

# **Consent Agenda**

**November 14, 2023**

**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 9:00 A.M. All members present. Chairman Shea presiding.

**PLEDGE OF ALLEGIANCE**

Let the minutes reflect that today's Agenda is being amended to remove Study Session 7A from the agenda.

**1. CONSENT AGENDA**

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

A. November 7, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Wichman, second by Jorgensen, to canvass City and School Election, and to authorize Auditor to pay election costs.

UNANIMOUS VOTE. Motion Carried.

**PLEDGE OF ALLEGIANCE**

Motion by Miller, second by Belt, to open Public Hearing.

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

The following individuals appeared before the Board and spoke opposed to the Ordinance No. 2023-05 to amend Chapter 8 "Zoning Ordinance" by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03): Matt Spaccapaniccia, Jerome Howard, William Daugherty, Dick Miller, Harry Finch, Dan Peterson, Paula Hazelwood, Dean Krohn, JP Cronkite, Russ Brandes, Ron Kaminski, Julie Drennen, Loren Luth, and Terry McClain.

The following individuals appeared before the Board and spoke for the Ordinance No. 2023-05 to amend Chapter 8 "Zoning Ordinance" by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03): Jessica Gaines, Jim Schnoor, Rosalie Soloth Mike Holeyton, Rodney Wahle, Jeff Buckingham, Kim Schnoor, Craig Swenson, Teri Vorthman, Chris Perdue, Larry Plagman, Ann Vorthman, Bryan Easton, Scott Casson, Greg Solath, Jonathan Miller, Joyce Isaacson, and Charity Duey.

Motion by Wichman, second by Miller, to recess public hearing until November 29<sup>th</sup> at Oakland Community Center at 6:00 P.M.

UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

Motion by Wichman, second by Belt, to approve pay for the Certified Medication Aide candidate to be hired at a Step 10 of Grade 511 which is \$23.00 per hour. The pay range for a Grade 511 is \$18.41 - \$23.57 per hour.

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) Secondary Roads – Payroll status change for Ryan Husz and Ron Hough.

**6. PUBLIC COMMENTS**

No Public Comments.

**7. CLOSED SESSION**

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

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

**8. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:50 P. M

\_\_\_\_\_  
Brian Shea, Chairman

ATTEST:

\_\_\_\_\_  
Melvyn Houser, County Auditor

APPROVED: November 21, 2023

PUBLISH: X

**TO:** Lea Voss, County Treasurer  
Andrew Brown, County Sheriff  
Matt Wyant, County Planning Director

**FROM:** Gina Hatcher

Request for County Department Comments

**DATE:** November 14<sup>th</sup>, 2023

**ESTABLISHMENT:** **NEW- SLUSH UP & DRINK LLC**

**OWNER:** see attached

**LEGAL DESCRIPTION:** See attached property record.

The Auditor has received the attached request for the above class permits/sales/services. Please supply the following information for the Board of Supervisors within five (5) working days. Additional explanations may be given in the form of comments below and/or attachments.

<b>DEPARTMENT</b>	<b>COMMENTS</b>	<b>YES</b>	<b>NO</b>
<b>TREASURER</b>	Free from certified taxes and special assessments		
<b>PLANNING</b>	Properly zoned		
	Nuisance violations		
	Septic system violations		
<b>SHERIFF</b>	Complaints received		✓
	Citations issued at this establishment		✓
	Owner convicted of a felony within the last 5 years		✓

**COMMENTS**

**Signature**

*Andrew Brown*

nothing located w/owners name search

**TO:** **Lea Voss, County Treasurer**  
Andrew Brown, County Sheriff  
Matt Wyant, County Planning Director

**FROM:** Gina Hatcher

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<b>DEPARTMENT</b>	<b>COMMENTS</b>	<b>YES</b>	<b>NO</b>
<b>TREASURER</b>	Free from certified taxes and special assessments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>PLANNING</b>	Properly zoned	<input type="checkbox"/>	<input type="checkbox"/>
	Nuisance violations	<input type="checkbox"/>	<input type="checkbox"/>
	Septic system violations	<input type="checkbox"/>	<input type="checkbox"/>
<b>SHERIFF</b>	Complaints received	<input type="checkbox"/>	<input type="checkbox"/>
	Citations issued at this establishment	<input type="checkbox"/>	<input type="checkbox"/>
	Owner convicted of a felony within the last 5 years	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

**Signature**

*Lea A Voss*

**TO:** Lea Voss, County Treasurer  
Andrew Brown, County Sheriff  
Matt Wyant, County Planning Director

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<b>TREASURER</b>	Free from certified taxes and special assessments		
<b>PLANNING</b>	Properly zoned	X	
	Nuisance violations		X
	Septic system violations		X
<b>SHERIFF</b>	Complaints received		
	Citations issued at this establishment		
	Owner convicted of a felony within the last 5 years		

**COMMENTS**

**Signature**





# State of Iowa

Alcoholic Beverages Division

## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
SLUSH UP & DRINK, LLC	Lucky Wife Wine Slushies Inc.	(712) 266-6679		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
33153 IA-92		Treynor	Pottawattamie	51575
MAILING ADDRESS	CITY	STATE	ZIP	
119 North Hillcrest Avenue	Hinton	Iowa	51024	

## Contact Person

NAME	PHONE	EMAIL
Angelica Sheeley	(712) 266-6679	luckywifewineslushies6@gmail.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Special Class C Retail Alcohol License	5 Day	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
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### SUB-PERMITS

Special Class C Retail Alcohol License

### PRIVILEGES

## Status of Business



BUSINESS TYPE

Limited Liability Company

## Ownership

### • Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
ANGELICA SHEELEY	Hinton	Iowa	51024	Owner	100.00	Yes

## Insurance Company Information

INSURANCE COMPANY

Founders Insurance Company

POLICY EFFECTIVE DATE

Dec 1, 2023

POLICY EXPIRATION DATE

Dec 6, 2023

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE  
DATE

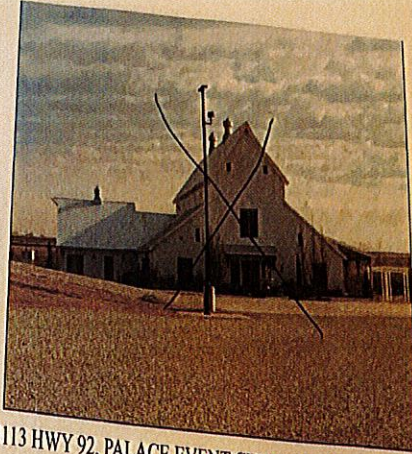
OUTDOOR SERVICE EXPIRATION  
DATE

BOND EFFECTIVE DATE

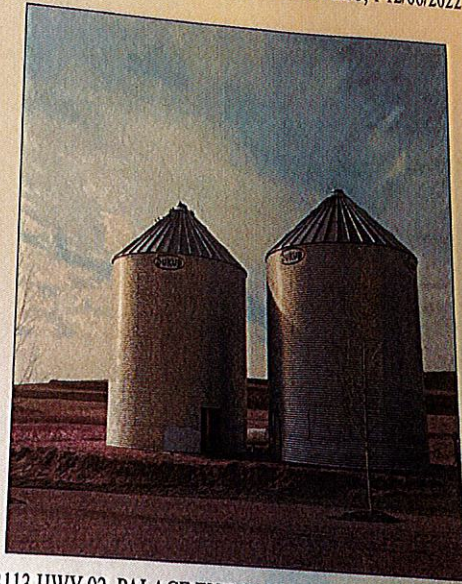
TEMP TRANSFER EFFECTIVE  
DATE

TEMP TRANSFER EXPIRATION  
DATE





33113 HWY 92, PALACE EVENT CENTER LLC, 1 12/06/2022



33113 HWY 92, PALACE EVENT CENTER LLC, 2 12/06/2022

I Craig Buckingham owner of the Palace  
Event Center will not be serving

Alcohol on Sunday ~~November~~ 5th During  
a Crest Fair   
See email attached

## Gina Hatcher

---

**From:** Craig Buckingham <cbuck62@wiaw.net>  
**Sent:** Tuesday, November 14, 2023 3:26 PM  
**To:** Gina Hatcher  
**Subject:** Re: Slush Up & Drink

WARNING External Message: Verify actual sender address. Hover over links to check before clicking. Take extra caution with attachments.

Gina, I just found out today the event that I can't sell alcohol is December 3rd so if I have to send another picture let me know or change date on last picture

Sent from my iPhone

On Nov 14, 2023, at 8:19 AM, Gina Hatcher <gina.hatcher@pottcounty-ia.gov> wrote:

Good morning:

Has this event already taken place? I show it was planned for November 5<sup>th</sup>? Thanks  
Gina

---

**From:** Gina Hatcher  
**Sent:** Wednesday, October 25, 2023 11:43 AM  
**To:** cbuck62@wiaw.net  
**Subject:** Slush Up & Drink

Good morning:

Per on conversation- please print out aerial photo of Palace Event Center, x out the barn where Slush Up & Drink will be serving, please add in date(s)- that would be very helpful-

Here is the link to your establishment-

<https://www.pottco.org/cgi/card?lname=&fname=&address=33153&townzip=&parcel=&Map=on&Find=Search>

you may return to me via email-

thank you in advance for your cooperation-  
have a great day!

