hunt Avenue legally described as : 15-75-43 Pt SE¼ commencing 1486.17N of S¼ corner of Section 15 NE1351 along I-80 Row E1359.35 S1869.34 NW464.22 NE90 NLY 338.2 WLY465.07 W1016.86 to POB and 15-75-43 PT W½ SE commencing S¼ corner N1486.17 ELY 1086.98 S1610.40 W1081.81 to POB, and 22-75-43 E50 W280.9 N½ NE and 15-75-43 SE¼ Section 15-N½ NE 22-75-43 commencing 277N 33W of SE corner Section 15-N492.81 W759.03 NW464.22 NE90 NLY338.2 WLY465.07 S303.26 SLY161.66 SW86.5 SLY107.96 S899.71 SLY930.08 NE813.23 along road to point of beginning.

Motion by Moats, second by Houser, to postpone the second consideration of Case #ZMA-2002-04 until 11:00 A.M. on this date, July 15, 2002. Unanimous vote. Motion carried.

10:01 AM – PUBLIC HEARING:

CASE #ZMA-2002-12: The request of Pottawattamie County Planning and Zoning Commission, Larry Tague, property owner, for a zoning map amendment to reclassify approximately 3.87 acres from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District, located in Minden Township, Hwy 191 and I-680, legally described as: TWP 6-77-41 PT NW SE & NE SW COM 1690.2 N OF S1/4 COR NWLY 577.4 NLY 300' ELY 703.5' SELY 116.88' SWLY ALONG HY606.73' NWLY 51.05' TO POB.

Motion by Wichman, second by Houser, to open the public hearing on Case #ZMA-2002-12. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Moats, to close the public hearing on Case #ZMA-2002-12. Roll Call Vote: Ayes-Houser, Moats, Wichman, William, King. Motion carried.

Motion by Houser, second by Wichman, to approve first consideration of an ordinance that would reclassify the Larry Tague property, Case #ZMA-2002-12, from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District and to set second consideration for **Monday, July 22, 2002 at 10:00 A.M.** Roll Call Vote: Ayes-5. Motion carried.

CASE #ZMA-2002-13: The request of Pottawattamie County Planning and Zoning Commission, Merlynn and Carolyn Bintz property owners, for a zoning map amendment to reclassify approximately 23.97 acres from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) District, located in Minden Twp, 340th Street & Sumac Road, legally described as 27-77-41 ExcN495' SE SE.

Motion by Wichman, second by Houser, to open the public hearing on Case #ZMA-2002-13. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Houser, second by Moats, to close the public hearing on Case #ZMA-2002-13. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Houser, second by Moats, to approve first consideration of an ordinance that would reclassify the Merlynn and Carolyn Bintz property, Case #ZMA-2002-13, from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) District and to set second consideration for **Monday, July 22, 2002 at 10:00 A.M.** Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

CASE #ZMA-2002-14: The request of Pottawattamie County Planning and Zoning Commission, Charles and Mary Henderson, property owners, for a zoning map amendment to reclassify approximately .80 acres from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District, located in Macedonia Township, Pioneer Trail, legally described as: 21-74-40 Lots 4 & 5 Auditor's Subdivision NE SE.

Motion by Houser, second by Moats, to open the public hearing on Case #ZMA-2002-14. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Moats, to close the public hearing on Case #ZMA-2002-14. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Moats, second by Wichman, to approve first consideration of an ordinance that would reclassify the Charles and Mary Henderson property, Case #ZMA-2002-14, from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District and to set second consideration for **Monday, July 22, 2002 at 10:00 A.M.** Unanimous vote. Motion carried.

CASE #ZMA-2002-15: The request of Pottawattamie County Planning and Zoning Commission, Burns Brother Inc., property owner, for a zoning map amendment to reclassify approximately 10.96 acres from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District, Minden Township, 335th Street and I-80, legally described as: 3-77-41 COMM 1777.75'S 67.5E OF N1/4 TH E255' SELY168.5' S284.31' W TO HWY ROW NLY411' TOPOB SW NE and 3-77-41 A TRACT IN SW COR 3-77-41 S687.8' W350.31' EX HWY & EX N284.31' and 3-77-41 PT SW NE COMM NW COR SW NE S203.63' E40' S190.63' E255.20' SELY168.66' S688.08'E50.02' THNLY1202.24' W467.43'TO POB.

Motion by Wichman, second by Houser, to open the public hearing on Case #ZMA-2002-15. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

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Motion by Wichman, second by Houser, to close the public hearing on Case #ZMA-2002-15. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Houser, second by Moats, to concur with the Planning and Zoning Commission and allow the zoning classification to remain C-1 (Highway Commercial) on the Burns Brothers Inc. property, as filed under Case #ZMA-2002-15, with no further action to be taken by the Board at this time. Unanimous vote. Motion carried.

CASE #ZMA-2002-16: The request of Pottawattamie County Planning and Zoning Commission, Gary and Linda Nash, property owners, for a zoning map amendment to reclassify approximately 3.760 acres from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District, Layton Township, 500th Street, legally described as: 8-77-38 N520.1' D1422.9' E335' E1/2 SE.

Motion by Wichman, second by Houser, to open the public hearing on Case #ZMA-2002-16. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing on Case #ZMA-2002-16. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Moats, to approve first consideration of an ordinance that would reclassify the Gary and Linda Nash property, Case #ZMA-2002-16, from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District and to **set second consideration for Monday, July 22, 2002 at 10:00 A.M.** Unanimous vote. Motion carried.

CASE #ZMA-2002-17: The request of Pottawattamie County Planning and Zoning Commission, Orien Hodges property owner, for a zoning map amendment to reclassify approximately 5.05 acres from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District, Center Township, 440th Street, legally described as: 4-75-39 S550' W434' SW NW.

Motion by Houser, second by Wichman, to open the public hearing on Case #ZMA-2002-17. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing on Case #ZMA-2002-17. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Houser, to approve First consideration of an ordinance that would reclassify the Orien Hodges property, Case #ZMA-2002-17 from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District and to **set second consideration for Monday, July 22, 2002 at 10:00 A.M.** Unanimous vote. Motion carried.

CASE #ZMA-2002-18: The request of Pottawattamie County Planning and Zoning Commission, Rhonda Gibler (Darrah) Et. Al, property owners, for a zoning map amendment to reclassify approximately 4.61 acres from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District, located in Boomer Township, Road L-34 and Interstate 80, legally described as 1-77-43 E267' N798' W293' SW NW.

Motion by Houser, second by Wichman, to open the public hearing on Case #ZMA-2002-18. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Moats, second by Houser, to close the public hearing on Case #ZMA-2002-18. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Moats, second by Houser, to concur with the Planning and Zoning Commission and allow the zoning classification to remain C-1 (Highway Commercial) on the Rhonda Gibler (Darrah) Et. Al. property, as filed under Case #ZMA-2002-18, with no further action to be taken by the Board at this time. Unanimous vote. Motion carried.

CASE #ZMA-2002-19: The request of Pottawattamie County Planning and Zoning Commission, Pottawattamie County and Patricia Schroder, property owners, for map amendment to reclassify approximately .28 acres from a Class C-1 (Highway Commercial) District to a Class R-3 (Urban Residential) District, located in Rockford Twp., Highway 183 and Cornelia Lane, legally described as Loveland Hawthorn Add Pt Lt 15 and Loveland Original Plat Lt 14 and Loveland Original Plat Lt 13.

Motion by Houser, second by Moats, to open the public hearing on Case #ZMA-2002-19. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing on Case #ZMA-2002-19. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Houser, to approve first consideration of an ordinance that would reclassify the Pottawattamie County and Patricia Schroder properties, Case #ZMA-2002-18, from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District and to **set second consideration for Monday, July 22, 2002, at 10:00 A.M.** Unanimous vote. Motion carried.

CASE #MIS-2002-01: Pottawattamie County request for Adoption of Council Bluffs-Pottawattamie County Two-Mile Limit Land Use Plan and amendment to the Two-Mile Limit Area Policy Agreement between Council Bluffs and Pottawattamie County, Iowa.

Motion by Wichman, second by Houser, to open the public hearing on Case #MIS-2002-01. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing on Case #MIS-2002-01. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

Motion by Houser, second by Wichman, to adopt the Council Bluffs-Pottawattamie County Two-Mile Limit Land Use Plan through **Planning and Zoning Resolution #2002-4** and approve the amendment to the Two-Mile Limit Area Policy 28E Agreement between Council Bluffs and Pottawattamie County, Iowa through **Planning and Zoning Resolution #2002-5.** Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams, King. Motion carried.

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Motion by Wichman, second by Moats, to authorize Board to sign Engineer Resolution No. 02-16, to set a public hearing for Wednesday, July 31, 2002, at 10:30 A.M., on a proposed road vacation in Section 19 and Section 30, all in T74N-R43W. Roll Call Vote: Ayes-Houser, Moats, Wichman, King. Absent-Williams. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign Engineer Resolution No. 02-17, to set a public hearing for Wednesday, July 31, 2002 at 10:30 A.M., on a proposed road vacation in the NE¼ Section 19-T75N-R42W and the NW¼ Section 20-T75N-R42W, a 66 foot wide road. Roll Call Vote: Ayes-Houser, Moats, Wichman, King. Absent-Williams. Motion carried.

