

April 28, 2020

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Drake, to approve

- A. April 16, 2020, Minutes as read.
- B. Planning / Public Health – Employment of Elizabeth Marino as Epidemiologist – Temporary.
- C. Planning / Public Health – Employment of Carol Timm as Public Health Nurse PRN – Temporary.

UNANIMOUS VOTE. Motion carried.

2. SCHEDULED SESSIONS

Motion by Drake, second by Belt, to open public hearing on proposed road vacation of a the originally platted alleys in Blocks 3 and 4 of the unincorporated town of Bentley, legally described as: Originally platted alleys in Blocks 3 and 4 of Original Town Plat in the unincorporated Town of Bentley per town plat for recorded in Section, 13, Township 76, Range 42 West of the 5th P.M., Pottawattamie County, Iowa. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Grobe, to close public hearing. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 50-2020**, as follows:

RESOLUTION NO. 50-2020

WHEREAS, the following described road has a very low volume of traffic; and

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

WHEREAS, it is in the best interest of Pottawattamie County to vacate the road right-of-way described below.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 28th day of April, 2020, that the following described road easement be vacated:

Originally platted alleys in Blocks 3 and 4 of the unincorporated town of Bentley, legally described as: Originally platted alleys in Blocks 3 and 4 of Original Town Plat in the unincorporated Town of Bentley per town plat filed for record in Section 13, Township 76, Range 42 West of the 5th P.M., Pottawattamie County, Iowa.

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

Dated this 28th day of April, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Justin Schultz, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
John Rasmussen, Engineer

Roll Call Vote: **AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Wichman, to open public hearing on proposed road vacation of a portion of roadway (265th Street) along the east line of the SW ¼ of Section 9, Township 76 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Drake, to close public hearing. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 51-2020**, as follows:

RESOLUTION NO. 51-2020

WHEREAS, the following described road has a very low volume of traffic; and

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

WHEREAS, it is in the best interest of Pottawattamie County to vacate the road right-of-way described below.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 28th day of April, 2020, that the following described road easement be vacated:

A portion of roadway (265th Street) along the east line of the SW 1/4 of Section 9, Township 76 North, Range 42 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the S ¼ corner of said Section 9, thence North along the East line of said SW ¼ a distance of 1120 feet to the center line of a ditch and the Point of Beginning; thence continuing North along the East line of said SW ¼ a distance of 965 feet to a point terminating 50 feet South of an existing farm entrance West of road. Said road was established by Original Petition No. 323 on April 3, 1877, recorded in Road Calendar Book B on Page 556. This portion of roadway was later petitioned and recorded on August 19, 1957, by Petition No. 354 establishing right-of-way at 66 feet wide. The length of said roadway is 965 feet (0.183 mile)

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

Dated this 28th day of April, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Justin Schultz, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

RECOMMENDED: _____
John Rasmussen, Engineer

Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.

Motion by Drake, second by Belt, to open public hearing on proposed preliminary plat of Criswell Subdivision, a subdivision situated in Hazel Dell Township; and sign **Planning and Zoning Resolution No. 2020-05**. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Belt, second by Grobe, to close public hearing. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.**

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Planning and Zoning Resolution No. 2020-05**. Said Resolution is set out as follows:

**PLANNING AND ZONING
RESOLUTION NO. 2020-05**

WHEREAS, the proposed preliminary plat and supporting documents for **Criswell Subdivision**, a subdivision situated in **Hazel Dell Township**, has been filed with the Pottawattamie County Planning and Zoning Commission for its study and recommendation under **Case #SUB-2020-02**; and

WHEREAS, said Commission conducted a public hearing on **January 13th, 2020**, in accordance with Chapter 9.04 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and has given all parties an opportunity to be heard; and

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

WHEREAS, this Board conducted a public hearing on **April 28th, 2020** in accordance with the above-noted Ordinance and Statute, and has examined the proposed preliminary plat; and

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

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

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

PASSED AND APPROVED April 28th, 2020.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Justin Schultz, Chairman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Marilyn Jo Drake	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: _____
Melvyn Houser, County Auditor

Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve and authorize Chairman to sign Consulting Services Agreement with Kansas City Series of Lockton Companies, LLC. , for period of June 1, 2020 through May 31, 2021. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve and allow the funds allocated on November 26, 2019, to the Fourth Judicial District Department of Correctional Services in the amount of \$3,242.00 for the 13th Annual Crime Victim’ Rights Luncheon scheduled for April 22, 2020, be kept by the Department of Corrections for use towards the Board of Supervisor’s allocation of funds for the 2021 Annual Crime Victims’ Rights Luncheon. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve 28E Agreement for Southwest Iowa MHDS Region, between the Counties of Cass, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby; and authorization for Marilyn Jo Drake or Scott Belt to sign said Agreement on June 1, 2020, on behalf of the Board of Supervisors, and as the Board’s SWIA MHDS Governing Board representative. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, second by Belt, to approve and authorize Chairman to sign Interlocal Agreement for Cooperative Use of the Wireless Area Network, between Omaha Public Power District, Douglas County, NE; Sarpy County, NE; Washington County, NE; City of Fremont/Dodge County, NE Communications; Pottawattamie County, Iowa; effective April 15, 2020 through April 15, 2025. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve adding the Courthouse / Jail Connection to the bond project list. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, seconded by Belt, to approve the authorization of existing funds to purchase Courthouse Switches in the amount of \$140,000 with the intent that a Reimbursement Resolution would be used later. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve the authorization of existing funds to purchase CH / Jail Connection hardware and services in the amount of \$90,000 with the intent that a Reimbursement Resolution would be used later. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board and David Bayer, Chief Information Officer, the matter concerning payment to Central Square's annual software maintenance was postponed until Central Square finishes the project.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve amendment to IT Office Assistant Job Description to include additional duties and change pay grade from 515 to 519. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Wichman, to approve IT donating two used laptops to the Historic General Dodge House. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and authorize existing funds for all remaining authorized projects per public hearings in February 2020, with the intent that Reimbursement Resolutions would be used later. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and authorize Chairman to sign Memorandum of Understanding between Pottawattamie County and the American Federation of State, County, and Municipal Employees (AFSCME), Local 2364, regarding supplemental pay for maintenance and custodial staff assigned to the jail or juvenile detention facility, effective July 1, 2020 through June 30, 2021. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Grobe, to approve and authorize Chairman to sign Memorandum of Understanding between Pottawattamie County and the American Federation of State, County and Municipal Employees (AFSCME), Local 2364, regarding supplemental pay for those employees that are included in the Roads bargaining unit, effective July 1, 2020 – June 30, 2021. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Drake, and seconded by Belt, to approve and sign Agreement between Pottawattamie County and Local 2364, American Federation of State, County, and Municipal Employees (AFSCME/Iowa Council 61) – **911 Employees**. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Belt, and seconded by Drake, to approve and authorize Chairman to sign Memorandum of Understanding between City of Carson and Pottawattamie County, for the County to provide financial support to the City to employ a Part-time Mainstreet Coordinator to assist the City in the coordination of a successful comprehensive downtown commercial district and main street revitalization program; and approval to utilize \$28,000.00 in Impact Funds for said position. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve the utilization of \$50,000.00 in Impact Funds to complete a joint City-County Land Use Study. UNANIMOUS VOTE. Motion carried.

Director of Planning and Development Matt Wyant, Director of EMA Doug Reed, and Temporary EOC Specialist Skyler Dooley, came before the Board to give an assessment of COVID-19 procedures with the Public Health Department and the EOC. After discussion was held by the Board, a Motion was made by Drake, and seconded by Wichman, to approve the transition of Skyler Dooley's job description from Temporary EOC Specialist to Temporary Incident

Commander; and the rate of pay for said job shall be \$37.00 per hour, commencing April 21, 2020. Said position will be reviewed after six months. UNANIMOUS VOTE. Motion carried.

Human Resources Director Jana Lemrick and Director of Planning and Development Director Matt Wyant came before the Board to give an update on the COVID- 19 matters. This was a discussion only. No action was taken at this time.

3. OTHER BUSINESS

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve and authorize Chairman to sign Amendment to the Agreement between the County and MAPA for Contract for 18POTT01 – Pottawattamie County CITIES Administration for Carson and Hancock projects, extending the completion date to May 15, 2021. UNANIMOUS VOTE. Motion carried.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Belt, to approve and authorize Chairman to sign Amendment to the Agreement between the County and MAPA for Contract 17POTT01 – Pottawattamie County CITIES Administration for Macedonia, Minden, Treynor and Walnut Projects, extending the completion to May 15, 2021. UNANIMOUS VOTE. Motion carried.

4. CLOSED SESSION(S)

Motion by Belt, second by Drake, to close meeting pursuant to Iowa Code Section 20.17(3) which exempts meetings to discuss strategies in collective bargaining from the provision of Iowa Code Chapter 21 (Open Meetings). **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe.** Motion carried.

Motion by Belt, second by Wichman, to convene in open session. **Roll Call Vote: AYES: Drake, Belt, Schultz, Wichman, Grobe.** Motion carried.

5. RECEIVED/FILED

A. Salary Actions

- 1) Attorney – Payroll Status Change of Emily Peklo.
- 2) Sheriff – Payroll Status Change of Trey Carstens.
- 3) Conservation – Payroll Status Change of Ryan Penney.
- 4) WIC – Payroll Status Change of Luz Collins.

6. ADJOURN

Motion by Belt, second by Wichman, to adjourn meeting. UNANIMOUS VOTE. Motion carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:10 PM.

Justin Schultz, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: May 12, 2020

PUBLISH: X