

May 9, 2023

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. May 2, 2023, Minutes as read.
- B. April 2023 Vendor Publication Report.
- C. Communications – Employment of Kena Woods as a Telecommunicator.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to open Public Hearing to consider disposing of real property by lease pursuant to Iowa Code Section 331.61(2).

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

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

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

Motion by Jorgensen, second by Belt, to approve disposing of real property by lease pursuant to Iowa Code Section 331.362(2).

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

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign Resolution No. 25-2023 a Resolution to enter into a Management Lease with Conservation Board for Part of the SE1/4 SE1/4 3-75-44 or 20970 Riverroad N.

RESOLUTION No. 25-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 6.09 acres and legally described as follows:

Attached to and forming a part of file number: OT109671E

Part of the SE1/4 SE1/4 in Section 3 and part of Government Lot 1 in the NE1/4 of Section 10; all in Township 75 N, Range 44 W of the 5th P.M., Pottawattamie County, Iowa; described as follows: Commencing at the Northeast corner of said Section 10, thence along the North line of Section 10 N90°00'00" W 256.1 feet to a point in a curve on the Westerly right of way of Interstate 29, thence along said right of way on a 7640 foot radius curve to the left an arc length of 81.48 feet (chord bears S34°40' 16"E - 81.48 feet) to the centerline of an existing ditch (as field located), thence along said centerline S55°04'36"W 607.34 feet, thence continue along said centerline ditch S14°23'02"W 230.26 feet to the high bank of the Missouri River, thence along said high bank the following courses: N48°05'01"W272.48 feet, N47°29'33"W 119.08 feet, thence departing said high bank line N46°30'00"E 545.16 feet to the South line of Section 3-75-44, thence N0°15' 59"W117.96 feet, thence N89°12'13"E 322.40 feet to the Westerly right of way of Interstate 29 in a curve, thence along said right of way on a 7849.44 foot radius curve to the left an arc length of 147.41 feet (chord bears S33°50' 12"E 147.41 feet) to the point of beginning, excluding any public right of way but subject to a 25 foot wide ingress-egress easement to Parcel "A" described as follows: Commencing at the Northeast corner of Section 10-75-44, thence along the North line of Section 10 N90°00'00"W 256.10 feet to a point in a curve on the Westerly right of way of Interstate 29, thence along said right of way on a 7640 foot radius curve to the left an arc length of 43.98 feet (chord bears S34°32'44"E 43.98 feet) to the centerline and point of beginning of a 25 foot wide ingress-egress easement, thence along said centerline S55°04'36"W 528.90 feet, thence continue on centerline N70°07'37"W271.35 feet to the Westerly boundary line of said

Parcel "B" and the termination point of said ingress-egress easement.

NOTE: Bearings are assumed and based upon surveys and descriptions by the D.O.T.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Management Lease with Conservation Board, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Scott Belt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Susan Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign **Resolution No. 26-2023** a Resolution to enter into a Farm Lease with Lora Walter for Part of the Government Lot 1 17-76-44 or 25834 Meadowlark Loop, until May 15, 2038.

RESOLUTION No. 26-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .14 acres and legally described as follows:

A tract of land known as Parcel #20045 located in Part of Government Lot 1 of Section 17, Township 76, Range 44, Pottawattamie County, Iowa, as more particularly described in that certain Plat of Survey filed June 23, 2020, as Instrument Number 2020, Page 08115.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with Lora Walter, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Brian Shea, Chairman; Scott Belt; Tim Wichman; Susan Miller; Jeff Jorgensen.

Attest: Melvyn Houser, County Auditor

Pottawattamie County, Iowa

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 27-2023** a Resolution to enter into a Farm Lease with Randall Williams for Part of the SW1/4 SE1/4 4-76-44 or 27233 145th Street, until May 15, 2038.