11:07 A.M. – PUBLIC MEETING-SECOND CONSIDERATION:

Case #ZMA-2002-04: The request of Pottawattamie County Planning and Zoning Commission, Front Tier Corporation, property owner, for a zoning map amendment to reclassify approximately 134.65 acres from a Class A-1/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District, located in Garner Township, Hunt Avenue legally described as : 15-75-43 Pt SE¼ commencing 1486.17N of S¼ corner of Section 15 NE1351 along I-80 Row E1359.35 S1869.34 NW464.22 NE90 NLY 338.2 WLY465.07 W1016.86 to POB and 15-75-43 PT W½ SE commencing S¼ corner N1486.17 ELY 1086.98 S1610.40 W1081.81 to POB, and 22-75-43 E50 W280.9 N½ NE and 15-75-43 SE¼ Section 15-N½ NE 22-75-43 commencing 277N 33W of SE corner Section 15-N492.81 W759.03 NW464.22 NE90 NLY338.2 WLY465.07 S303.26 SLY161.66 SW86.5 SLY107.96 S899.71 SLY930.08 NE813.23 along road to point of beginning.

Motion by Moats, second by Wichman, to approve second consideration of an ordinance that would reclassify the Front Tier Corporation property, Case #ZMA-2002-04, from a Class A-1/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District. Roll Call Vote: Ayes-Moats, King; Nays-Houser, Wichman; Absent-Williams. Motion failed to carry.

Motion by Wichman, second by Houser, to continue second consideration of an ordinance that would reclassify the Front Tier Corporation property, Case #ZMA-2002-04, from a Class A-2/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District until **Wednesday, October 30, 2002 at 10:00 A.M.** Roll Call Vote: Ayes-Moats, King, Wichman, Houser; Absent-Williams. Motion carried.

Motion by Wichman, second by Houser, to approve the Claims Allowed for the month of June 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to concur with the County Attorney and approve employment of Christine DeLorme as an Assistant County Attorney at an annual salary of \$49,209, to be effective July 1, 2002. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to concur with the County Treasurer and employ Jamie Kennedy as a Clerk 2-Motor Vehicle, at an hourly rate of \$9.77, to be effective July 22, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve the following insurance rates for non-union employees for fiscal year 2002-2003: Family Rate - \$100.00 per month and Single Rate - \$25.00 per month. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign easement agreement between Loess Hills Area Education Agency 13, Gregory K. Miller and Carol A. Miller, and Pottawattamie County, Iowa. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Cash Count for Fiscal Year ending June 30, 2002 – Pottawattamie County Auditor’s Office, Pottawattamie County Care Facility, Pottawattamie County Planning Department, Pottawattamie County Recorder’s Office, Pottawattamie County Sheriff/Civil Department, Pottawattamie County Treasurer’s Office.

Reports - County Auditor’s report of fees collected for quarter ending June 30, 2002.

Salary Actions - Sheriff’s Department/Jail – Resignation of Shawna Carman-Uhrlaub effective June 27, 2002.

The Board adjourned subject to call at 12:00 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: July 17, 2002
PUBLISH: X

JULY 17, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:45 A.M., all members present, except Wichman. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of July 15, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign letter to Iowa Department of Economic Development requesting a five-month extension of the Community Development Block Grant (Emergency Back-Up Generator Project 98-DF-012). Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign STOP Violence Against Women Grant Program for FY 02 Award Notice. Grant Period: July 1, 2002 through June 30, 2003. Federal Award-\$43,727.00; Match-\$18,740.00; Total-\$62,467.00. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWINGReports

Sheriff's Department report of fees collected for quarter ending June 30, 2002.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: July 22, 2002

PUBLISH: X

JULY 22, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Moats, second by Houser, to approve the minutes of July 17, 2002 as written. Unanimous vote. Motion carried.

10:00 PUBLIC HEARING/SECOND CONSIDERATIONS:

CASE #ZMA-2002-12: The request of Pottawattamie County Planning and Zoning Commission, Larry Tague, property owner, for a zoning map amendment to reclassify approximately 3.87 acres from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District, located in Minden Township, Hwy 191 and I-680, legally described as: TWP 6-77-41 PT NW SE & NE SW COM 1690.2 N OF S1/4 COR NWLY 577.4 NLY 300' ELY 703.5' SELY 116.88' SWLY ALONG HY606.73' NWLY 51.05' TO POB.

Motion by Houser, second by Moats, to approve second consideration of an ordinance that would reclassify the Larry Tague property, Case #ZMA-2002-12, from a Class C-2 (General Commercial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-14** into law. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

CASE #ZMA-2002-13: The request of Pottawattamie County Planning and Zoning Commission, Merlynn and Carolyn Bintz property owners, for a zoning map amendment to reclassify approximately 23.97 acres from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) District, located in Minden Twp, 340th Street & Sumac Road, legally described as 27-77-41 ExcN495' SE SE.

Motion by Wichman, second by Houser, to approve second consideration of an ordinance that would reclassify the Merlynn and Carolyn Bintz property, Case #ZMA-2002-13, from a Class R-2 (Suburban Residential) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-15** into law. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

CASE #ZMA-2002-14: The request of Pottawattamie County Planning and Zoning Commission, Charles and Mary Henderson, property owners, for a zoning map amendment to reclassify approximately .80 acres from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District, located in Macedonia Township, Pioneer Trail, legally described as: 21-74-40 Lots 4 & 5 Auditor's Subdivision NE SE.

Motion by Moats, second by Wichman, to approve second consideration of an ordinance that would reclassify the Charles and Mary Henderson property, Case #ZMA-2002-14, from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-16** into law. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

CASE #ZMA-2002-16: The request of Pottawattamie County Planning and Zoning Commission, Gary and Linda Nash, property owners, for a zoning map amendment to reclassify approximately 3.760 acres from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District, Layton Township, 500th Street, legally described as: 8-77-38 N520.1' D1422.9' E335' E1/2 SE.

Motion by Houser, second by Wichman, to approve second consideration of an ordinance that would reclassify the Gary and Linda Nash property, Case #ZMA-2002-16, from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-17** into law. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

CASE #ZMA-2002-17: The request of Pottawattamie County Planning and Zoning Commission, Orien Hodges property owner, for a zoning map amendment to reclassify approximately 5.05 acres from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District, Center Twp., 440th St., legally described as: 4-75-39 S550' W434' SW NW.

Motion by Williams, second by Moats, to approve second consideration of an ordinance that would reclassify the Orien Hodges property, Case #ZMA-2002-17, from a Class I-1 (Limited Industrial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-18** into law. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

CASE #ZMA-2002-19: The request of Pottawattamie County Planning and Zoning Commission, Pottawattamie County and Patricia Schroder, property owners, for map amendment to reclassify approximately .28 acres from a Class C-1 (Highway Commercial) District to a Class R-3 (Urban Residential) District, located in Rockford Township, Highway 183 and Cornelia Lane, legally described as Loveland Hawthorn Add Pt Lt 15 & Loveland Original Plat, Lot 14 and Loveland Original Plat Lot 13.

Motion by Moats, second by Houser, to approve second consideration of an ordinance that would reclassify the Pottawattamie County and Patricia Schroder properties, Case #ZMA-2002-19, from a Class C-1 (Highway Commercial) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-19** into law. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Houser, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) – pending litigation. Roll Call Vote: Houser-Aye; King-Aye; Moats-Aye; Wichman-Aye; Williams-Aye. Motion carried.

Motion by Houser, second by Moats, to go out of Executive Session. Roll Call Vote: Houser-Aye; King-Aye; Moats-Aye; Wichman-Aye; Williams-Aye. Motion carried.

Motion by Moats, second by Houser, to authorize Chairman to sign Financial Report of Pottawattamie County Care Facility for June 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to concur with the Sheriff's Department and approve the employment of Michael Roush and Gail Sampo as Detention Officer's at \$13.52 per hour, effective July 17, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign Library Agreements with the cities of Avoca, Carter Lake, Council Bluffs, Oakland and Walnut. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Care Facility – Resignation of Jon Borden effective July 15, 2002.

The Board adjourned subject to call at 12:10 P.M.

Delbert E. King, Chairman

ATTEST: _____

Cheryll Ross, First Deputy, Auditor's Office

APPROVED: July 31, 2002

PUBLISH: X

JULY 31 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members, except Moats, present. Chairman King presiding.
PLEDGE OF ALLEGIANCE

Motion by Houser, second by Williams, to approve the minutes of July 22, 2002 as written. Unanimous vote. Motion carried.

10:00 Public Hearing – Code of Ordinances:

Ordinance #2002-13, an ordinance to adopt a Code of Ordinances for Pottawattamie County, Iowa. Said Code will only contain previously adopted ordinances and amendments and will not contain any new ordinances at this time.

