

May 23, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members except Supervisor Jorgensen 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 16, 2023, Minutes as read.
- B. Recorder – Employment of Brandie Slack as a Clerk II – Recorder’s Office.
- C. Emergency Management Agency – Employment of Gabriel Barney as a Deputy Director.
- D. New Iowa Retail Permit application for Cigarette/Tobacco/Nicotine/Vapor for Rolling Cigars of Heartland LLC DBA Rolling Cigars as a Retail Mobile Kiosk/Trailer.
- E. Renewal of Class C Liquor License LC, granting privileges of Class C Liquor License (LC) for Lyle Ditmars d/b/a Ditmars Orchard and Vineyard, Council Bluffs.
- F. Renewal of Class C Liquor License (LC), granting privileges of Class C Liquor License (LC)/Outdoor Service/Sunday Sales for Genevieve Stueve d/b/a Aeroplane Inn, Honey Creek.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Miller, to approve Second Consideration of Ordinance No. 2023-03, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa by changing the district designation of approximately 1.04 acres from a Class A-3 (Riverfront and Agricultural Production) to a Class I-1 (Limited Industrial) District; and to adopt Ordinance No. 2023-03 into law.

**POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2023-03**

**AN ORDINANCE** to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 1.04 acres from a Class A-3 (Riverfront & Ag Production) District to a Class I-1 (Limited Industrial) District.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY,  
IOWA**

**SECTION 1 - AMENDMENTS:** That the Official Zoning Map, as adopted by reference in Section 8.003.020 of the Pottawattamie County, Iowa, Zoning Ordinance, be and the same is hereby amended by changing the district designation from its present designation of a Class A-3 (Riverfront & Ag Production) District to a Class I-1 (Limited Industrial) District of certain real estate, as shown on the attached plat and which is legally described as follows:

**LEWIS TWP 29-74-43 N445' S495' LYING E OF RD & W OF RR E1/2 NW**

**SECTION 2 - SEVERABILITY:** That should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect that validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 3 - REPEAL OF CONFLICTING ORDINANCES:** That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4 - EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED May 23, 2023.

<b>ROLL CALL VOTE</b>			
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"/>
Tim Wichman				
_____	<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"/>
Susan Miller				
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Jorgensen				

Attest: \_\_\_\_\_  
 Melvyn Houser, County Auditor  
 Pottawattamie County, Iowa



NOTICE OF PUBLIC HEARING PUBLISHED: May 11, 2023  
 BOARD OF SUPERVISORS PUBLIC HEARING: May 16, 2023  
 FIRST CONSIDERATION: May 16, 2023  
 SECOND CONSIDERATION: May 23, 2023  
 PUBLICATION: June 1, 2023  
 RECORD: June 2, 2023

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

Motion by Miller, second by Belt to approve request to Amend Exhibit A of the Forgivable Promissory Note Agreement between Pottawattamie County and the City of Underwood; amendment to add a portion of Bike Trail between North Street and 4<sup>th</sup> Street to Exhibit A.  
 UNANIMOUS VOTE. Motion Carried.

Discussion on tax delay pursuant to Iowa Code Section 427.9, for property located at 2643 Avenue L, Council Bluffs, Iowa.  
 Discussion only. No Action Taken.

Motion by Belt, second by Miller, to approve 2023 Pottawattamie County Housing Trust Fund Grant Agreement.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve changes to General Assistance Manual effective June 1, 2023.  
 UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 42-2023** to award contract for project number FM-C078(208) – 55-78 to Iowa Civil Contracting Inc., in the amount of \$1,151,474.22 and authorize the County Engineer to sign the contract.