RESOLUTION No. 27-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of .77 acres and legally described as follows:

Starting in NW corner of SW1/4 SE1/4 Section 4, Township 76, Range 44 W, South 50' along existing county road to point of beginning. Thence South 200', thence East 200', thence North 200', thence West 200', to point of beginning, subject to easements of record, Pottawattamie County, Iowa.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as “open space” in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Randall J Williams**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Shea, Chairman				
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Belt				
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tim Wichman				
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Miller				

Jeff Jorgensen

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion by Jorgensen, second by Miller, to approve and authorize Board Chairman to sign **Resolution No. 28-2023** a Resolution to enter into a Farm Lease with Ronald C Williams and Victoria L Williams for Part of the Government Lot 3-4-76-44 or 27265 145th Street, until May 15, 2038.

RESOLUTION No. 28-2023
RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 3.02 acres and legally described as follows:

Parcel "A"

Part of Government Lot 3 of Section 4 T76N R44W of the 5th P.M., Pottawattamie County, Iowa. Described as follows: Beginning at the Southwest Comer Government Lot 3, thence along the West line Government Lot 3 N0°01'27"E 433.20 feet, thence N89°46'23"E 256.00 feet, thence S0°01'27"W 234.20 feet, thence N89°46'23"E 104.00 feet, thence S0°01'27"W 199.00 feet to the South line Government Lot 3, thence along said line S89°46'23"W 360.00 feet to the point of beginning. Said Parcel "A" includes county road R.O.W.

NOTE: Bearings are true bearings based upon Polaris Observations on a previous survey.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as

described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Ronald C Williams and Victoria L Williams**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Scott Belt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Susan Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 29-2023** a Resolution to enter a Farm Lease with Ronald C Williams and Victoria L Williams for Part of the Government Lot 3-4-76-44 or 27377 145th Street, until May 15, 2038.

RESOLUTION No. 29-2023

RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE §331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.90 acres and legally described as follows:

A parcel land consisting of part of Government Lot 3, Section 4 and Parcel "C" of Lot 29, Auditor's Subdivision of Accretions to Sections 4, 5, and 8, all in Township 76 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the Northwest corner of Lot 29, Auditor's Subdivision of Accretions to Section 4, 5 and 8-76-44, thence along the West line of said Lot 29 S0°10'17"E 590.11 feet to the point of beginning, thence continuing along said West line of Lot 29 S0°10'17"E 300.00 feet, thence N89°46'23"E 300.00 feet, thence N0°10'17"W 300.00 feet, thence S89°46'23"W 300.00 feet to the West line of said Lot 29 and the point of beginning. The parcel described contains existing county road right of way.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Ronald C Williams and Victoria L Williams**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Scott Belt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Susan Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Motion by Jorgensen, second by Belt, to approve and authorize Board Chairman to sign **Resolution No. 30-2023** a Resolution to enter a Farm Lease with Robert Hansen for Hansen Sub Lt 2 & Part Lt 1 4-75-44 or 28119 145th Street, until May 15, 2038.

RESOLUTION No. 30-2023
RESOLUTION TO DISPOSE OF REAL PROPERTY BY LEASE PURSUANT TO IOWA CODE
§331.361(2)

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.14 acres and legally described as follows:

Parcel "A" - A parcel of land located in part of Lot 1 of Hansen Subdivision located in part of the SW1/4 SE1/4 of Section 33, Township 77 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southwest corner of the SE1/4 of Section 33; thence N00°00'00"W along a portion of the West line of the SE1/4 a distance of 569.75 feet to the point of beginning; thence N00°00'00"W along a portion of the West line of said SE1/4 and the West line of Lot 1 of Hansen Subdivision a distance of 61.00 feet to the Southwest corner of Lot 2, Hansen Subdivision; thence S90°00'00"E along the South line of said Lot 2 a distance of 234.14 feet to the Southeast corner of said Lot 2; thence

S00°00'00"E a distance of 61.00 feet; thence N90°00'00"W a distance of 234.14 feet to the point of beginning. Said parcel excludes presently established county road right of way and is subject to all easements of record. Note: The West line of the SE1/4 of Section 33 is assumed to bear N00°00'00"W for this description.