Motion by Houser, second by Williams, to open a public hearing for consideration of Ordinance #2002-13. Roll Call Vote: Ayes-Houser, King, Wichman, Williams. Motion carried.

Motion by Wichman, second by Williams, to close the public hearing. Roll Call Vote: Ayes-Houser, King, Wichman, Williams. Motion carried.

Motion by Williams, second by Wichman, to approve first consideration of Ordinance #2002-13, Code of Ordinances, and set second consideration for Wednesday, August 7, 2002 at 10:00 A.M. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to approve the list of appointments to the Comprehensive Land Use Task Force. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to open a public hearing for a road vacation in Lewis Township (former access to Longs Landing). Roll Call Vote: Ayes-Houser, King, Wichman, Williams. Motion carried.

Motion by Wichman, second by Houser, to close the public hearing. Roll Call Vote: Ayes-Houser, King, Wichman, Williams. Motion carried.

Motion by Wichman, second by Houser, to approve Engineer's Resolution No. 02-18, to vacate a road in Lewis Township described as: "A strip of land along the west side of Section 19 and Section 30, all in T74N-R43W". Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve **Engineer's Resolution No. 02-19**, to set a public hearing for a road vacation in Section 35-Keg Creek Township and **Engineer's Resolution No. 02-20**, to set a public hearing for a road vacation in Section 36, Carson Township, for Wednesday, August 14, 2002, at 10:00 a.m. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign "Certification of Cost Allocation Plan" with Maximus, Inc. This plan will be used to recover indirect costs applicable to social services administration in FY 2003. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to concur with the County Attorney and approve the employment of Aretha Walling as a Legal Secretary at \$10.14 per hour, to be effective July 29, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to concur with the County Treasurer and approve the employment of Jolene Brotherson as a Real Estate Tax Clerk in the Treasurer's Office at \$9.77 per hour, to be effective 8/12/02. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve for publication the Semi Annual Report of Pottawattamie County, Iowa, for the period from January 1, 2002 through June 30, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 26-2002**, setting a public hearing to consider disposing of county owned property, by gift, to the City of Council Bluffs. This hearing will be held on Wednesday, August 14, 2002 at 10:30 a.m. in the Board of Supervisors' Hearing Room, Second Floor, County Courthouse, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to approve 2002 Homestead and Military Allowances and Military Disallowances. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to appoint Wayne Rodenburg to the Pottawattamie County Board of Adjustment, with term to expire on December 31, 2004. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Salary Actions**

Sheriff's Department/Jail – Resignation of Brian Merit effective 7/23/02, Scott Moore effective 7/26/02 and David Roller effective 7/20/02.

Pottawattamie County WIC Program – Employment of Diana L. Rehn as part-time LPN at \$11.78 per hour effective 8/5/02.

The Board adjourned subject to call at 1:20 P.M.

Delbert E. King, Chairman

ATTEST: _____

Marilyn Jo Drake, County Auditor

APPROVED: August 7, 2002

PUBLISH: X

August 7, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Moats, to approve the minutes of July 31, 2002 as written. Unanimous vote. Motion carried.

10:00 Public Hearing/Second Consideration:

Ordinance #2002-13, an ordinance to adopt a Code of Ordinances for Pottawattamie County, Iowa. Said Code will only contain previously adopted ordinances and amendments and will not contain any new ordinances at this time.

Motion by Houser, second by Moats, to approve second consideration of **Ordinance #2002-13**, an ordinance to adopt a Code of Ordinances for Pottawattamie County, Iowa. Ayes-King, Wichman, Moats, Houser, Williams. Motion carried.

Motion by Williams, second by Moats, to authorize Board to sign **Resolution No. 29-2002**, supporting the Council Bluffs Energy Center, Unit #4. Roll Call Vote: Ayes-Houser, King, Moats, Houser, Williams. Motion carried.

Motion by Williams, second by Wichman to set aside the agenda as allowed by Code of Iowa, Chapter 21.4, and approve an agreement with the City of Council Bluffs for relocation and placement of electrical power lines. Ayes-5, Nays-0. Motion carried.

Motion by Wichman, second by Williams, to enter into an agreement with the City of Council Bluffs for Change Order #2 to the Downtown Streetscape Phase V project and authorize the Chairman to sign the agreement. Roll Call Vote: Ayes-5, Nays-0. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign **Engineer's Resolution No. 02-21**, to establish parking restrictions on State Orchard Road, approximately 0.90 mile, all in Sections 28 and 33 of Garner Township. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 27-2002**, to transfer \$43,000 from the Gaming Fund to the Secondary Road Fund. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 28-2002**, to transfer \$500,000 from the General Basic Fund to the General Supplemental Fund. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams.

Motion by Williams, second by Moats, to approve for publication the Claims Allowed for the month of July 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:08.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: August 12, 2002

PUBLISH: X

August 12 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of August 7, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to concur with the request of Emergency Management Director Terry Hummel and approve the application for EMS Systems Development Grant for FY 2002-2003, in the amount of \$12,826.00. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize Chairman to sign **Engineer's Resolution No. 02-22**, for temporary closure of County Road L 55 and designate the official detour route as Chestnut Road, 275th Street, and Iowa Highway 92. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Wichman, to authorize Chairman to sign **Engineer's Resolution No. 02-23**, for temporary closure of County Road G 30 and designate the official detour route for G 30 as Interstate 80, U.S. Highway 6, and Iowa 191. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to approve Mental Health Services Management Plan Amended Appeals Process. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Beer Renewal/Sunday Sales Privilege for Honey Creek Camp Ground, Crescent, Iowa. Roll Call Vote: Ayes-4; Nay-Moats. Motion carried.

Motion by Houser, second by Wichman, to authorize Chairman to sign "Federal Annual Certification Report" for fiscal year ending June 30, 2002. This report is submitted by the County Attorney's Office in order to receive federal forfeiture monies. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: August 14, 2002

PUBLISH: X

August 14 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of August 12, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to open public hearing for road vacations in Keg Creek Township and Carson Township. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Wichman to close public hearing. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign **Engineer's Resolution No. 02-24**, vacating road in Keg Creek Township, Section 35. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign **Engineer's Resolution No. 02-25**, to vacated a 66 foot wide road in Carson Township, Section 36. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Moats, to accept the bids for project LOT-2003(8) and set bid awarding for Monday, August 19, 2002 at 10:00 A.M., in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to open public hearing to dispose of interest in county owned property. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Wichman, second by Williams, to close public hearing. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 30-2002**, authorizing the disposal of its interest in county owned property described as: Beers Addition West 9.3' of South 11th Street, from the South line of West Broadway, Southerly 274.85', adjacent Block 9 on East, in the City of Council Bluffs, Pottawattamie County, Iowa", to the City of Council Bluffs, Iowa, by gift, for purposes of right-of-way and open space. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Moats, second by Houser, to approve Class "C" Liquor License for Rolla Rena Skating Center, Inc., Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Moats, second by Wichman, to approve financial report of Pottawattamie County Care Facility for July 2002. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County WIC Program – Resignation of Laura Ryan effective June 12, 2002.

The Board adjourned subject to call at 11:20 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: August 19, 2002

PUBLISH: X

August 19 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of August 14, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to concur with the County Engineer Jerry Hare and sign contract and bond with MFT Construction in the amount of \$255,352.20 for Project LOT-2003(8), G30 in Norwalk Township. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to concur with the County Sheriff and approve the employment of Mark Assman as a Detention Officer at \$13.52/Hr., effective August 14, 2002 and Jay Wilson as a Detention Officer at \$13.52/Hr., effective August 12, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize Chairman to sign Streetscape Reimbursement Agreement between Pottawattamie County Iowa Board of Supervisors and MidAmerican Energy Company. The base compensation to be paid MidAmerican for services is Twenty Four Thousand Dollars (\$24,000), subject to adjustments. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:50 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: August 21, 2002
PUBLISH: X

August 21 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members, except Houser-who was absent until 10:30 a.m., present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of August 19, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve Class "C" Beer Renewal/Sunday Sales Privilege for The Filling Station, Inc., Council Bluffs, Iowa. Roll Call Vote: Ayes-King, Wichman, Williams. Nay-Moats. Motion carried.

Motion by Wichman, second by Williams, to authorize a grant of \$75,000 to the City of Treynor for a Community Building. Grant monies will be paid as follows: \$37,500 upon the ground breaking and \$37,500 upon substantial completion. Roll Call Vote: Ayes-King, Wichman, Williams, Moats. Motion carried. Amended September 4, 2002, to delete words "Fire Station".

Motion by Wichman, second by Williams, to authorize Board to sign **Resolution No. 31-2002**, authorizing the issuance and sale of Industrial Development Revenue Bonds (Printers LTD., L.L.C. Project) Series 2002 in the principal amount of \$1,600,000 and authorizing the execution of the following documents relating thereto: Loan Agreement, Bond, Pledge Agreement, Closing Certificate of Issuer, Arbitrage Certificate, IRS Form 8038 and Tax Certificate and Agreement, upon recommendation of County Attorney Rick Crowl. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

The Board adjourned subject to call at 11:30 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: August 26, 2002

PUBLISH: X

August 26 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of August 21, 2002 as written. Unanimous vote. Motion carried.

