

June 20, 2023

MET IN REGULAR SESSION

The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Miller attending via phone. Chairman Shea presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. June 13, 2023, Minutes as read.
- B. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Donald Rief., d/b/a DeSoto Bend Mini Mart., Missouri Valley.
- C. Renewal of Iowa Retail Permit Application for Cigarette/Tobacco/Nicotine/Vapor for Rolling Cigars of Heartland , LLC d/b/a Rolling Cigars as a Retail Mobile Kiosk/Trailer, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Jorgensen, second by Belt, to approve Second Consideration of Ordinance No. 2023-04, an Ordinance to amend Chapter 8 “Zoning Ordinance” of the Pottawattamie County, Iowa, Code; and to adopt Ordinance No. 2023-04 into law.

POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2023-04

AN ORDINANCE to amend Chapter 8, of Pottawattamie County, Iowa Zoning Ordinance, by adding automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service as a principal use in the I-2 (General Industrial) District.

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

SECTION 1 - AMENDMENTS: That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.060.020.01 A. C. Principal Use in the I-2 (General Industrial) District:

8.060.020.01 A.PRINCIPAL USES: The following principal uses shall be permitted in a Class I-2 District:

- C. Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service.

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ORDINANCES: That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.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 June 20, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	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

Jeff Jorgensen

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

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

Motion by Belt, second by Jorgensen, to approve to hire outside counsel Deb Petersen for property line adjustment between Pottawattamie County and Historical Society of Pottawattamie County.
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 48-2023** to vacate excess Right of Way in the Town of Bentley.

RESOLUTION NO. 48-2023

WHEREAS, the following described Right of Way is held by easement and will not change the traveled portion of a road nor deny access to a road by adjoining landowners; and

WHEREAS, Iowa Code Chapter 306 provides the Board of Supervisors the power to establish, alter or vacate highways or parts thereof; and

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

WHEREAS, it is in the best interest of Pottawattamie County to vacate the Road Right of way.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 20th day of June, 2023, that the following described road easement be vacated:

All of Central Avenue between 2nd Street and Charles Avenue, together with all of Charles Avenue between 2nd Street and Bentley Lane (also known as Main Street), together with the 20-foot alley in Block 5, all in Original Town Plat of the unincorporated Town of Bentley per town plat filed for record in Section 13, Township 76, Range 43 West of the 5th P.M., Pottawattamie County, Iowa. (Exhibit attached for informational purposes)

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 20th Day of June, 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, Jorgensen. Motion Carried.**

3. OTHER BUSINESS

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 47-2023** entitled: RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND.

RESOLUTION NO. 47-2023

RESOLUTION FOR TRANSFER FROM RURAL SERVICES FUND TO SECONDARY ROADS FUND.

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

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

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

SECTION 1: The sum of \$1,325,000 is ordered to be transferred from Rural Services 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 20th Day of June, 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, Jorgensen. Motion Carried.

Jason Slack/Director, Buildings and Grounds, appeared before the Board to give an update on the ramp project for the new addition of the Courthouse. Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
 - 1) Sheriff – Payroll status changes for Marc Freeman.

6. PUBLIC COMMENTS

Jim Schnoor appeared before the Board concerned about Wind Project, enforce ordinances. Do not allow variances.
Chasity Duey – Consider CSR and increase setbacks to ½ mile.

7. CLOSED SESSION

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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.

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 21.5.(1)(i) for discussion and/or decision on personnel matters.

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

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

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

8. ADJOURN

Chairman Shea adjourned the meeting at 11:45 A.M.

Brian Shea, Chairman

ATTEST:

Melvyn Houser, County Auditor

APPROVED: June 27, 2023

PUBLISH: X