Gina Hatcher  
Pottawattamie County  
712-328-5700 ext-3015

[Find Property](#)   [Res Sales](#)   [Comm/Ind Sales](#)

7441 10 100 009

--- Permanent Property Address ---  
BUCKINGHAM, CRAIG A  
33153 HWY 92  
TREYNOR, IA 51575

----- Mailing Address -----  
BUCKINGHAM, CRAIG A  
33153 HWY 92  
TREYNOR, IA 51575

=====  
District: 073 SILVER CREEK TWP/TREYNOR

District: 073 SILVER CREEK TWP/TREYNOR

===== REAL ESTATE TAXES ON TREASURER'S WEBPAGE =====

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744110100009>

===== TAX DESCRIPTION\* =====

\* Not to be used on legal documents

SILVER CREEK TWP 10-74-41 PT N1/2 NW COMM 507.53'E 110.86'S OF NW COR OF SECT 10 TH SE58.10' NE251.86' SW232.31' SE115.03' SW73.09' SE300.36' SW144.62' SE138.73' E151.78' N120' E347.70' N219.34' NW194.64' SW145.42' NW264.15' SW31.48' NW98.99' NE228.69' NW9.52' NE66.50' SE151.62' NE300.79' SE943.84' NW219.02' SW642.78' NW934.03' TO POB (PARCEL 21048)

===== ASSESSED VALUE =====

\* Class is for Assessment purposes only - Not Zoning

Current Value						
2023	Agri. Land	Dwelling	Improvement	Total	Ag Acres	Class
Full Value	\$20,400	\$286,800	\$68,900	\$376,100	14.910	A/AD
Exempt	\$0	\$0	\$0	\$0	0	A/AD
Net Total	\$20,400	\$286,800	\$68,900	\$376,100	14.910	A/AD

Prior Year Value						
2022	Agri. Land	Dwelling	Improvement	Total	Ag Acres	Class
Full Value	\$14,800	\$189,200	\$38,200	\$242,200	14.910	A/AD
Exempt	\$0	\$0	\$0	\$0	0	A/AD
Net Total	\$14,800	\$189,200	\$38,200	\$242,200	14.910	A/AD

===== EXEMPTIONS/CREDITS APPLIED =====

2022 AGLAND  
2022 FAMILYFARM  
2022 HOMESTEAD  
2023 HOMESTEAD

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D BUCKINGHAM, CRAIG A      book/page: [2022/15671](#) D

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page
11/16/2022	0	<a href="#">A17</a>	<a href="#">2022/15671</a> <a href="#">multiple parcel sale</a>
08/10/2021	0	<a href="#">D17</a>	<a href="#">2021/12859</a>

===== ASSESSMENT DATA =====

PDF: 27    MAP: SILVER CREEK TWP

Date Reviewed: 11/01/22 EK

LAND.....649478 sqFt      14.91 acres      CSR2/Acre 52.03

Residence 1 of 1 -- Single-Family

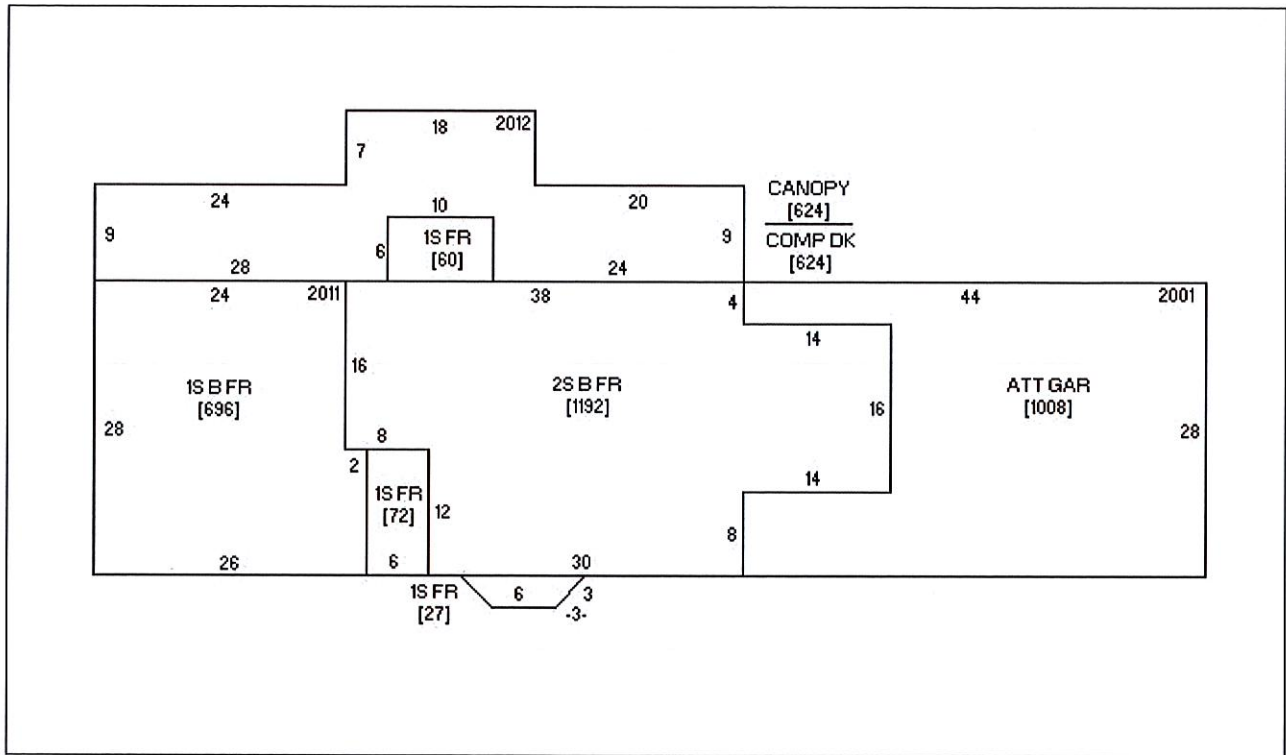
BUILDING.....2 Story Frame    10/0 Rooms Above/Below    4/0 Bedrooms Above/Below    1192 SF Base    AC  
Built:1919    Above Normal    Bsmt: Full    Bsmt Finish: None    Attic Finish: None

FINISH.....Foundation: Brk    Exterior: Fiber Cement    Roof: Composite / Gable  
Interior: Plas / Panel    Flooring: Carpet / Vinyl / Hdwd

ADDITIONS....Addition 1: 27 SF    1 Story Frame    Built: 1919    AC    Bsmt SF: 0  
Addition 2: 72 SF    1 Story Frame    Built: 1919    AC    Bsmt SF: 0  
Addition 3: 696 SF    1 Story Frame    Built: 2011    AC    Bsmt SF: 696  
Addition 4: 60 SF    1 Story Frame    Built: 1919    AC    Bsmt SF: 0

FIREPLACE.... 1 Gas  
 PLUMBING.....2 Standard Bath - 3 Fixt 1 Shower Stall/Tub 1 Cust Bath - 3 Fixt  
 DECK/PATIOS..624 SF Vinyl/CompoDeck  
 624 SF Asph/Wd Roof OH  
 GARAGES(2)...1 Attached 1 Bsmt Stall  
 Garage 1: 1008 SF Att Frame Built: 2001

##	Outbuilding Type / Description	Dimension	Cap/Area	Year
1	Bin - Steel Grain Storage/STL	27 x 18	8986 Bu	1980
2	Bin - Steel Grain Storage/STL	24 x 21	8230 Bu	1970
3	Bin - Steel Grain Storage/STL	42 x 28	34290 Bu	2010
4	Steel Utility Building/STL FR	60 x 100	6000 SF	2012
5	Bin - Steel Grain Storage/STL BIN	36 x 28	25193 Bu	2015

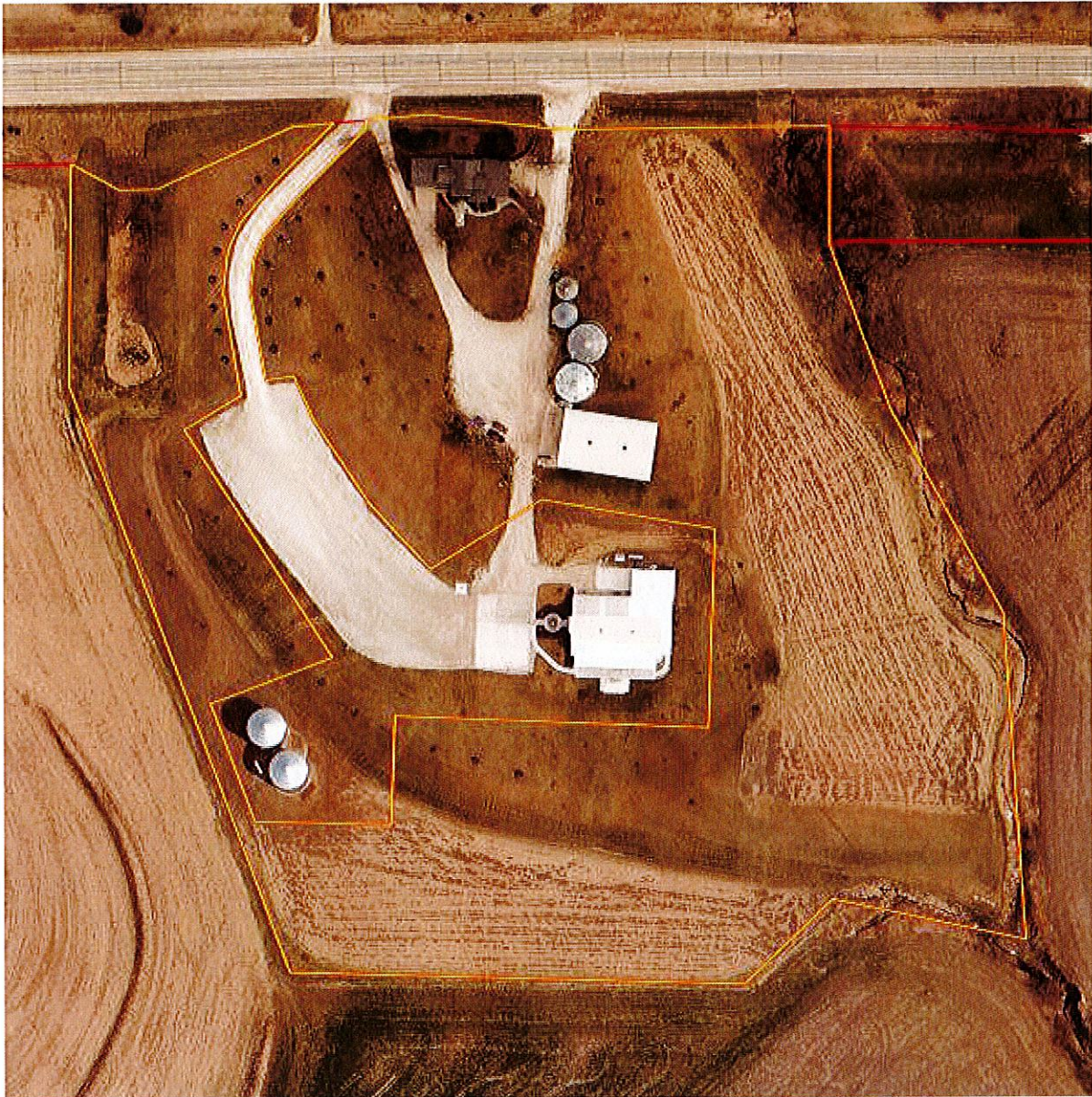


33153 HWY 92, BUCKINGHAM, CRAIG A



33153 HWY 92, BUCKINGHAM, CRAIG A, 1 11/01/2022

[Zoom Out](#)   [Zoom In](#)



1200ft x 1200ft

**Click any parcel to go to its web page**

Spring 2022 aerial

See [more maps](#) at the [County GIS Department](#).