10:00 AM – PUBLIC HEARING:

CASE #ZMA-2002-20: The request of Ezzat H. and Renee M. Zaki, for a zoning map amendment to reclassify approximately 5.20 acres from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Highway 183, legally described as: “18-75-43 Auditor’s Sub. SW NW N287.5’ except W129.5’ Lt 4 N298’ Lots 5 and 6, All of Lot 7”.

Motion by Williams, second by Wichman, to open the public hearing on Case #ZMA-2002-20. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to close the public hearing on Case #ZMA-2002-20. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve first consideration of an ordinance that would reclassify the Ezzat and Renee Zaki property, Case #ZMA-2002-20, from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District and to set second consideration for August 28, 2002 at 10:00 A.M. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) - pending litigation. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign an Agreement with The Schemmer Associates to prepare a Comprehensive Land Use Plan and Text Amendments to the Zoning and Subdivision Ordinances, in the amount of \$63,800.00 Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Care Facility – Resignation of Judy Camenzind effective August 22, 2002.

The Board adjourned subject to call at 11:38 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: August 28, 2002
PUBLISH: X

August 28 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of August 26, 2002 as written. Unanimous vote. Motion carried.

10:00 AM – SECOND CONSIDERATION:

CASE #ZMA-2002-20: The request of Ezzat H. and Renee M. Zaki, for a zoning map amendment to reclassify approximately 5.20 acres from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District, located in Lake Township, Highway 183, legally described as: “18-75-43 Auditor’s Sub. SW NW N287.5’ except W129.5’ Lt 4 N298’ Lots 5 and 6, All of Lot 7”.

Motion by Moats, second by Houser, to approve second consideration of an ordinance that would reclassify the Ezzat and Renee Zaki property, Case #ZMA-2002-20, from a Class C-2 (General Commercial) District to a Class R-2 (Suburban Residential) District and to adopt Ordinance #2002-20 into law. The Zoning Map Amendment agreement as signed November 30, 1987 will now become null and void. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Wichman, second by Williams, to concur with the County Attorney and approve employment of Maura Comstock as a Law Clerk to work approximately 20 hours per week at \$10.00 per hour, to be effective August 22, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to authorize Chairman to sign “Letter of Support” for Oakland Foods expansion. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to concur with the County Sheriff and approve the promotion of Danielle Anderson from Deputy to Corporal at \$19.14 per hour and promotion of Samuel Arkfeld from Corporal to Sergeant at \$22.85 per hour, both to be effective August 15, 2002. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Sheriff’s Department – Resignation of Joe Leggett effective 8/22/02.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 4, 2002
PUBLISH: X

September 4 , 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of August 28, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize Chairman to sign Proposal Number: CO 1404 with Otis Elevator Company to relocate call buttons and floor indicator arrows on 3rd and 4th floor at a cost of \$5,435.00. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize Chairman to sign "Pottawattamie County, Iowa, Agreement For Transfer of Public Road Jurisdiction" between Pottawattamie County, Iowa and the City of Crescent, Iowa. Agreement No. 2002-TJ-1. In compliance with the provisions of Iowa Code Section 306.8, the County agrees to transfer to the City the public road segment including right-of-way as follows: That portion of Lombardy Road beginning at the west corporate limits (Jackson Street) of Crescent, Iowa, and extending approximately one-half mile to the west edge of Pigeon Creek Drainage District 2. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to award bid for the Engineering Plans for renovation of the second floor of the Courthouse Annex, to The Schemmer Associates in the amount of \$10,000, and authorize Chairman to sign agreement. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to place two questions on the ballot regarding the Gaming Proposition for the November 2002 General Election. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve tax suspension for property located at: 4029 Bel Air, Council Bluffs, Iowa. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to amend the minutes of August 21, 2002, to delete the words "Fire Station" from the following motion, to read as follows: "Motion by Wichman, second by Williams, to authorize a grant of \$75,000 to the City of Treynor for a Community Building. Grant monies will be paid as follows: \$37,500 upon the ground breaking and \$37,500 upon substantial completion. Roll Call Vote: Ayes-King, Wichman, Williams, Moats. Motion carried." Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 9, 2002
PUBLISH: X

September 9, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of September 4, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve **Resolution No. 32-2002**, supporting the gaming referendum on November 5, 2002. Roll Call Vote: Ayes-King, Wichman, Williams, Houser. Nay-Moats. Motion carried.

Motion by Moats, second by Houser, to authorize Chairman to sign "Statement of Agreement Between Omaha Public Power District and the State of Iowa Department of Public Defense Emergency Management Division, Pottawattamie County, Iowa. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to approve for publication the Claims Allowed for August 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to authorize Chairman to sign "Easement Agreement" by and among Pottawattamie County Conservation Board and Irvin D. Perdue and Helen L. Perdue, for Mr. Perdue's access to his property through the Farm Creek Public Wildlife Area. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize Chairman to sign an agreement for Electric Underground Easement between Pottawattamie County and MidAmerican Energy Company; taking into consideration that County Attorney Rick Crowl advises on the limits the agreement placed on the County. Roll Call Vote: Ayes – King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Houser, second by Moats to go into Executive Session as allowed by Code of Iowa, Chapter 21.5 (c). Roll Call Vote: Ayes – King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Houser, second by Moats to go out of Executive Session. Roll Call Vote: Ayes – King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Moats, second by Wichman to hire McGinn, McGinn, Jennings, Springer and Noethe as outside counsel for planning & zoning purposes. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to authorize Chairman to sign "Notice of Disallowance-Homestead Tax Credit" for parcel number 0-35-510-15744-0-0. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to concur with the County Sheriff and approve the promotion of the following: Adam Swinarski from Detention Officer to Deputy at \$15.85 per hour, effective 8/24/02; Ryan Dudney from Detention Officer to Deputy at \$15.85 per hour, effective 8/25/02 and Brian Loomis from Detention Officer to Deputy at \$15.85 per hour, effective 8/26/02. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Sheriff's Department/Jail – Resignation of John Starr effective 9/6/02.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 13, 2002
PUBLISH: X

September 13 , 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members, except Houser, who is absent on County business, present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of September 9, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to certify the results of the September 10, 2002 School Election and authorize the Auditor to pay the bills, to be reimbursed by the school districts. Unanimous vote. Motion carried.

The Board adjourned subject to call at 10:20 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 16, 2002

PUBLISH: X

September 16, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of September 13, 2002 as written. Unanimous vote. Motion carried.

10:00 A.M. - Zoning Public Hearing:

Case #ZTA-2002-02: The request of Pottawattamie County Planning for an amendment to Chapter 9, Subdivision Regulations, to require the submittal of the State National Pollution Discharge Elimination Permit with the preliminary plat of a subdivision.

Motion by Williams, second by Houser to open the public hearing on Case #ZTA-2002-01. Roll Call Vote: Ayes-King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Williams, second by Houser to close the public hearing on Case #ZTA-2002-01. Roll Call Vote: Ayes: King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Williams, second by Houser to approve first consideration of an ordinance to amend Chapter 9, Subdivision regulations, to require the submittal of the State National Pollution Discharge Elimination Permit with the preliminary plat of a subdivision and to set second consideration of said ordinance for Monday, September 23, 2002 at 11:00 A.M. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to authorize Chairman to sign "Notice of Disallowances" for Homestead Tax Credits and Military Service Tax Exemptions. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve Financial Report of Pottawattamie County Care Facility for August 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Chairman to sign electric line easement with MidAmerican Energy Company for a perpetual right-of-way easement along the real estate described as follows: "The West one (1) rod South of Highway SE¼ SW¼ Section 12-74-44, Pottawattamie County, Iowa." Easement description: "The South 110.00 feet of said West one (1) rod. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:20 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 19, 2002
PUBLISH: X

September 19, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of September 16, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve **Resolution No. 33-2002**, to transfer \$50,000 from the General Basic Fund to the Flood and Erosion Fund. Roll Call Vote: Ayes: King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Houser, second by Moats, to approve Metropolitan Area Planning Agency dues for period of July 1, 2002 to December 31, 2002 in the amount of \$18,097.00. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve tax suspension for property at 2508 South 9th Street, Council Bluffs and 1522 Wyandott Road, Council Bluffs, Iowa. Unanimous vote. Motion carried.

The Board adjourned subject to call at 10:30 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 23, 2002
PUBLISH: X

September 23, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 11:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minute of September 19, 2002 as written. Unanimous vote. Motion carried.

11:00 A.M. - Second Consideration:

Case #ZTA-2002-02: The request of Pottawattamie County Planning for an amendment to Chapter 9, Subdivision Regulations, to require the submittal of the State National Pollution Discharge Elimination Permit with the preliminary plat of a subdivision.