**RESOLUTION NO. 42-2023**

**RESOLUTION AWARDING CONTRACT FOR PROJECT NUMBER  
 FM-CO78(208)—55-78  
 IN POTTAWATTAMIE COUNTY, IOWA, AND AUTHORIZING POTTAWATTAMIE  
 COUNTY ENGINEER TO EXECUTE CONTRACT**

**WHEREAS**, the Pottawattamie County construction project identified as Project Number **FM-CO78(208)—55-78** (hereinafter “Project”) was let by Iowa DOT on May 16, 2023; and

**WHEREAS**, the Pottawattamie County Board of Supervisors has determined that Iowa Civil Contracting, Inc of Victor, Iowa is the responsible bidder submitting the lowest responsive bid (hereinafter “Low Bidder”) for the Project; and,

**WHEREAS**, the Pottawattamie County Board of Supervisors desires to award the contract for the Project to the above stated Low Bidder; and,

**WHEREAS**, construction contracts for projects let through the Iowa DOT must be signed digitally utilizing Doc Express; and,

WHEREAS, delegating the digital signature process to the Pottawattamie County Engineer will facilitate the Project by reducing the overall turn-around time for execution of the construction contract.

NOW, THEREFORE BE IT RESOLVED BY THE POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS, STATE OF IOWA:

- 1. The contract for Project Number **FM-CO78(208)—55-78** is awarded to Iowa Civil Contracting, Inc., the Low Bidder of \$1,151,474.22.
- 2. The Pottawattamie County Engineer is authorized to digitally sign the contract documents for the Project.

Dated this 23rd Day of May, 2023.

ROLL CALL VOTE

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

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

RECOMMENDED: \_\_\_\_\_  
John Rasmussen, Engineer

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

Motion by Miller, second by Belt, to award contract and authorize Board to sign contract and bond for project L-2023(RC78—73-78 to Nelson & Rock Contracting, Inc., of Onawa, Iowa in the amount of \$331,089.25.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 38-2023** entitled: RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO SECONDARY ROADS FUND.

**RESOLUTION NO. 38-2023**

**RESOLUTION FOR TRANSFER FROM LOST SECONDARY ROADS FUND TO SECONDARY ROADS FUND.**

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

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

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

**SECTION 1:** The sum of \$3,000,000 is ordered to be transferred from LOST Secondary Roads Fund to Secondary Roads Fund, and

**SECTION 2:** The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of

these operating transfers.

**Dated this 23rd Day of May, 2023.**

ROLL CALL VOTE

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

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

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

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 41-2023** entitled: RESOLUTION FOR TRANSFER FROM HITCHCOCK NATURE AREA FUND TO COUNTY CONSERVATION LAND ACQUISITION FUND.

**RESOLUTION NO. 41-2023**

**RESOLUTION FOR TRANSFER FROM HITCHCOCK NATURE AREA FUND TO COUNTY CONSERVATION LAND ACQUISITION FUND.**

**WHEREAS**, it is desired to transfer money from the Hitchcock Nature Area Fund to County Conservation Land Acquisition Fund; and

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

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

**SECTION 1:** The sum of \$437.22 is ordered to be transferred from Hitchcock Nature Area Fund to County Conservation Land Acquisition Fund, and

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

**Dated this 23rd Day of May, 2023.**

ROLL CALL VOTE

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

ATTEST: \_\_\_\_\_

Melvyn Houser, County Auditor

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

Motion by Miller, second by Belt, to approve list of Compensation /Condemnation Commission for 2023. Recommendation to review annually on May 1.

UNANIMOUS VOTE. Motion Carried.

**4. COMMITTEE APPOINTMENTS**

Board discussed Committee meetings from the past week.  
Discussion only. No action taken.

**5. RECEIVED/FILED**

A. Salary Action(s):

- 1) Conservation – Employment of Joseph Goltl as an Environmental Education Intern – Hitchcock.
- 2) Conservation – Employment of Joshua Dickinson as a Natural Areas Management Intern- Hitchcock.

B. Out of State Travel(s):

- 1) Sheriff – Out of State Travel for Angie Doby, Rachel Bieghler, and Colleen Sylvis.
- 2) Sheriff – Out of State Travel for Sam Arkfeld, Jason Study, Abby Fredrich, and Becky Hermanson.

**6. PUBLIC COMMENTS**

No Public Comments.

**7. ADJOURN**

Chairman Shea adjourned meeting at 11:05 A.M.

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Brian Shea, Chairman

ATTEST:

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Melvyn Houser, County Auditor

APPROVED: May 30, 2023

PUBLISH: X