As of:

[Find Property](#)   [Res Sales](#)   [Comm/Ind Sales](#)

# **Scheduled Sessions**

**Marilyn Kennedy/Election Administrator,  
Auditor's Office**

**Canvass of Shared School, and to authorize  
Auditor to pay election costs.**

# **Brenda Mainwaring/President** **& CEO, Iowa West Foundation**

**Update and discussion of grant award cycle 3.**



# **Friends of Westfair Committee**

**Discussion and/or decision on capital project  
funding for Westfair.**

Pottawattamie County Funding Request

Board Meeting Date 10.24.23.

Request Date 10.19.23

Organization Name: Westfair Association

Are you a nonprofit organization (If yes, what type 501c3 I.E.)? Yes X 1501c3 No     

Are you a registered not-for-profit? Yes X No     

Organization Mailing Address: 22904 US-6 Council Bluffs IA 51503

Program or Project Name: Westfair Infrastructure Updates & Facility Upgrades

Contact Person: Connie Casson

Title: Friend of Westfair

Telephone: 402 981 5973 E-Mail: CMCasson@gmail.com

Dollar Amount Requested: \$ 125,000

County Fiscal Year 2024

Total Program/Project Cost: \$ 3,500,000

Will County funding be leveraged with matching funds from another source? Yes      No X

Summary of Funding Request and Project Goals and Objectives:

Support infrastructure update to water power, and security systems at the Westfair facility.

Describe the Public Purpose(s) and specifically identify the Economic Development that will be served by the funding:

Westfair is a community facility used for events, concerts motocross events, and the West Pottawattamie County Fair. upgrading the 50-year-old facility prepares the facility for more public events to serve Pottawattamie County residents and attract others to our events and programming.

Provide an Itemized Program/Project Budget Showing How the Funds will be expended:

Electrical update	\$ 700,000
Water supply lines & drainage	\$ 330,000
wells, pumps, tanks	\$ 170,000
Fencing	\$ 250,000
Update asphalt for roads	\$ 250,000
Updated fencing & security	\$ 325,000
New livestock building:	\$ 1,500,000

\*\*\*Attach additional pages if needed to fully answer any of the questions on this application\*\*\*

# **Jason Slack/Director, Buildings and Grounds**

**Discussion and/or decision to sign Certificate of  
Substantial Completion on Courthouse Addition Project.**



# AIA®

# Document G704® – 2017

## Certificate of Substantial Completion

<b>PROJECT:</b> <i>(name and address)</i> Pottawattamie County Courthouse Addition 227 South 6th Street, Council Bluffs, Iowa	<b>CONTRACT INFORMATION:</b> Contract For: General Construction  Date: May 04, 2021	<b>CERTIFICATE INFORMATION:</b> Certificate Number: 001  Date: November 8, 2023
<b>OWNER:</b> <i>(name and address)</i> Pottawattamie County Board of Supervisors 227 South 6th Street Council Bluffs, Iowa 51501	<b>ARCHITECT:</b> <i>(name and address)</i> HGM Associates Inc.  640 5th Avenue Council Bluffs, Iowa 51501	<b>CONTRACTOR:</b> <i>(name and address)</i> Meco-Henne Contracting, Inc.  4140 South 87th Street Omaha, NE 68127

The Work identified below has been reviewed and found, to the Architect’s best knowledge, information, and belief, to be substantially complete. Substantial Completion is the stage in the progress of the Work when the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use. The date of Substantial Completion of the Project or portion designated below is the date established by this Certificate.  
*(Identify the Work, or portion thereof, that is substantially complete.)*

**All Work Except Work Associated with the Ramp (ASI #23 & ASI #24) and the Following:**

- Resolve issues with the ADA lift.
- Patch holes around structural steel in rooms #202 & #203 with drywall and fire caulking.
- Install generator annunciator panel.
- Set up the boiler, in-floor radiant system, snow melt boiler, and 3<sup>rd</sup> hot water pump not currently in the BAS system.
- Provide training according to ETI’s Specifications.
- Program storage elevator door in Genetec.
- Provide floor plans into Genetec for reference to the new doors and cameras.
- Resolve issues with Southwest exterior four lens ptz camera.
- Resolve all issues identified by Optimized Systems with the BAS and HVAC.
- Work in existing lobby including:
  - Demo of security desk and glass partitions.
  - Demo and installation of West Lobby doors.
- All punchlist items.

HGM Associates Inc.  
ARCHITECT *(Firm Name)*

  
SIGNATURE

Kimberly A. Bogatz, AIA,  
LEED AP BD+C  
PRINTED NAME AND TITLE

June 5, 2023  
DATE OF SUBSTANTIAL COMPLETION

**WARRANTIES**

The date of Substantial Completion of the Project or portion designated above is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below:  
*(Identify warranties that do not commence on the date of Substantial Completion, if any, and indicate their date of commencement.)*  
N/A

**WORK TO BE COMPLETED OR CORRECTED**

A list of items to be completed or corrected is attached hereto, or transmitted as agreed upon by the parties, and identified as follows:  
*(Identify the list of Work to be completed or corrected.)*

**REFER TO:**

1. ETI PUNCH LIST #1 DATED MAY 22, 2023.
2. HGM INTERIOR PUNCH LIST (#1) DATED MAY 23, 2023.
3. HGM INTERIOR PUNCH LIST (#2) DATED JUNE 13, 2023.
4. HGM EXTERIOR & CIVIL PUNCH LIST (#3) DATED JULY 13, 2023.

The failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents. Unless otherwise agreed to in writing, the date of commencement of warranties for items on the attached list will be the date of issuance of the final Certificate of Payment or the date of final payment, whichever occurs first. The Contractor will complete or correct the Work on the list of items attached hereto within 30 (thirty calendar) days from the above date of Substantial Completion.

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Cost estimate of Work to be completed or corrected: \$170,637.00 (plus the cost of the Ramp: \$555,654.00)

The responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work, insurance, and other items identified below shall be as follows:

*(Note: Owner's and Contractor's legal and insurance counsel should review insurance requirements and coverage.)*

N/A

The Owner and Contractor hereby accept the responsibilities assigned to them in this Certificate of Substantial Completion:

Meco-Henne Contracting, Inc.		Jon Henne, Vice-President	11/9/2023
<b>CONTRACTOR</b> ( <i>Firm Name</i> )	<b>SIGNATURE</b>	<b>PRINTED NAME AND TITLE</b>	<b>DATE</b>
Pottawattamie County Board of Supervisors			
<b>OWNER</b> ( <i>Firm Name</i> )	<b>SIGNATURE</b>	<b>PRINTED NAME AND TITLE</b>	<b>DATE</b>

# **Jason Slack/Director, Buildings and Grounds**

**Discussion and/or decision to approve Change Order #1  
on Courthouse Parking Lot Improvement Project.**

# CHANGE ORDER NO. 1

**Location:**

227 S 6th Street  
Council Bluffs, Iowa 51501

**Project Description:**

Pottawattamie County Courthouse Parking Lot  
Improvements  
HGM Project No. 108222

**Contractor:**

Meco-Henne Contracting, Inc.  
4140 South 87th Street  
Omaha, NE 68127

**Owner:**

Pottawattamie County, Iowa  
227 6th Street  
Council Bluffs, Iowa 51501

**To:**

Jon Henne

**Date:**

11/14/2023

You are hereby ordered to make the following changes in the construction plans and specifications for the above designated project:

**1. Revise or Add (\*) the Following Items:**

18.	Fly Ash Treatment, 12" Depth	DECREASE	
*27.	Added Thickness for Sidewalk		ADD

**2. Reason for ordering the change is as follows:**

18.	Item not used
*27.	City directed change in sidewalk thickness to 6"

**3. Settlement for the cost of the above change is to be made as follows:**

ITEM		AMOUNT	UNIT	PRICE	DECREASE	INCREASE
NO.	DESCRIPTION					
18.	Fly Ash Treatment, 12" Depth	(2,703.00)	SY	13.50	(36,490.50)	
*27.	Added Thickness for Sidewalk	1.00	LS	9,784.00		9,784.00
<b>Net Change:</b>					(36,490.50)	9,784.00

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**4. Summary of Costs:**

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TOTAL ADJUSTMENT THIS CHANGE ORDER:	(26,706.50)
TOTAL ALL PREVIOUS CHANGE ORDERS:	0.00
TOTAL CONTRACT ADJUSTMENT:	(26,706.50)
ORIGINAL CONTRACT SUM:	816,582.90
TOTAL CONTRACT COST:	789,876.40
TOTAL CONTRACT ADJUSTMENT PERCENTAGE TO DATE:	-3.27%

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**5. Extension of Working Days:**

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**TOTAL ADDITIONAL WORK DAYS:** 0

NOTE: This Change Order is not effective until signed by the Owner.

Approved by:

---

<b>Owner:</b>	Title	Date
---------------	-------	------

Agreed to by: *Jon Henne* Vice President 11/14/2023

---

<b>Contractor:</b> Meco-Henne Contracting, Inc.	Title	Date
---	-------	------

Submitted by: Engineer 11/14/23

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<b>Engineer:</b> HGM ASSOCIATES INC.	Title	Date
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**Matthew**  
**Spaccapaniccia/Utility-Scale**  
**Development Manager and**  
**Julie Drennen/Development**  
**Outreach Manager, RWE Clean**  
**Energy**

**Presentation of wind energy concerns and setback  
ramifications.**



ENERGY, INSTALLATIONS  
AND ENVIRONMENT

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

3400 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3400

August 21, 2023

Matthew Spaccapaniccia  
RWE Renewables  
353 N. Clark Street, 30th Floor  
Chicago, IL 60654

Dear Mr. Spaccapaniccia,

As requested, the Military Aviation and Installation Assurance Siting Clearinghouse coordinated within the Department of Defense (DoD) an informal review of the Pottawattamie Wind Project. The results of our review indicated that the wind project, located in Pottawattamie County, Iowa, as proposed, will have minimal impact on military operations conducted in the area.

Please note that this informal review by the DoD Military Aviation and Installation Assurance Siting Clearinghouse does not constitute an action under 49 United States Code Section 44718 and that the DoD is not bound by the conclusion arrived at under this informal review. To expedite our review in the Obstruction Evaluation Airport Airspace Analysis (OE/AAA) process, please add the project number 2023-07-W-DEV-11 in the comments section of the filing. If you have any questions, please contact me at [robbin.e.beard.civ@mail.mil](mailto:robbin.e.beard.civ@mail.mil).

Sincerely,

A handwritten signature in blue ink that reads "Robbin Beard".