Motion by Houser, second by Wichman, to approve second consideration of an ordinance to amend Chapter 9, Subdivision Regulations, to require the submittal of the State National Pollution Discharge Elimination Permit with the preliminary plat of a subdivision and to adopt **Ordinance #2002-21** into law. Roll Call Vote: Houser-Aye; King-Aye; Moats-Aye; Wichman-Aye; Williams-Aye. Motion carried.

Motion by Moats, second by Houser, to approve the final plat of Stoneybrook Subdivision, Phase II and to adopt **Planning and Zoning Resolution #2002-6**. Roll Call Vote: Houser-Aye; King-Aye; Moats-Aye; Wichman-Aye; Williams-Aye. Motion carried.

Motion by Houser, second by Moats, to approve **Resolution No. 34-2002**, to transfer \$150,000 from the General Basic Fund to the Secondary Road Fund. Roll Call Vote: Ayes: King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Wichman, second by Houser, to approve **Resolution No. 35-2002**, to transfer \$350,000 from the Rural Services Basic Fund to the Secondary Road Fund. Roll Call Vote: Ayes: King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Wichman, second by Houser, to approve and authorize Chairman to sign contract with Attorney Scott Bergthold, upon recommendation of County Attorney, for \$5,400. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(i), for discussion of personnel matters. Roll Call Vote: Ayes: King, Wichman, Williams, Houser, Moats. Motion carried.

Motion by Houser, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes: King, Wichman, Williams, Houser, Moats. Motion carried.

Motion By Wichman, second by Williams, to concur with Jim Yochum's recommendation to terminate Mike Bahr, effective September 23, 2002. Roll Call Vote: Ayes: King, Wichman, Williams, Nays-Houser, Moats. Motion carried.

The Board adjourned subject to call at 1:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: September 30, 2002
PUBLISH: X

September 30, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Wichman, to approve the minutes of September 23, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to accept and sign the abstract of the Merged Area 13 election held on September 10, 2002. Unanimous vote. Motion carried.

Motion by Moats, second by Wichman, to concur with the County Attorney and approve the employment of Dawn Eimers as an Assistant County Attorney at an annual salary of \$43,813 annually, to be effective September 25, 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:42 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: October 2, 2002
PUBLISH: X

October 2, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of September 30, 2002 as written. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to proclaim the month of October 2002, as "Disability Employment Awareness Month". Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve **Resolution No. 36-2002**, regarding burial expenses for Veterans. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to concur with the County Sheriff and approve the employment of Greg Brougham, Rodney Harder and Daniel Weatherill as Detention Officers at \$13.52 per hour with effective day of September 30, 2002 for Brougham and Harder and October 2, 2002 for Weatherill. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign "Certificate of Appointment of Deputy or Assistant" for Dawn Eimers appointed Assistant County Attorney, effective September 25, 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 10:10 A.M.

Delbert E. King, Chairman

ATTEST: _____
Cheryll Ross, First Deputy
Auditor's Office

APPROVED: October 9, 2002
PUBLISH: X

October 9, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Wichman, to approve the minutes of October 2, 2002 as written. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to approve **Resolution No. 37-2002** to adopt the Hazardous Materials Annex to the Pottawattamie County Emergency Operations Plan. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser, to approve for publication the Claims Allowed for September 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to concur with the County Engineer and approve the employment of Jonathan Leisinger as an Engineering Assistant II at \$23.00 per hour to be effective September 26, 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve lease agreement between Pottawattamie County, Iowa and Martin Luther Homes East, Inc. – Western Iowa Agency, to lease the following described real estate: “600 Ninth Avenue, Council Bluffs, Iowa.” Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to sign agreement with Snow Fighter Removal for snow removal services for the 2002-2003 winter season. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve Change Order Number 1 with W. Boyd Jones to move existing low spectator wall for the courtroom being built on the fourth floor, at a cost of \$2,471.00. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING:Reports

Sheriff's quarterly report of fees collected and disbursed for quarter ending September 30, 2002.

Salary Actions

Pottawattamie County Sheriff - Resignation of Mark Assman effective September 10, 2002

The Board adjourned subject to call at 1:40 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: October 16, 2002

PUBLISH: X

October 16, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:15 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of October 9, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to abate the taxes for Parcel #056075035017657 in the amount of \$474.00 plus costs due to property being owned by the City of Macedonia . Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize the recovering of juror chairs at an approximate cost of \$1,900.00 and substitute oak stained cabinetry for laminate cabinetry in the Clerk of Court's fourth floor office, in the amount of \$3,106.00. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to approve decision of gallery seating in courtroom for state paid funds of \$19,382.00 and county will pay to redo judges benches. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to concur with the Sheriff's Department and approve the employment of Todd Over as Detention Officer at \$13.52 per hour, effective October 14, 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve **Resolution No. 38-2002**, to transfer \$800,000 from Rural Services Basic Fund to Secondary Roads Fund. Roll Call Vote: Ayes-5. Motion carried.

RECEIVED AND FILED THE FOLLOWING**Salary Actions**

Pottawattamie County Sheriff's Department/Jail – Employment of Todd Over.

Pottawattamie County Sheriff's Department/Jail – Resignation of Shawn Stevens effective October 4, 2002.

The Board adjourned subject to call at 12:00 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: October 21, 2002

PUBLISH: X

October 21, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members, except King, present. Chairman Pro Tem Wichman presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of October 16, 2002 as written. Unanimous vote. Motion carried.

10:00 Public Hearings:

CASE #ZMA-2002-21: The request of Gerald Wilson for a zoning map amendment to reclassify approximately 4.779 acres from a Class A-2 (Exclusive Agricultural) District to a Class C-1 (Highway Commercial) in Belknap Township, Highway 59, legally described as: 14-75-40 part SW NW Section 13-part E1/4 Section 14 commencing 203'N 40'W of Corner W201' NLY162' W99'NLY939' WLY18'NLY280' WLY256' NLY442' E615' Sly along Hwy to POB EXCN of Creek and except commencing COR W201' N180'W78' N152' E273' S339.15' to POB and 14-75-40 commencing 2391'N & 40W of SE COR thence W183' S34' W11' N34' W78' N152' E273' S150' to POB PT SE NE.

CASE #SUB-2002-03: The request of Gerald Wilson for a preliminary plat approval of Wilson's Landing, located in Belknap Township, Highway 59, legally described as: 14-75-40 part SW NW Section 13-part E1/4 Section 14 commencing 2203'N 40'W of Corner W201' NLY162' W99'NLY939' WLY18'NLY280' WLY256' NLY442' E615' Sly along Hwy to POB EXCN of CRK & except commencing COR W201' N180'W78' N152' E273' S339.15' to POB and 14-75-40 commencing 2391'N & 40W of SE COR thence W183' S34' W11' N34' W78' N152' E273' S150' to POB PT SE NE.

Motion by Houser, second by Moats, to open the public hearing on Case #ZMA-2002-21 and #SUB-2002-03. Ayes-Wichman, Moats, Houser. Abstain-Williams. Motion carried.

Motion by Moats, second by Houser, to close the public hearing on Case #ZMA-2002-21 and #SUB-2002-03. Ayes-Wichman, Moats, Houser. Abstain-Williams. Motion carried.

Motion by Houser, second by Moats, to approve first consideration of an ordinance to reclassify approximately 4.779 acres from a Class A-2 (Exclusive Agricultural) District to a Class R-2 (Suburban Residential) District and .614 Acres from a Class A-2 (Exclusive Agricultural) District to a Class C-1 (Highway Commercial) and to set second consideration for October 30, 2002 at 9:55 A.M. and to continue the consideration of the preliminary plat of Wilson's Landing to said date and time. Ayes-Wichman, Moats, Houser. Abstain-Williams. Motion carried.

Motion by Williams, second by Houser, to take the bids for Keg Creek shop grading under consideration and set Wednesday, October 23, 2002 at 1:55 PM to award bid. Roll Call Vote: Ayes-4, Nays-0. Motion carried.

Motion by Williams, second by Moats, to approve stop payment on warrant number 8909 and issue new warrant. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:32 A.M.

Delbert E. King, Chairman

ATTEST: _____
Cheryll Ross, First Deputy
Auditor's Office

APPROVED: October 21, 2002

PUBLISH: X

October 23, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 1:00 P.M., all members, except King, present. Chairman Pro Tem Wichman presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of October 21, 2002 as written. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to award bid for Keg Creek shop grading to Fahrenkrog & Company in the amount of \$30,484.00. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) – negotiations. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Houser, to go out of Executive Session. Roll Call Vote: Ayes-Houser, Moats, Wichman, Williams. Motion carried.

The Board adjourned subject to call at 2:30 P.M.