A 6.0 foot drain tile easement located in part of Lot 1, Hansen Subdivision in the SW1/4 SE1/4 of Section 33, Township 77 North, Range 44 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southeast corner of Parcel "A" of Lot 1, Hansen Subdivision;thence N90°00'00"W along a portion of the South line of said Parcel "A" a distance of 166.10 feet to the point of beginning; thence S20°47'01"W along the center of a 6.0 foot drain tile easement a distance of 111.60 feet. Note: The West line of the SE1/4 of Section 33 is assumed to bear N00°00'00"W for this description.

WHEREAS, in the acquisition of said Parcel, Pottawattamie County, Iowa, signed a Hazard Mitigation Grant Program Deed Restriction Agreement with the Federal Emergency Management Agency (FEMA) and Iowa Homeland Security and Emergency Management, which requires that the land be maintained as "open space" in perpetuity; and

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

WHEREAS, entering into such a long-term lease is the most cost-effective option for the county to maintain said Parcel as open space.

WHEREAS, Section 331.361(2), Code of Iowa, requires that in disposing of an interest in real property by lease for a term of more than three (3) years

- a. The Board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with Section 331.305.
- b. After the public hearing, the Board may make a final determination on the proposal by resolution.

WHEREAS, the proposal for a long term lease of the Parcel has been submitted to Iowa Homeland Security and Emergency Management and has been approved.

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on May 4, 2023 and the Board of Supervisors conducted a Public Hearing on the said proposal on May 9, 2023 and after hearing all interested parties, the Board approved the execution of said Lease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA, that after having examined the Hazard Mitigation Grant Program Deed Restriction Agreement which limits the use the subject property to that of open space and that the subject property is of such a size and location that it is not reasonable to assume that the property, as described above, will have any beneficial use by the County or the taxpayers of Pottawattamie County, Iowa, and that the Chairman is hereby authorized to sign a Farm Lease with **Robert D Hansen**, upon approval of said lease by FEMA.

Dated this 9th day of May, 2023.

	AYE	ROLL NAY	CALL ABSTAIN	VOTE ABSENT
_____ Brian Shea, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Scott Belt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Tim Wichman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Susan Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: _____
Melvyn Houser, County Auditor
Pottawattamie County, Iowa

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

Brandon Garrett/Chief of Staff, City of Council Bluffs appeared before the Board to give a presentation to the Board on the Light Rail.

Discussion only. No Action Taken

Motion by Belt, second by Miller, to approve amended Secondary Roads DOT Budget to reflect County Budget amended dated February 21, 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve the Organizational Structure at the jail and the following job descriptions of Sergeants, Lieutenants, Corporals, and Certified Medication Aids.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve waiving of the delinquent taxes that were owed by Donna Rahel on the following parcels 764411200002, 764412100003, 764412100004, 764412100009, and 764412300001 from 2017-2021, now owned by the Pottawattamie County Conservation effective October 24, 2022.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve and authorize Board Chairman to sign Memorandum of Understanding Between Pottawattamie County and the American Federation of State, County and Municipal Employees (AFSCME) Local 2364-911 Agreement for the employees of the Pottawattamie County Communications Center, 12 Hour Shifts effective July 1, 2023, through June 30, 2024.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve letter of support for the East Pottawattamie Soil and Water for a grant application for dry hydrants to assist with the Volunteer Fire Departments with water access.

UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Discussion only. No action taken.

5. RECEIVED/FILED

A. Salary Action(s):

- 1) WIC – Payroll status change for Luz Collins for longevity.
- 2) Conservation - Employment of Ashley Johnson and Carter Ross as Natural Areas Management Interns – Hitchcock.
- 3) SWI Juvenile Detention – Employment of Destiny Seyler as a Part-time Youth Corrections Worker.

B. Report(s):

- 1) Recorder Fee Book for April 2023.

C. Out of State Travel Notification(s):

- 1) Jail – Out of State Travel Notifications for Jon Poore and Roger Brannan.
- 2) Jail - Out of State Travel Notifications for Matt O'Donnell, Shannon Holman, and Megan Albers.

6. PUBLIC COMMENTS

Robert Wambold appeared before the Board concerned about the Transit Trolley from Omaha to Council Bluffs, wants Board to pass Resolution asking for Public Referendum.

7. CLOSED SESSION

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

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

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

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

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:59 A. M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: May 16, 2023

PUBLISH: X