Robbin Beard  
Deputy Director  
Military Aviation and Installation  
Assurance Siting Clearinghouse

# RWE

## Setback Ramifications & Discussion of Wind Energy Concerns

November 21, 2023

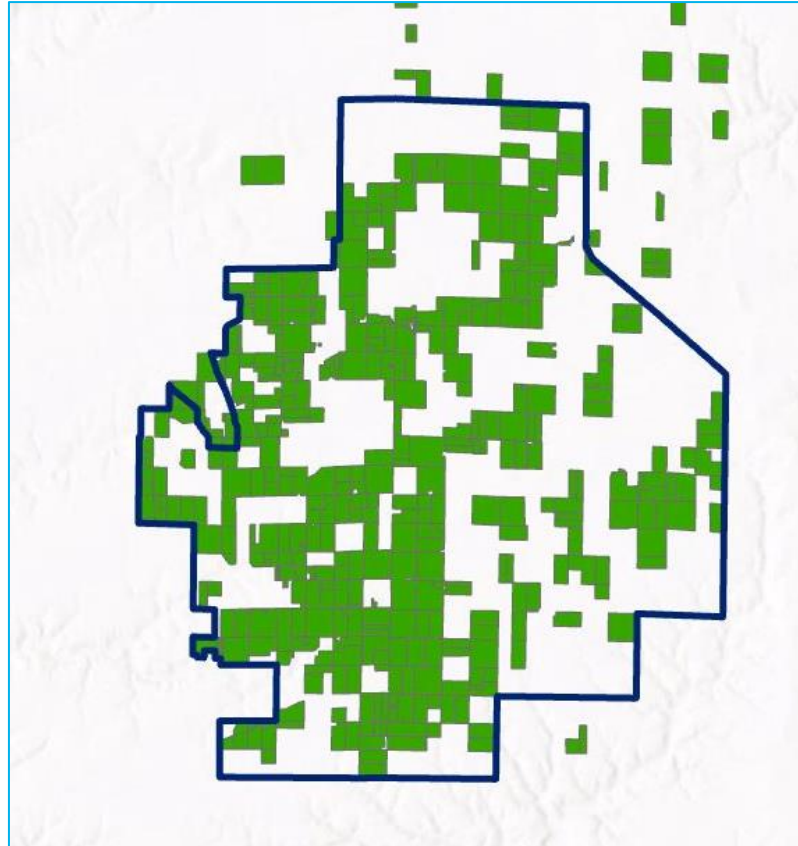
*Matthew Spaccapaniccia, Development Manager*

*Julie Drennen, Development Outreach Manager*

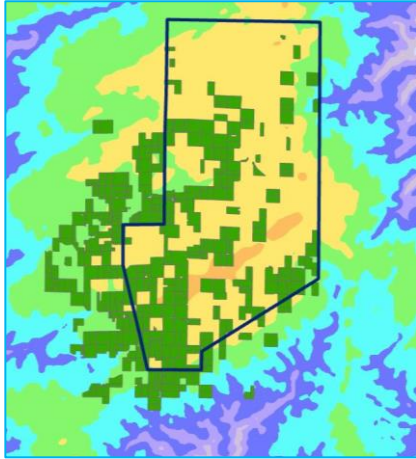


# Setback Ramifications

# Setbacks – Original Signed Land Example

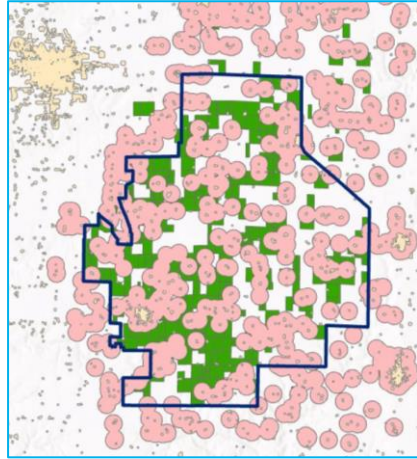


# Setbacks – Example Exclusion Layers



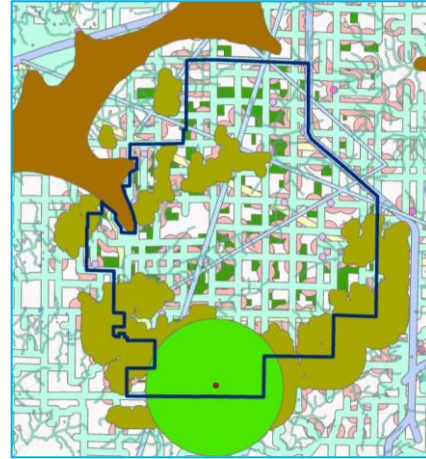
1

Wind speeds and voluntary landowner participation determines project area.



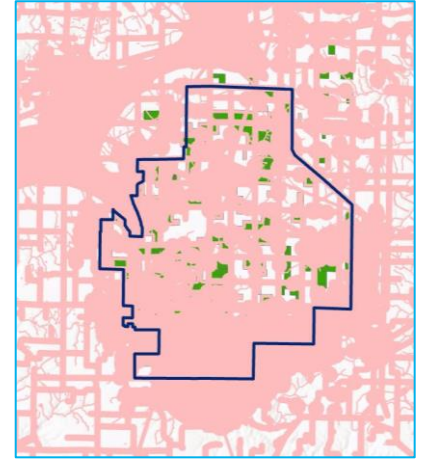
2

Setbacks from residences, structures, and rights-of-way determine initial buildable area.



3

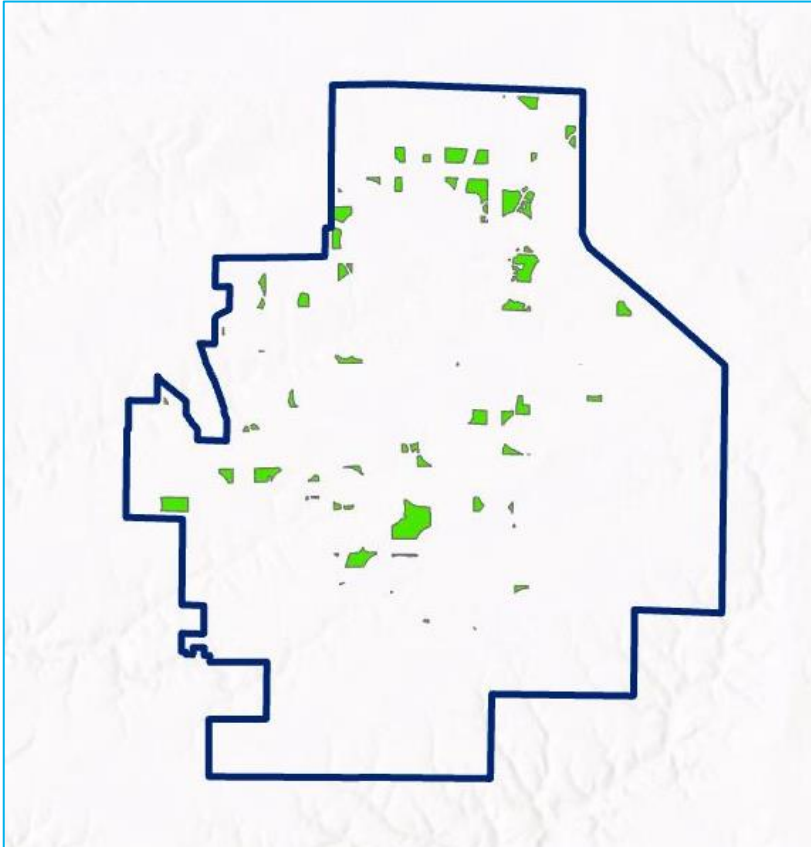
Buildable area further shrinks—railroads, comms paths, pipelines, wetlands & wildlife, etc.



4

The pink represents combined setbacks; the green represents buildable area. This is still preliminary.

# Setbacks – Resulting Buildable Area



And yet, this is still not the final buildable area.

Additional considerations:

- Field tile mapping and geological surveys
- FAA & DOD Airspace
- TV & satellite reception
- Weather radar
- Sound studies
- Shadow flicker studies
- Surface water
- Turbine spacing
- Access roads
- Underground lines



# Setbacks Discussion – RWE Wind Farm Location

Cities include:

1. Avoca
2. Hancock
3. Shelby
4. Minden

Townships include:

5. Minden
6. Pleasant
7. Knox
8. Norwalk
9. York
10. James

Landowners in this area want to see a wind farm here

Question: if BoS pursues a city setback, will it be *incorporated* cities?



# Setbacks – Comparisons Between Options

## **Planning and Zoning Commission recommended setback language:**

- 1/2 mile to non-participating dwelling
- 1,500 feet to any lot line or public right-of-way

## **Baird Holm setback language recommended to Pottawattamie County:**

- Greater of 3 times total height or 1,500 ft to non-participating dwelling
- 1.1 times the total height to any lot line or public right-of-way

## **Potential in-the-middle setback language:**

- Greater of 3 times total height or 1,650 ft to non-participating dwelling
- Greater of 1.3 times total height or 800 feet to non-participating lot line
- 1.1 times the total height from public right-of-way