Tim Wichman, Chairman Pro Tem

ATTEST: _____
Gary Herman, First Deputy Elections
Auditor’s Office

APPROVED: October 28, 2002
PUBLISH: X

October 28, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:30 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams , second by Houser, to approve the minutes of October 23, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign 2002 Consulting Agreement between Pottawattamie County Board of Supervisors and Williams-Deras & Associates as the Consultant, to analyze, study, and offer recommendations regarding Employee Fringe Benefit Programs of the Employer, at a cost of \$1,750 per month for the period of 10/1/01 to 12/31/05. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to set aside the agenda as allowed by the Code of Iowa, Chapter 21.4, and allow the bid opening for the second floor of the Courthouse Annex building. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to take bids under advisement and authorize bid awarding for Wednesday, October 30, 2002 at 10:00 A.M. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize purchase of computer software for the Sheriff's Department in the amount of \$285,340.00 in conjunction with Pottawattamie County Sheriff and Council Bluffs Police Department. Roll Call Vote: Ayes-Houser, King, Moats, Wichman, Williams. Motion carried.

Motion by Williams, second by Houser, to take bids for the Sheriff's cars under consideration and set Wednesday, November 6, 2002, at 10:15 AM for the bid awarding. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to concur with the County Engineer and approve the employment of Adam Ring as an Engineer Assistant I at \$16.95 per hour to be effective October 7, 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:55 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: October 30, 2002

PUBLISH: X

October 30, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:55 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Houser, to approve the minutes of October 28, 2002 as written. Unanimous vote. Motion carried.

9:55 A.M. - Second Consideration

CASE #ZMA-2002-21: The request of Gerald Wilson for a zoning map amendment to reclassify approximately 4.779 acres from a Class A-2 (Exclusive Agricultural) District to a Class C-1 (Highway Commercial) in Belknap Township, Highway 59, legally described as: 14-75-40 part SW NW Section 13 part E1/4 Section 14 commencing 2203'N 40'W of Corner W201' NLY162' W99'NLY939' WLY18' NLY280' WLY256' NLY442' E615' Sly along Hwy to POB EXCN of creek and except commencing COR W201' N180'W78' 152' E273' S339.15' to POB and 14-75-40 commencing 2391'N & 40W of SE COR thence W183' S34' W11' N34' W78' N152' E273' S150' to POB PT SE NE.

CASE #SUB-2002-01: The request of Gerald Wilson for a preliminary plat approval of Wilson's Landing, located in Belknap Township, Highway 59, legally described as: 14-75-40 part SW NW Section 13-part E1/4 Section 14 commencing 2203'N 40'W of Corner W201' NLY162' W99' NLY939' WLY18'NLY280' WLY256' NLY442' E615' Sly along Hwy to POB EXCN of CRK & except commencing COR W201' N180'W78' N152' E273' S339.15' to POB and 14-75-40 commencing 2391'N &40W of SE COR thence W183' S34' W11' N34' W78' N152' E273' S150' to POB PT SE NE.

Motion by Houser, second by Moats, to approve second consideration of an ordinance to reclassify approximately 4.779 acres from a Class A-2 (Exclusive Agricultural) District to a Class R-2 (Suburban Residential) District and .614 Acres from a Class A-2 (Exclusive Agricultural) District to a Class C-1 (Highway Commercial) and to adopt **Ordinance #2002-22** and to approve the preliminary plat of Wilson's Landing Subdivision and adopt **Planning and Zoning Resolution #2002-07**. Ayes-Wichman, Moats, Houser, King. Abstain-Williams. Motion carried.

Motion by Houser, second by Wichman, to award contract to Prairie Construction Company in the amount of \$182,000, for Pottawattamie County Courthouse Annex Renovation Project. Unanimous vote. Motion carried.

10:00 A.M. - Continuation of Second Consideration:

Case #ZMA-2002-04: The request of Pottawattamie County Planning and Zoning Commission, Front Tier Corporation, property owner, for a zoning map amendment to reclassify approximately 134.65 acres from a Class A-I/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District, located in Garner Township, Hunt Avenue legally described as : 15-75-43 Pt SE¼ commencing 1486.17N of S¼ corner of Section 15 NE1351 along I-80 Row E1359.35 S1869.34 NW 464.22 NE90 NLY 338.2 WLY465.07 W1016.86 to POB and 15-75-43 PT W½ SE commencing S¼ corner N1486.17 ELY 1086.98 S1610.40 W1081.81 to POB, and 22-75-43 E50 W280.9 N½ NE and 15-75-43 SE¼ Section 15-N½ NE 22-75-43 commencing 277N 33W of SE corner Section 15-N492.81 W759.03 NW464.22 NE90 NLY338.2 WLY465.07 S303.26 SLY161.66 SW86.5 SLY107.96 S899.71 SLY930.08 NE813.23 along road to point of beginning.

Motion by Wichman, second by Houser, to approve second consideration of an ordinance to reclassify approximately 134.65 acres from a Class A-1/C-3 (Open Space and Conservation/Commercial Recreational) District to a Class A-2 (Exclusive Agricultural) District and to adopt **Ordinance #2002-23**. Ayes: Wichman, Moats, Houser, King, Williams. Motion carried.

The Board adjourned subject to call at 11:30 AM.

Delbert E. King, Chairman

ATTEST: _____
Cheryll Ross, First Deputy, Auditor's Office

APPROVED: November 6, 2002
PUBLISH: X

November 6, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams , second by Moats, to approve the minutes of October 30, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to take the bids for the Engineers equipment under advisement and set Tuesday, November 12, 2002 at 10:30 A.M. to award bid. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize the awarding of the bids for the Sheriff's cars as follows: Three Ford Crown Victoria Patrol Cars from McMullen Ford of Council Bluffs at \$22,615.27 each, Three Chevrolet Impala Patrol Cars from Olsen Chevrolet of Avoca at \$18,974.28 each, one Transport Van from Terry Thomas Auto Center of Glenwood at \$17,792.00 with trade-in, one Expedition from McMullen Ford of Council Bluffs at \$29,096.57 and one Crew Cab Pick-up from McMullen Ford of Council Bluffs at \$24,587.04, for a total cost of \$196,244.26. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to set aside agenda as allowed by Code of Iowa, Chapter 21.4 and reinstate the Homestead Credit on parcel number 000035174008153000000 (Andrews, 2734 Avenue J) and correct the taxes accordingly. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize Board to sign **Resolution No. 39-2002**, to set a public hearing for Wednesday, November 13, 2002 at 11:00 AM, in the Board of Supervisors' Hearing Room, Second Floor, Courthouse, Council Bluffs, Iowa, to consider disposing of property by gift to Pottawattamie County Development Corporation for the purpose of development of housing to serve the developmentally disabled. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Houser, to authorize Chairman to sign final Pottawattamie County Care Facility Financial Report for September 2002 and October 2002. Unanimous vote. Motion carried.

Motion by Houser, second by Moats, to approve NACo Member Dues for January 1, 2003 – December 31, 2003, in the amount of \$1,625.00. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: November 12, 2002

PUBLISH: X

November 12, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Houser, to approve the minutes of November 6, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve the canvass of election results for the General Election held in all precincts of Pottawattamie County on November 5, 2002, and authorize the Auditor to write warrants for claims for the election. Roll Call Vote: Ayes-5. Nays-0. Motion carried.

Motion by Houser, second by Wichman, to authorize the Chairman to sign the contract and bond with Warren Fahrenkrog and Company in the amount of \$30,484.00 for grading work at the new Keg Creek Shop. Unanimous vote. Motion carried.

Motion by Moats, second by Wichman, to authorize the Chairman to sign contract and bond with All Iowa Contracting Company in the amount of \$75,418.66 for pavement markings. Unanimous vote. Motion carried.

Motion by Moats, second by Williams, to authorize the Planning Department to obtain bids for clean-up of property located at 44087 Aspen Road. Roll Call Vote: Ayes-4; Absent-Wichman. Motion carried.

Motion by Williams, second by Houser, to approve for publication the Claims Allowed for October 2002. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Reports

Recorder's quarterly reporting ending September 30, 2002.

The Board adjourned subject to call at 11:40 A.M.

Delbert E. King, Chairman

ATTEST: _____
Cheryll Ross, First Deputy
Auditor's Office

APPROVED: November 13, 2002

PUBLISH: X

November 13, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:50 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of November 12, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign **Resolution No. 40-2002**, pledging cooperation with the Omaha Metropolitan Medical Response System, the Iowa Region 4 HRSA Cooperative Agreement Subcommittee, the Iowa Region 4 CDC Cooperative Agreement Subcommittee for coordination of emergency plans & distribution for federal Homeland Security resources. Roll Call Vote: Ayes-5. Motion carried.

Motion by Houser, second by Williams, to open the public hearing on the offering of a parcel of Pottawattamie County property to the Pottawattamie County Development Corporation. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Houser, to close the public hearing. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to authorize Board to sign **Resolution No. 41-2002**, to give to Pottawattamie County Development Corporation, by gift, for purposes of development of housing to serve the developmentally disabled the property described as: "West ½ of Lot 12, Block 11, Bayliss First Addition and Lots 1 and 5, Auditor's Subdivision of Lot 11, Block 11, Bayliss First Addition and Lots 1, 2 & 3, Block 2, Bayliss Second Addition to the City of Council Bluffs, Pottawattamie Co., IA." Roll Call Vote: Ayes-5. Motion carried.