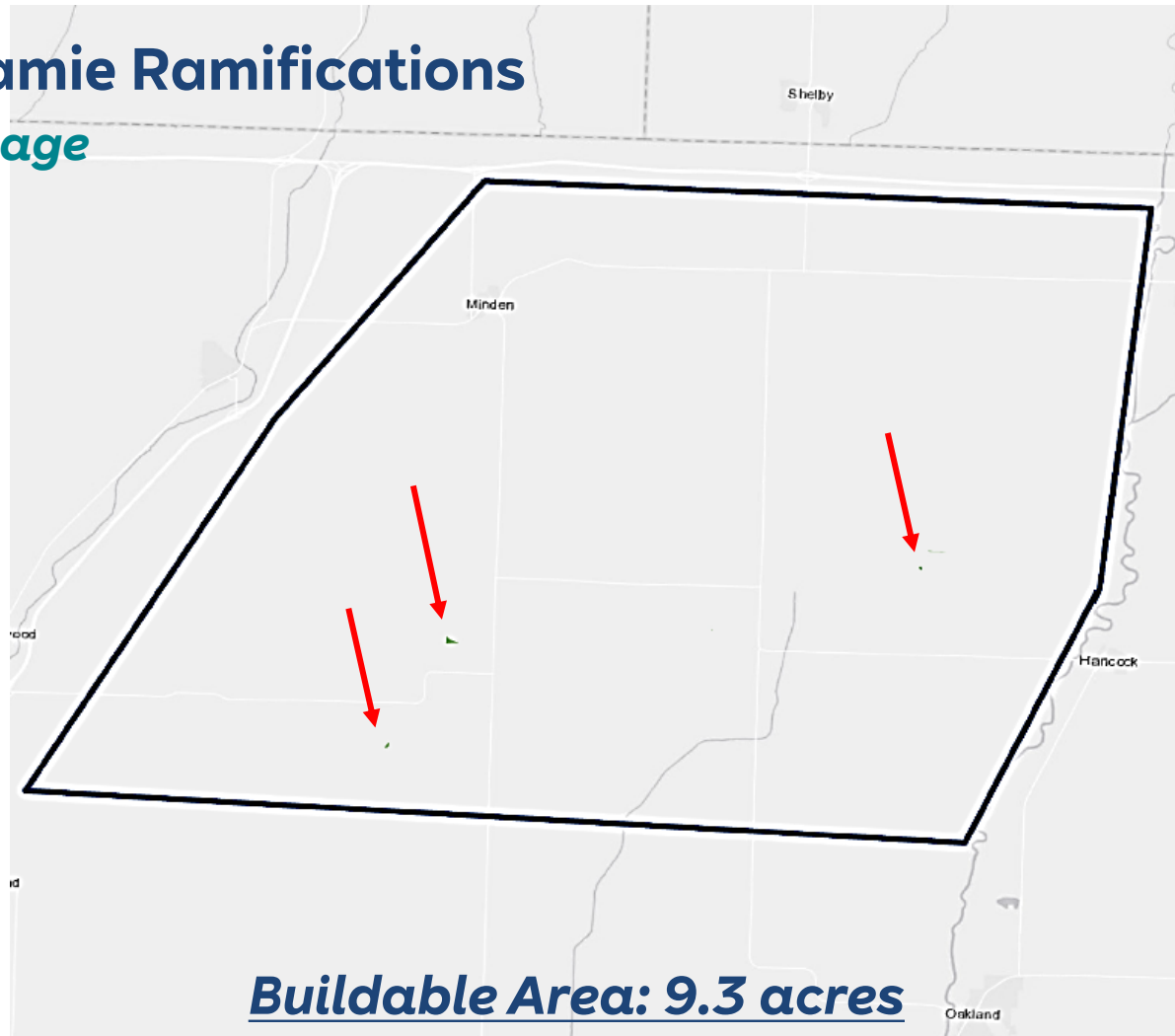
# RWE's wind project - land area



# Setbacks – Pottawattamie Ramifications

## *Planning and Zoning language*

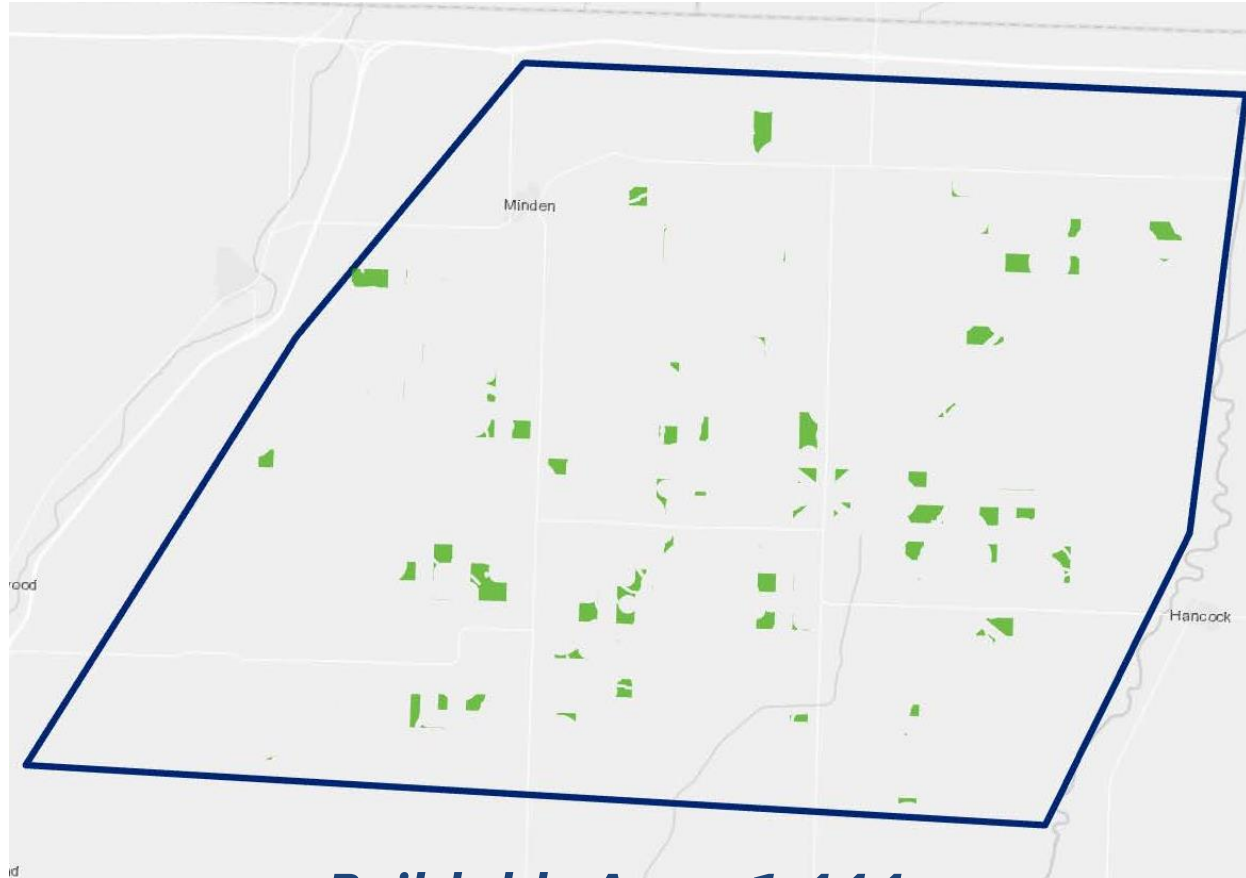
- **1/2 mile from non-participating home**
- **1,500 ft from non-participating property line or public right-of-way**



# Setbacks – Pottawattamie Ramifications

## *Baird Holm language*

- **1,500 ft from non-participating home**
- **1.1 times total height from non-participating property line or public right-of-way**

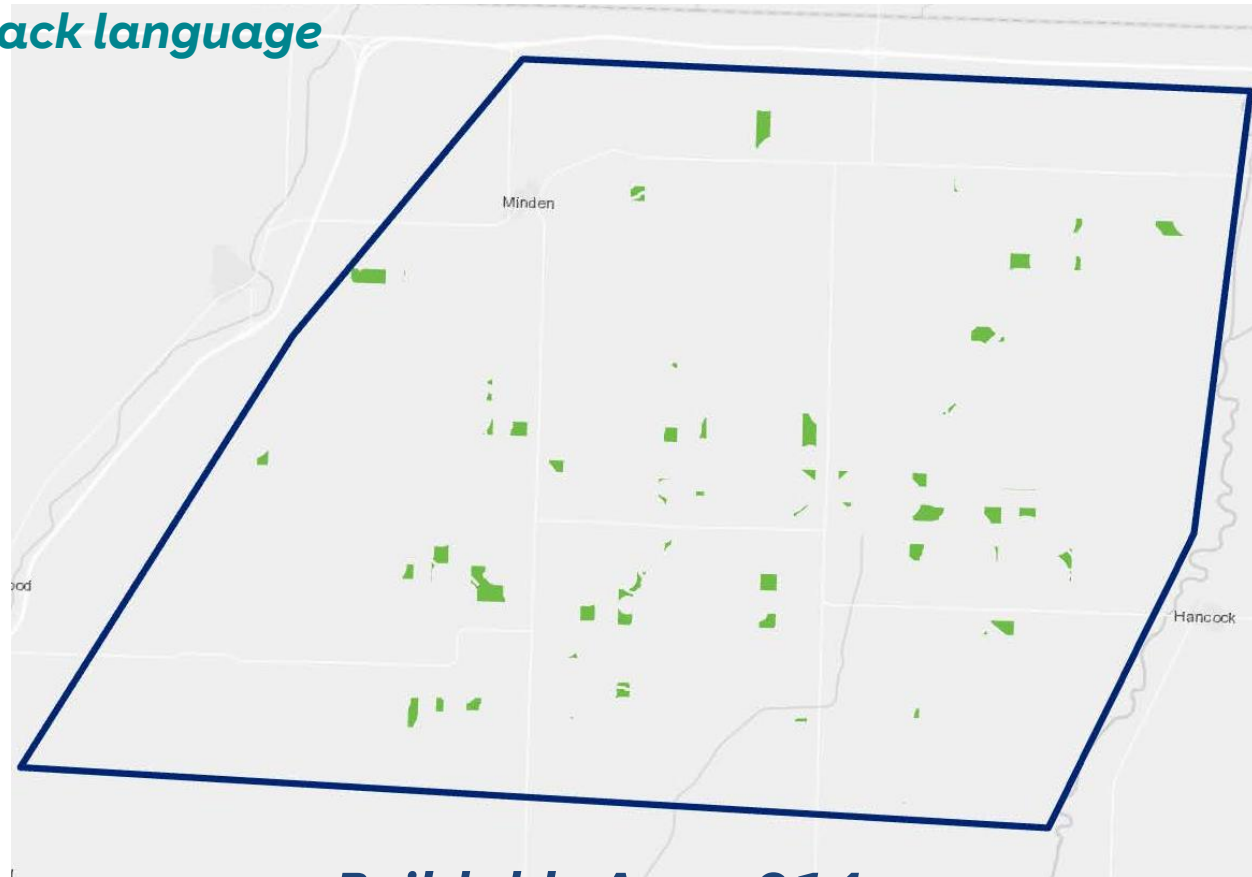


**Buildable Area: 1,444 acres**

# Setbacks – Pottawattamie Ramifications

## *Potential mid-range setback language*

- **1,650 ft from non-participating home**
- **800 ft from non-participating property line**
- **1.1 times total height from public right-of-way**



**Buildable Area: 914 acres**



# Addressing Citizen Concerns

# Discussion – Wind Farm Participants IN Pott County

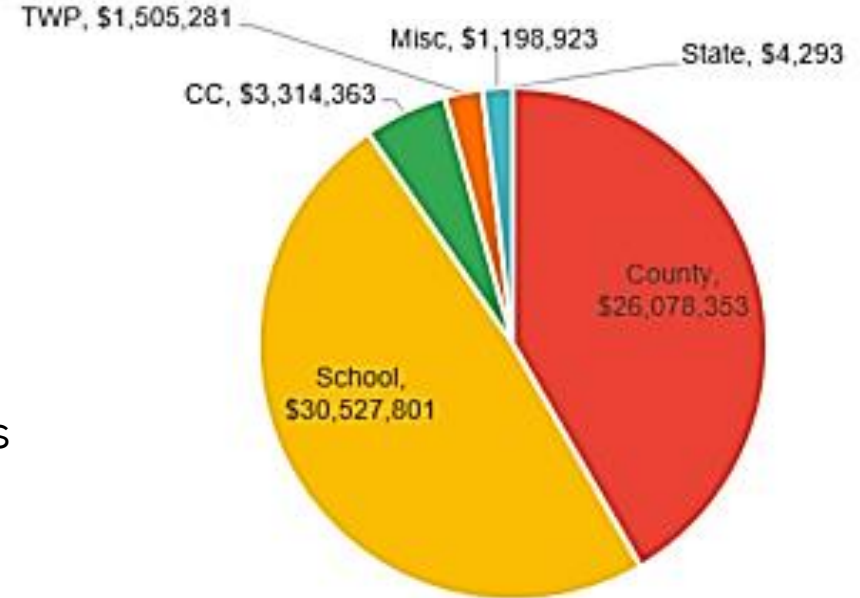
- Now 95 leases
- Over 150 landowners
- 75% of them live in Pottawattamie County
- They have chosen the option of living/farming near wind turbines





# Discussion – Benefits from 200MW Project

- ~\$62.6 million new tax revenue for the county, schools, townships, etc. over 30 yrs
- Over \$2 million annually in total revenue
- ~\$25 million in landowner payments / 30 yrs
- 200–300 construction jobs over the course of 10-12 months; 6-8 long term, local jobs



Minden	18.52%
Norwalk	5.90%
Pleasant	24.91%
James	22.55%
Knox	5.54%
York	22.58%

# Discussion – Benefits Comparisons

- County revenue (out of total) from 200 MW wind farm estimated at:  
**+\$800,000 / year — +\$26 million over 30 years**
- By comparison:
  - 40% of current casino revenue (\$2 million annually to Pott County)
  - 53% of city bridge funding (\$1.5 million)
  - Revenue to county can help close the gap on any potential debt margins
- Road repairs: RWE repaired 80 mi in Decatur, IL—\$1.2 million of RWE funding

# Discussion – Domestic Industry

## Iowa & Some U.S. Wind Component Facilities

**Over 125,000 wind energy jobs in the U.S. in 2022** (U.S. DOE)

**Over 10,000 wind energy jobs in Iowa** (American Clean Power)

**Siemens Gamesa – Fort Madison, IA** (Blades)

**TPI Composites – Newton, IA** (Blades)

**D.A.D. Manufacturing – Hiawatha, IA**

(Repelling hook bars, shaft and hinges, vessels, frames, etc.)

**D.A.D Manufacturing – Lisbon, IA**

**MM Composite – Mount Pleasant, IA** (Composite parts)

**KPI Concepts – West Burlington, IA** (Blade kits)

**Arcosa Towers – Newton, IA** (Towers)

**Suzlon Energy Limited, Sumitec, Inc., U.S. Way Turbines – Illinois**

**A123 Energy Solutions, Able Manufacturing & Assembly, Co.,**

**CG Power Systems USA, Emerson Electric – Missouri**

**GE Renewable Energy blade manufacturing facility – North Dakota**

**GE Renewable Energy grid solutions manufacturing – Pennsylvania**



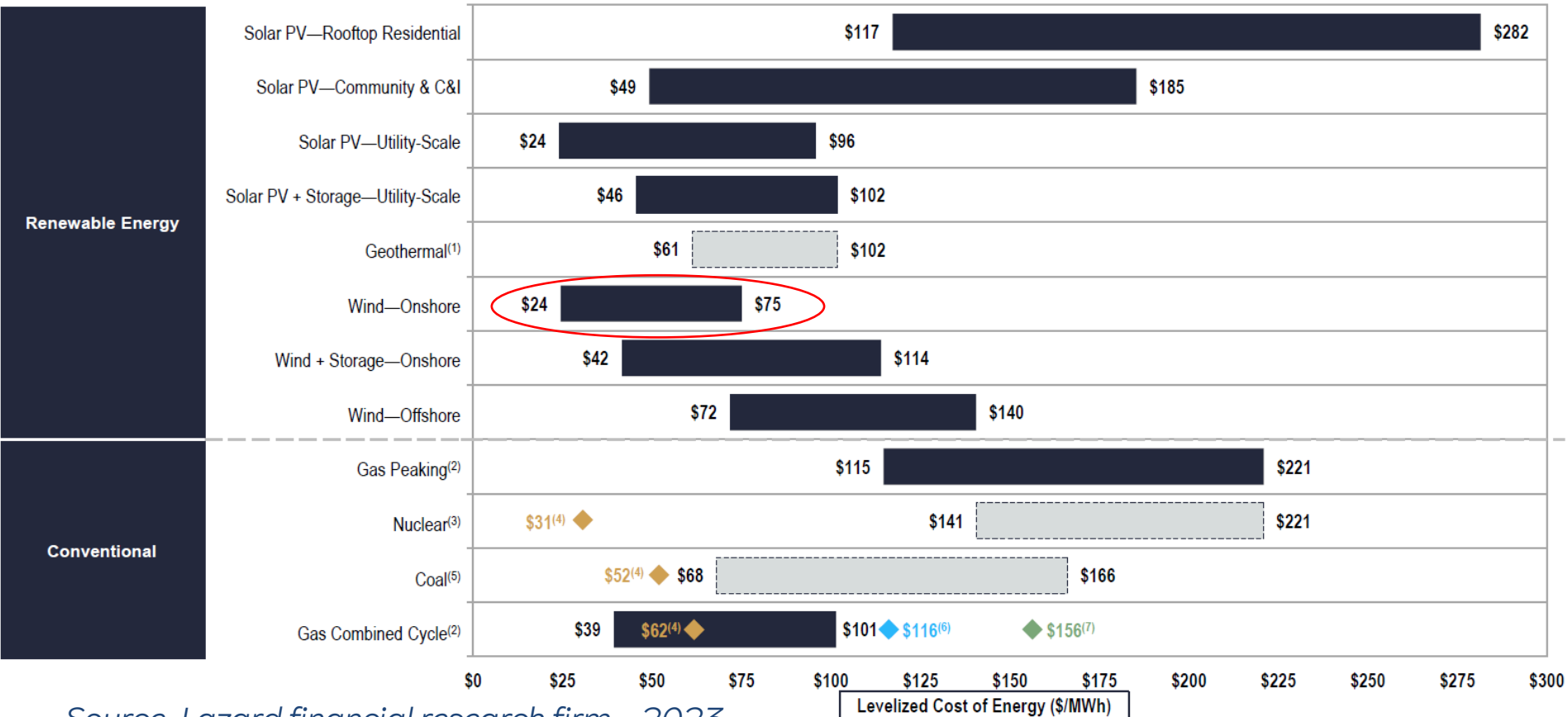
~ 63%  
IA  
electricity  
from wind

>10,000  
Iowa jobs



>\$70  
million  
Annual  
landowner  
payments

# Discussion – Wind Energy is among lowest cost sources



Source: Lazard financial research firm—2023

# Discussion – Safety

## Ice throw

- Depends on weather, turbine make/model, wind speeds, etc.
- Ice throw can be measured, managed, and/or mitigated.
- Best determinant: how have wind farms performed around here in the past? (Walnut Ridge)

IEA Icing Class	Meteorological Icing (% of year, days)	Instrumental Icing (% of year)	Production Losses (% of year)	Yearly Number of Ice Pieces Per Wind Turbine
5	> 10% (> 36 d)	> 20	> 20	> 8000
4	5-10% (18-36 d)	10 – 30	10 - 25	4000
3	3-5% (11-18 d)	6 – 15	3 – 12	2000
2	0.5-3 (2-10 d)	1 - 9	0.5 – 5	1000
1	0-0.05 (0-1 d)	0 – 1.5	0 - 0.5	200

Rural county in East Central Illinois

## Fire

- Rare, but can happen. Majority debris fall radius is w/in rotor radius (i.e., blade length).
- Wind company should meet with first responders to discuss protocol. Local ops team manages response—24-hr support. Spotters put out fallen debris immediately.

**1 in 2,000 – 1 in 7,000 turbines / year**

**Or: 10–36 out of 72,000 / year**

**.013%–.05%**

*Wind Systems Mag – Feb. 2023*



# Discussion – Wind Energy is Environmentally Friendly

- “Carbon payback” is the balance between the energy used/carbon emitted over life cycle (manufacture, operate, service, dispose), vs. energy used/carbon emitted to produce electricity
- Measured in “months to achieve payback” where breakeven is when it’s energy/carbon neutral



Source: Vestas 2022

# Discussion – Sound



45-55 dB  
Wind turbine

35 dB  
Library

15 dB  
Whisper

40 dB  
Refrigerator

60 dB  
Window A/C

45-60 dB  
Normal conversation



85 dB  
Heavy traffic



105 dB  
Lawn mower

80 dB  
Noisy restaurant

115 dB  
Grain dryer



110 dB  
Baby crying

120 dB  
Jet engine



# Discussion – Cattle





# Discussion – Cattle



# Discussion – Cattle



# Discussion – Birds

- Siting has improved—observe migratory paths, nesting sites, etc.
- Wind farms are required to meet regulations (state, federal) to mitigate risk
- Citizen spotters identify species of concern
- Habitat loss, cats, and building collisions are the greatest threat to birds
- “Millions of acres of bird habitat are lost or degraded every year due to development, agriculture, and forestry practices.”

*U.S. Fish and Wildlife Service*

# Discussion – Birds



Feral and owned  
cat predation:  
**2.4 Billion**



Pesticide and other  
toxics poisoning:  
**72 Million**



Collisions with  
communication towers:  
**6.8 Million**



Collisions with home and  
other building windows:  
**600 Million**



Collisions with,  
and electrocution  
by power lines:  
**36.5 Million**



Entrapment in mining  
claim marker tubes and  
oil and wastewater pits:  
**1 Million**



Collisions with  
vehicles:  
**200 Million**



Lead poisoning:  
**12 Million**

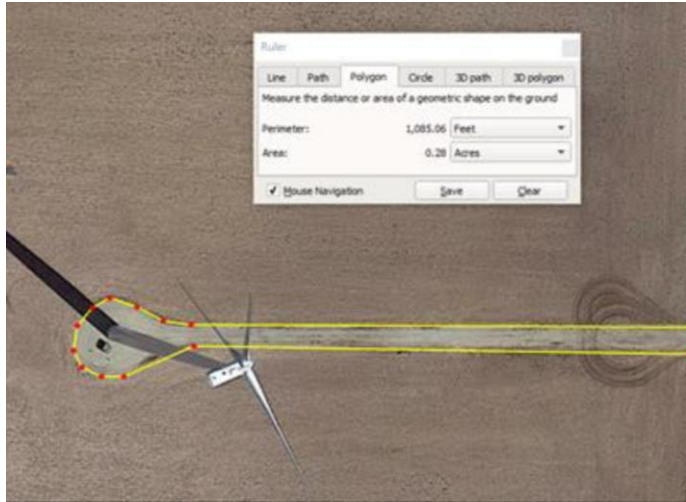


Collisions with  
wind turbines:  
**680 Thousand**

*Annual threats to birds by source—American Bird Conservancy, 2023*

# Discussion – Topsoil and Agriculture

- Compaction and drain tile affected on signed land
- Topsoil is saved and redistributed
- We decompact soil in areas traversed by vehicles and construction equipment  
We GPS all paths to ensure any compaction or crop damage is addressed
- Access road and turbine base will use roughly 1/3 to 2/3 acre of farmland



# RWE

# Thank you

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Jim Eichler, Land Agent  
(660) 287-1639

Julie Drennen, Development Outreach Manager  
(312) 241-3570  
Julie.Drennen@rwe.com

[www.rwecleanenergy.com](http://www.rwecleanenergy.com)

# Setbacks – Language Comparison

## Planning and Zoning Commission recommended setback language:

- .04 SETBACKS: WTGs in a CWES shall not be located less than one half (1/2) mile to the closest exterior wall of any non-participating dwelling as measured from the center of the WTG base. CWES may be setback less one half (1/2) mile from any participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any dwelling. In no event shall a CWES be located less than fifteen hundred (1,500) feet to any lot line or public right-of-way; provided, however, there shall be no side or rear yard setback for any lot line where the CWES is located on abutting participating parcels.