The Board adjourned subject to call at 11:45 AM.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: November 18, 2002

PUBLISH: X

November 18, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of November 13, 2002 as written. Unanimous vote. Motion carried.

10:00 Public Hearings:

Case #SUB-2002-04: The request of Jeffrey Doll and Ed L. Morris, for approval of a property line adjustment between two lots in Heartland Country Estates, Deerfield Court, Lots 36 and 37, Heartland Country Estates.

Motion by Williams, second by Moats, to open the public hearing on Case #SUB-2002-04. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Williams, to close the public hearing on Case #SUB-2002-04. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Williams, to approve a property line adjustment between Lots 36 and 37, Heartland Country Estates, and to adopt Planning and Zoning Resolution #2002-08. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Case #MIS-2002-02: The request of Pottawattamie County/City of Carson, for review and recommendation on Two-Mile Limit Area Policy Agreement between the City of Carson and Pottawattamie County, Iowa.

Motion by Moats, second by Houser, to open the public hearing on Case #MIS-2002-02. Ayes-Moats, King, Houser. Nays-Williams, Wichman. Motion carried.

Motion by Moats, second by Houser, to close the public hearing on Case #MIS-2002-02. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Moats, second by Wichman, to table Case #MIS-2002-02. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Case #ZMA-2002-22: The request of Pottawattamie County Conservation for a zoning map amendment to reclassify approximate 21.25 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District, located in Rockford Township, Ski Hill Loop, part of the SE¼ SW¼, Section 36, Township 77N, Range 44W of the 5th P.M.

Motion by Wichman, second by Williams, to open the public hearing on Case #ZMA-2002-22. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Williams, second by Moats, to close the public hearing on Case #ZMA-2002-22. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Williams, second by Wichman, to approve first consideration of an ordinance to reclassify approximately 21.25 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District and to set second consideration for November 25, 2002 at 10:30 AM. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Case #ZTA-2002-02: The request of Pottawattamie County Planning for zoning text amendments to amend Chapter 8.096 by adding subsection .110, TIME LIMIT ON BOARD DECISION: If the property granted a variance or conditional use permit is not developed as allowed within one (1) year of Board action, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the variance or conditional use granted. This can occur only after a public hearing at which time the landowner can ask for a time extension. Adding subsection .120, EXPIRATION OF CONDITIONAL USE PERMIT: In the event a conditional use permit is granted, the land use is established and the land use subsequently discontinued for a period of one (1) year or more, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the conditional use permit granted. This can occur only after a public hearing. Adding subsection .090.07, Whenever any application for a conditional use permit shall have been denied by the Board of Adjustment, then no new application covering the same property or the same property and additional property shall be filed with or considered by the Board of Adjustment until one (1) year shall have elapsed from the date of the filing of the first application. In the event new evidence is presented within thirty (30) days of said denial, one (1) re-application may be made of a denied conditional use request. In the event said re-application results in a denial, no new application shall be made until the elapse of the 1 year period described above.

Motion by Wichman, second by Moats, to open the public hearing on Case #ZTA-2002-02. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Williams, to close the public hearing on Case #ZTA-2002-02. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Williams, to approve first consideration of an ordinance to amend the text of Section 8.096 of the Zoning Ordinance, as recommended for amendment by the Planning Commission, and to set second consideration for November 25, 2002 at 10:30 A.M. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Houser, second by Moats, to authorize Chairman to sign "Notice of Disallowance/Family Farm Tax Credit" for parcel number 7-1-8-132-0-0. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign Contract with Prairie Construction Company in the amount of \$182,182.00 for the Pottawattamie County Courthouse Annex Renovation project. Unanimous vote. Motion carried.

Motion by Wichman, second by Houser, to authorize Chairman to sign GIS Agreement with the City of Council Bluffs. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions – Pottawattamie County Conservation – Retirement of Clifferd Fischer effective October 26, 2002.

The Board adjourned subject to call at 11:40 AM.

Delbert E. King, Chairman

ATTEST: _____

Marilyn Jo Drake, County Auditor

APPROVED: November 25, 2002

PUBLISH: X

November 25, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.
PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Houser, to approve the minutes of November 18, 2002 as written. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to sign **Resolution No. 42-2002**, authorizing Board to sign a 28E Agreement to enter into the County Rate Information System 28E Agreement with the Iowa State Association of Counties and cooperate with other Counties to form a separate legal entity known as County Rate Information System (CRIS), to provide state-wide rate setting methodology, in the amount of approximately \$5,000. Roll Call Vote: Ayes-5. Motion carried.

Motion by Moats, second by Houser, to authorize Chairman to sign a one year lease with Martin Luther Homes East, Inc., to lease a 1997 and a 1998 Plymouth Grand Voyager SE vans with revenues to be deposited in the Gaming Fund. Unanimous vote. Motion carried.

10:30 A.M. - Second Considerations:

Case #ZMA-2002-22: The request of Pottawattamie County Conservation for a zoning map amendment to reclassify approximate 21.25 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District, located in Rockford Township, Ski Hill Loop, part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 77N, Range 44W of the 5th P.M.

Motion by Wichman, second by Houser, to approve second consideration of an ordinance to reclassify approximately 21.25 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District and to adopt **Ordinance #2002-24**. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Case #ZTA-2002-02: The request of Pottawattamie County Planning for zoning text amendments to amend Chapter 8.096 by adding subsection .110, TIME LIMIT ON BOARD DECISION: If the property granted a variance or conditional use permit is not developed as allowed within one (1) year of Board action, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the variance or conditional use granted. This can occur only after a public hearing at which time the landowner can ask for a time extension. Adding subsection .120, EXPIRATION OF CONDITIONAL USE PERMIT: In the event a conditional use permit is granted, the land use is established and the land use subsequently discontinued for a period of one (1) year or more, the Board may, after seven (7) days notice in writing to the landowner, initiate action to rescind the conditional use permit granted. This can occur only after a public hearing. Adding subsection .090.07, Whenever any application for a conditional use permit shall have been denied by the Board of Adjustment, then no new application covering the same property or the same property and additional property shall be filed with or considered by the Board of Adjustment until one (1) year shall have elapsed from the date of the filing of the first application. In the event new evidence is presented within thirty (30) days of said denial, one (1) re-application may be made of a denied conditional use request. In the event said re-application results in a denial, no new application shall be made until the elapse of the 1 year period described above.

Motion by Wichman, second by Houser, to approve second consideration of an ordinance to amend the text of Section 8.096 of the Zoning Ordinance, as recommended for amendment by the Planning Commission, and to adopt **Ordinance #2002-25**. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Moats, second by Houser, to authorize the Chairman to sign Tax Increment Financing Debt Certification Form to the County for OSI and Airport/Bent Tree Urban Renewal Project. Unanimous vote. Motion carried.

Motion by Houser, second by Williams, to approve Class "C" Beer Renewal/Sunday Sales Privilege for K C Mart Truck Stop, Underwood, Iowa. Roll Call Vote: Ayes-4. Nay-Moats. Motion carried.

Motion by Houser, second by Williams, to concur with the Director of Buildings and Grounds and employ David Malmstrom as a Maintenance Worker II at \$12.50 per hour, effective November 25, 2002. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:30 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 4, 2002
PUBLISH: X

December 4, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M., all members, except Houser, present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams , second by Wichman, to approve the minutes of November 25, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign **Resolution No. 43-2002** to transfer \$400,000 from the Rural Services Basic Fund to the Secondary Road Fund. Roll Call Vote: Ayes-4. Absent-Houser. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign **Resolution No. 44-2002** to transfer \$300,000 from the Gaming Fund to the Conservation Local Option Sales Tax Fund. Roll Call Vote: Ayes-4. Absent-Houser. Motion carried.

Motion by Wichman, second by Moats, to authorize Board to sign **Resolution No. 45-2002** to transfer \$600,000 from the Gaming Fund to the Secondary Roads Local Option Sales Tax Fund. Roll Call Vote: Ayes-4. Motion carried.

Motion by Williams, second by Wichman, to approve employment of Brian Eyberg as a Detention Officer in the Sheriff’s Department/Jail at \$13.52 per hour, to be effective November 20, 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to appoint Betty Moats and Shawn Shea to the DHS Service Area Advisory Board for the Council Bluffs Service Area for a term on one year. Unanimous vote. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Actions

Pottawattamie County Sheriff’s Department – Resignation of Dalesa Killion effective November 29, 2002.

The Board adjourned subject to call at 2:45 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 9, 2002

PUBLISH: X

December 9, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams , second by Moats, to approve the minutes of December 4, 2002 as amended. Unanimous Vote. Motion carried.