## Baird Holm setback language recommended to Pottawattamie County:

- .04 SETBACKS: WTGs in a CWES shall not be located less than three (3) times the total height from the closest exterior wall of any occupied non-participating dwelling as measured from the center of a WTG base. CWES may be setback less than three (3) times the total height from any occupied participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any dwelling. In no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any lot line or public right-of-way; provided, however, there shall be no side or rear yard setback for any lot line where the CWES is located on abutting participating parcels.

## RWE's Pottawattamie County setback suggestion/example:

- .04 SETBACKS: WTGs in a CWES shall not be located less than the greater of three (3) times the total height or sixteen hundred fifty (1,650) feet to the closest exterior wall of any non-participating dwelling as measured from the center of the WTG base. WTGs may be setback less than the greater of three (3) times the total height or sixteen hundred fifty (1,650) feet from any participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a WTG be located less than one and one-tenth (1.1) times the total height to any dwelling. In no event shall a WTG be located less than the greater of 1.3 times the total height or eight hundred (800) feet to any non-participating lot line; provided, however, there shall be no side or rear yard setback for any lot line where the WTG is located on abutting participating parcels. In no event shall a WTG be located less than one and one-tenth (1.1) times the total height from any public right-of-way.

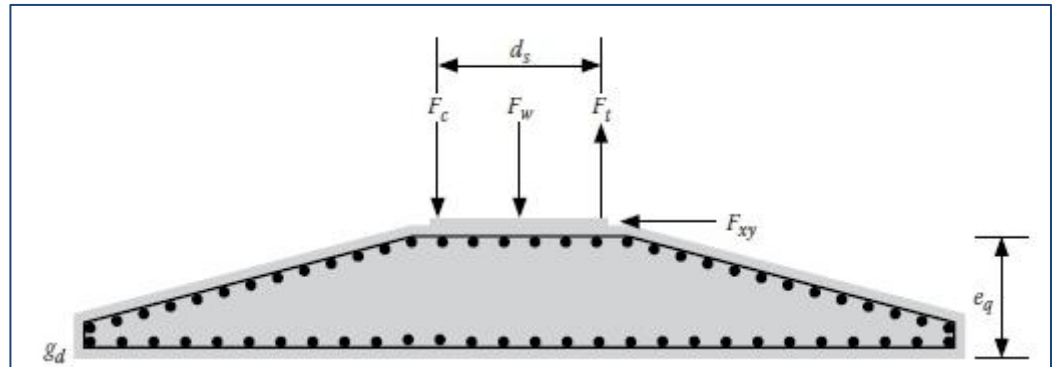
# Discussion – Setback semantic change

- **Planning and Zoning language:** CWES may be setback less than one half mile from any occupied participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any dwelling. In no event shall a CWES be located less than 1,500 feet to any lot line or public right-of-way; provided, however, there shall be no side or rear yard setback for any lot line where the CWES is located on abutting participating parcels.
- **RWE edit:** WTGs may be setback less than the greater of three (3) times the total height or sixteen hundred fifty (1,650) feet from any participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a WTG be located less than one and one-tenth (1.1) times the total height to any dwelling. In no event shall a WTG be located less than the greater of 1.3 times the total height or eight hundred (800) feet to any non-participating lot line; provided, however, there shall be no side or rear yard setback for any lot line where the WTG is located on abutting participating parcels. In no event shall a WTG be located less than one and one-tenth (1.1) times the total height from any public right-of-way.
- **Reason:** CWES refers to the entire windfarm and any part of it; WTG refers specifically to the wind turbine. Maintaining the CWES language would prohibit wind farm development due to constraining other infrastructure, such as underground collection lines or access roads.



# Discussion – Decommissioning

- **Planning and Zoning recommended:** Provisions to remove structures, debris and associated equipment on the surface and to a level of **not less than six (6) feet below the surface**, and the timeline/sequence in which removal is expected to occur.
- **RWE proposal/request:** Provisions to remove structures, debris and associated equipment on the surface and to a level of **not less than five (5) feet below the surface**, and the timeline/sequence in which removal is expected to occur.
- **Explanation:** 1 ft of difference between 6 ft and 5 ft is not significant to farmers, since it is already below the frost line, yet it is hugely significant to wind energy development, as it may make a project infeasible.
- **Note:** Wind turbine foundations taper upward, so the ultimate depth of the majority of the concrete will be below 6 ft.



# Discussion – Sound

- **Planning and Zoning language:** Each application shall include a professional third-party pre-construction sound study which includes all property within at least one (1) mile of each WTG and must be able to demonstrate compliance with the noise standards in this section.
- **RWE proposal/request:** We would like to clarify or adjust this language, as we will not have access to non-signed landowners' property. Suggested adjustments:
  - “only with non-participating landowner's consent”
  - or
  - "at the request of the non-participating landowner"

# Discussion – Financial Surety

- **Planning and Zoning proposed language:** “The financial surety shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance acceptable to the County Board. Any document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.”
- **RWE proposal/request:** We ask that the language be edited to include “reasonably” before “acceptable.” Such as below: “...or other form of financial assurance reasonably acceptable to the County Board. Any document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.”
- **Reason:** It is infeasible and prohibitive to ask for wind energy developers to put up tens to hundreds of millions of dollars upfront. It would not be reasonable for a county to ask for cash, deposit, or escrow.

**Harry Finch/Senior Associate,**  
**Renewable Development**  
**Invenergy**

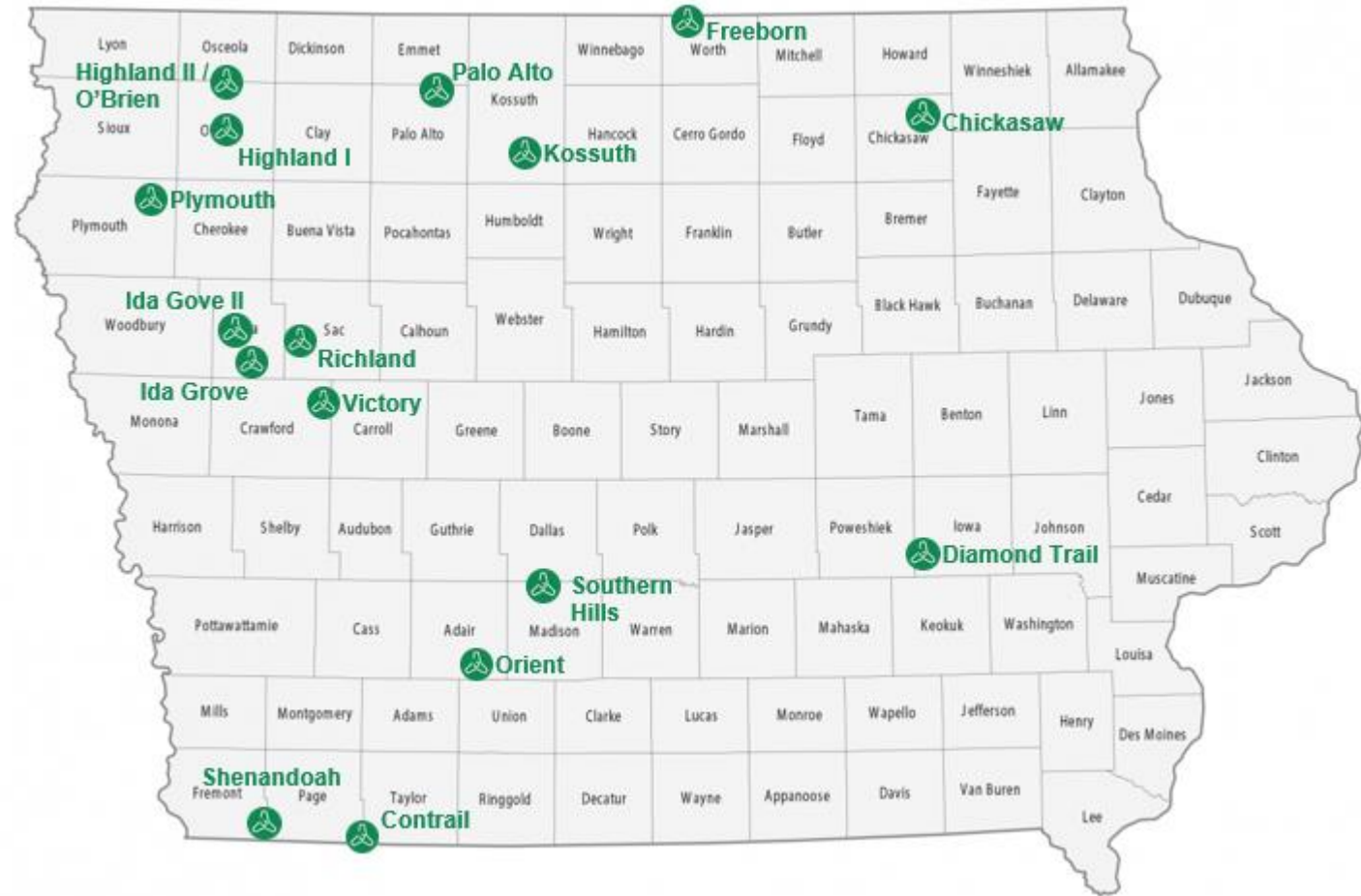
**Presentation on setbacks and wind turbine siting  
impact.**

# Discussion on Wind Energy & Turbine Siting

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# A Track Record of Success in Iowa

- 16 wind projects completed or under construction spanning 12 counties, totaling over 3.4 GW. Invenenergy has unparalleled development experience in the state.
- Over 1/4 of wind energy capacity in Iowa has been developed by Invenenergy.
- Invenenergy has been developing projects in Iowa dating back to 2003.