Motion by Williams, second by Houser to accept election results of the Lewis Central Community Schools PPEL Levy and Crescent City Council Special Elections and authorize the Auditor to pay all bills resulting from the elections. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to approve **Resolution No. 46-2002**, to designate Terrance Hummel, Emergency Management Coordinator, as its Designated Applicant Authorized Representative and Fiscal Agent for EMS System Development grant contracts, for Hospital/EMS (HRSA) grant contracts, for public health (CDC) grant contracts, and for the FY 2002 Emergency Management Supplemental Grant contacts for state and local all-hazards emergency operational planning. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to approve **Resolution No. 47-2002**, relating to the reissuance of \$2,900,532.69 of the Elderly Housing Revenue Bonds (Bethany Elderly Housing Project) Series 1991 of Pottawattamie County, Iowa and authorizing an amendment to the bond; and related matters. Roll Call Vote: Ayes-5. Motion carried.

Motion by Wichman, second by Houser, to appoint Ruby Bentley to another 5-year term on the Pottawattamie County Conservation Board. Unanimous Vote. Motion carried.

Motion by Williams, second by Houser, to authorize the Chairman to sign Order Accepting Acknowledgment/Settlement Agreement regarding Treynor Electric and Quick Store. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize Chairman to sign stop payment on warrant number 17712 and issue new warrant. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:17A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 11, 2002

PUBLISH: X

December 11, 2002**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:45 A.M., all members present, except Houser, who is absent on county business. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of December 9, 2002 as written. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to allow the computer cable connection between the Courthouse and the Services Building. Unanimous vote. Motion carried.

Motion by Wichman, second by Moats, to approve Bob Williams/Crescent, Jack Ryan/Underwood and Gary Larson/Underwood as nominees for membership to the Iowa Wescorp Association Board of Directors. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to authorize the remodeling of the Supervisors' Hearing Room bench on the second floor of the Courthouse. Roll Call Vote: Ayes-King, Wichman, Williams. Nay-Moats. Motion carried.

Motion by Williams, second by Wichman, to approve for publication the Claims Allowed for the month of November, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to authorize stop payment on warrant number 2148 and authorize Auditor to issue new warrant. Unanimous vote. Motion carried.

The Board adjourned subject to call at 10:30 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 16, 2002

PUBLISH: X

December 16, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of December 11, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to amend the minutes of December 11, 1002. Unanimous vote. Motion carried.

10:00 Zoning Hearing:

Case #ZMA-2002-23: The request of Pottawattamie County Conservation for a zoning map amendment to reclassify approximately 82.76 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District, located in Grove Township, 460th Street and Chestnut Road, legally described as: S½ SE¼, Section 10, Township 74N, Range 39W of the 5th P.M. and part of the NE¼ NW¼ and part of the NW¼ NE¼, Section 15, Township 74N, Range 39W of the 5th P.M.

Motion by Houser, second by Williams, to open the public hearing on Case #ZMA-2002-23. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Williams, second by Houser, to close the public hearing on Case #ZMA-2002-23. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Williams, second by Houser, to approve first consideration of an ordinance to reclassify approximately 82.76 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District, as requested by the Pottawattamie County Conservation Board, under Case #ZMA-2002-23, and to set second consideration for December 18, 2002 at 10:30 P.M. Unanimous vote. Motion carried.

Case #SUB-2002-06: The request of Roland C. Heyer for appeal of Administrative Decision on Denial of a Sketch Plat Application located in Rockford Township, Highway 183, legally described as: 35-77-44 S122' W415' N387.41' E62.4' NE NE.

Motion by Wichman, second by Houser, to open the public hearing on Case #SUB-2002-06. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Williams, second by Moats, to close the public hearing on Case #SUB-2002-06. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Williams, second by Moats, to concur with the Planning and Zoning Commission and deny the request of an appeal of an administrative decision to deny a sketch plat application, as filed by Roland Heyer, under Case #SUB-2002-06, and to adopt Planning and Zoning Resolution #2002-09. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Wichman, second by Moats, to authorize Chairman to sign letter of support for UMBA for a Vision Iowa Grant. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign a contract with GeoComm Services in the amount of \$7,692.50, for GIS applications for 911. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to seek bids for removal of a house on county property in Lewis Township. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve request of the Pottawattamie County Communication Group for a contribution of \$8,462.50, to the Communications Department. These funds are to be used toward consultant fees to develop a Phase 1, feasibility study for a county-wide radio communications upgrade. This approval is contingent upon an equal contribution from the City of Council Bluffs. Unanimous vote. Motion carried.

The Board adjourned subject to call at 11:45 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 18, 2002
PUBLISH: X

December 18, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 8:40 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Williams, second by Moats, to approve the minutes of December 16, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Pottawattamie County to apply for a SAMHSA Substance Abuse Extension Grant. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to authorize Board to sign BROS –CO78- -5F-78 agreement for bridge over Silver Creek 3 on Cottonwood Road approximately ¼ mile west of 340th Street (L66). Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to go into Executive Session as allowed by Code of Iowa, Chapter 21.5(c) for purposes of Union negotiations. Roll Call vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to go out of Executive Session. Roll Call Vote: Ayes-5. Motion carried.

Motion by Williams, second by Moats, to authorize Board to sign **Resolution No.48-2002** regarding “Agreement For Rail Access to Southwest Iowa Industrial Park” and “Easement For Railroad Trackage” with MidAmerican Energy. Roll Call Vote: Ayes-5. Motion carried.

10:30 Second Consideration:

Case #ZMA-2002-23: The request of Pottawattamie County Conservation for a zoning map amendment to reclassify approximately 82.76 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District, located in Grove Township, 460th Street and Chestnut Road, legally described as: S½ SE¼, Section 10, Township 74N, Range 39W of the 5th P.M. and part of the NE¼ NW¼ and part of the NW¼ NE¼, Section 15, Township 74N, Range 39W of the 5th P.M.

Motion by Wichman, second by Houser, to approve second consideration of an ordinance to reclassify approximately 82.76 acres from a Class A-2 (Exclusive Agricultural) District to a Class A-1 (Open Space and Conservation) District, as requested by the Pottawattamie County Conservation Board, under Case #ZMA-2002-23, and to adopt **Ordinance #2002-26**. Ayes-Wichman, Moats, King, Houser, Williams. Motion carried.

Motion by Moats, second by Houser, to authorize the Chairman to sign an application for the Grant to Counties Well Program for FY 2003-04 with the Iowa Department of Public Health, in the amount of \$22,575.00. Unanimous vote. Motion carried.

Motion by Moats, second by Houser, to apply for grant to “text, plug, and rehab wells” through Iowa Department of Public Health. Unanimous vote. Motion carried.

Motion by Williams, second by Houser, to approve Class “C” Beer Permit/Sunday Sales Privilege for DeSoto Bend Mini Mart, Missouri Valley, Iowa. Roll Call Vote: Ayes-Houser, King, Wichman, Williams. Nay-Moats. Motion carried.

RECEIVED AND FILED THE FOLLOWING

Salary Action

Pottawattamie County Sheriff’s Department/Jail – Termination of Lee Bowstead effective 12/13/02.

The Board adjourned subject to call at 11:15 A.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 23, 2002

PUBLISH: X

December 23, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 9:45 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Wichman, second by Houser, to approve the minutes of December 18, 2002 as written. Unanimous vote. Motion carried.

Motion by Houser, second by Wichman, to approve employment of Thomas Broniecki as the Information Technology Director at \$28.73563 per hour to be effective December 30, 2002. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve contract with Sidwell Company for GIS data services relating to GeoComm/911 applications. Unanimous vote. Motion carried.

The Board adjourned subject to call at 12:15 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: December 30, 2002

PUBLISH: X

December 30, 2002

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 11:00 A.M., all members present. Chairman King presiding.

PLEDGE OF ALLEGIANCE

Motion by Houser, second by Moats, to approve the minutes of December 23, 2002 as written. Unanimous vote. Motion carried.

Motion by Williams, second by Wichman, to approve "Applications For Homestead Tax Credits" and "Applications For Military Exemptions" for 2003. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to authorize Chairman to sign "Notice of Disallowance-Military Service Tax Exemption" for parcel number 0-35-903-22554-0-0. Unanimous vote. Motion carried.

Motion by Williams, second by Moats, to approve for publication the payroll amounts paid in the year 2002. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to approve proposal from Anderson Excavating Company for the demolition and site cleaning at 18670 Applewood Road at a cost of \$6,000.00. Unanimous vote. Motion carried.

Motion by Wichman, second by Williams, to concur with the County Sheriff's Department and approve the employment of George Schabloske as a Detention Officer in the Sheriff's Department/Jail, at \$13.52 per hour, to be effective December 18, 2002. Unanimous vote. Motion carried.

Motion by Houser, to terminate the employment contract of Senior Programmer Analyst/Assistant Information Systems Director and Programmer Analyst for Pottawattamie County, as of December 30, 2002. There being no second to the motion, the Chairman stepped down and the Chairman Pro Tem Wichman took the Chair. King then seconded the motion. Roll Call Vote: Ayes-4; Abstain-Moats. Motion carried.

RECEIVED AND FILED THE FOLLOWINGReports

County Auditor's Report of Fees Collected for quarter ending September 30, 2002.

The Board adjourned subject to call at 12:10 P.M.

Delbert E. King, Chairman

ATTEST: _____
Marilyn Jo Drake, County Auditor

APPROVED: January 2, 2003

PUBLISH: X