# Aerial Spraying & Turbines

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# Aerial Spraying & Turbines

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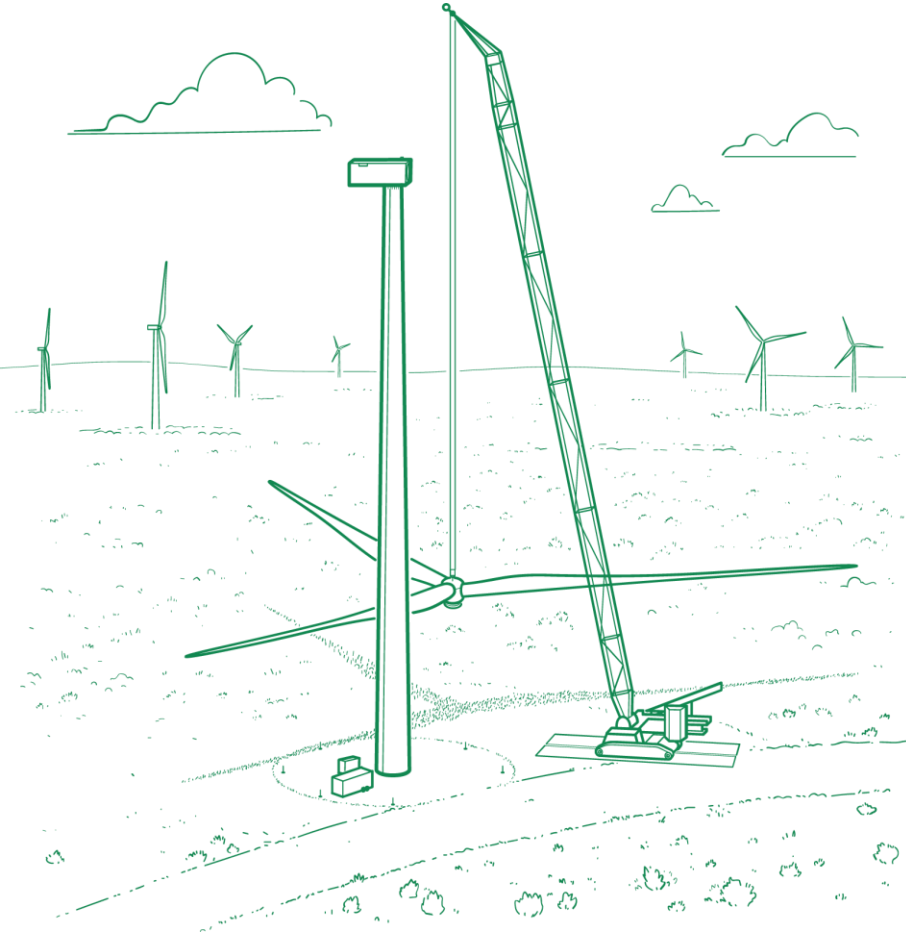
# Aerial Spraying & Turbines

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# Road Use Agreement

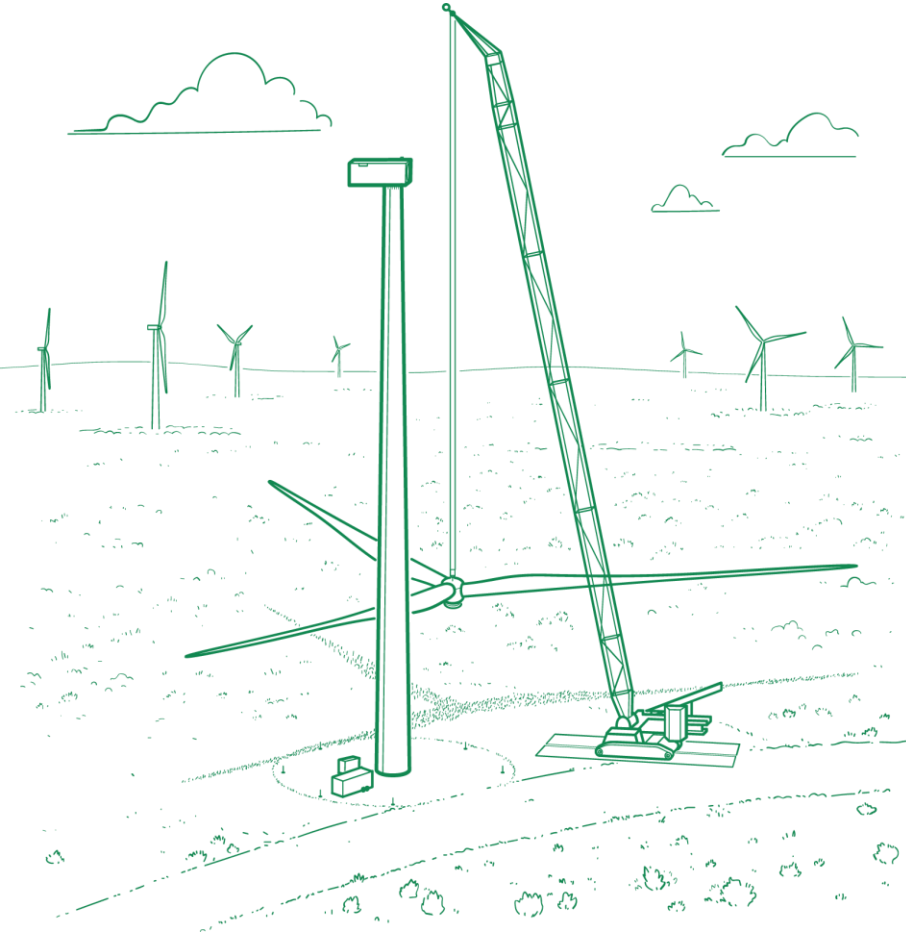
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1. Invenergy remains responsible for any damage or repair to County roads caused by the project during construction
2. Draft Road Use Agreement developed in consultation with the County Engineer for the maintenance and repair of County roads.
3. Pre-construction road survey will establish baseline conditions.
4. Financial assurance will provide extra layer of security through construction.
5. Haul Route ensures minimal impact and maximum public safety during turbine component deliveries, all done in coordination with the County.

# Decommissioning

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1. Outlines responsibility for removing wind facilities
2. Reflects the process for decommissioning an individual turbine as well as the entire Project
3. Invenergy will dismantle and remove Project facilities, ancillary components and restore the land.
4. Invenergy will be responsible for any costs associated with decommissioning activities to ensure the County and community bear no expense.
5. Additional commitments requiring decommissioning can be established with landowners directly
  - a) Access roads can remain at the landowner's request

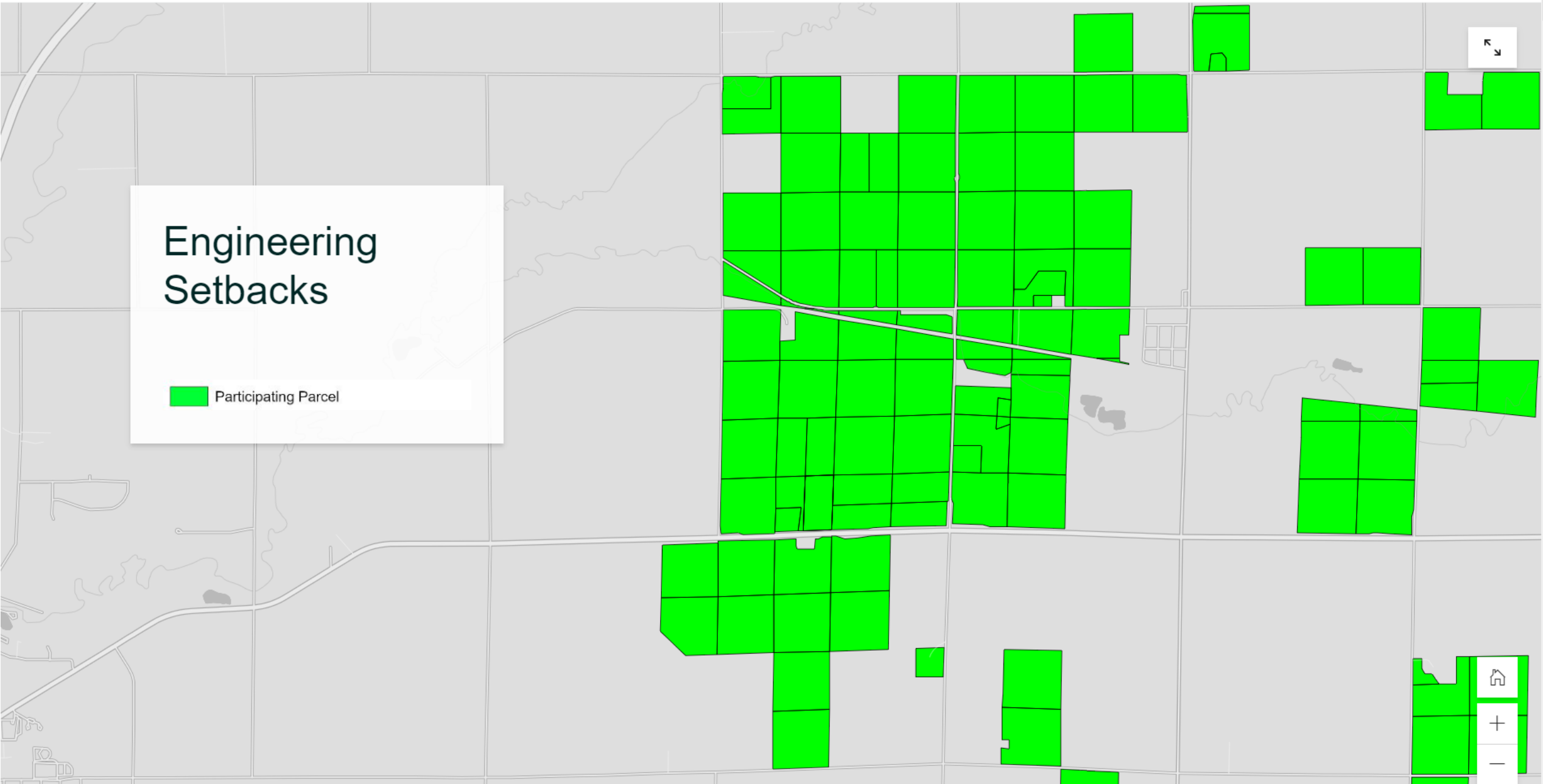


# Example - IA Wind Development

Engineering Setback Overview

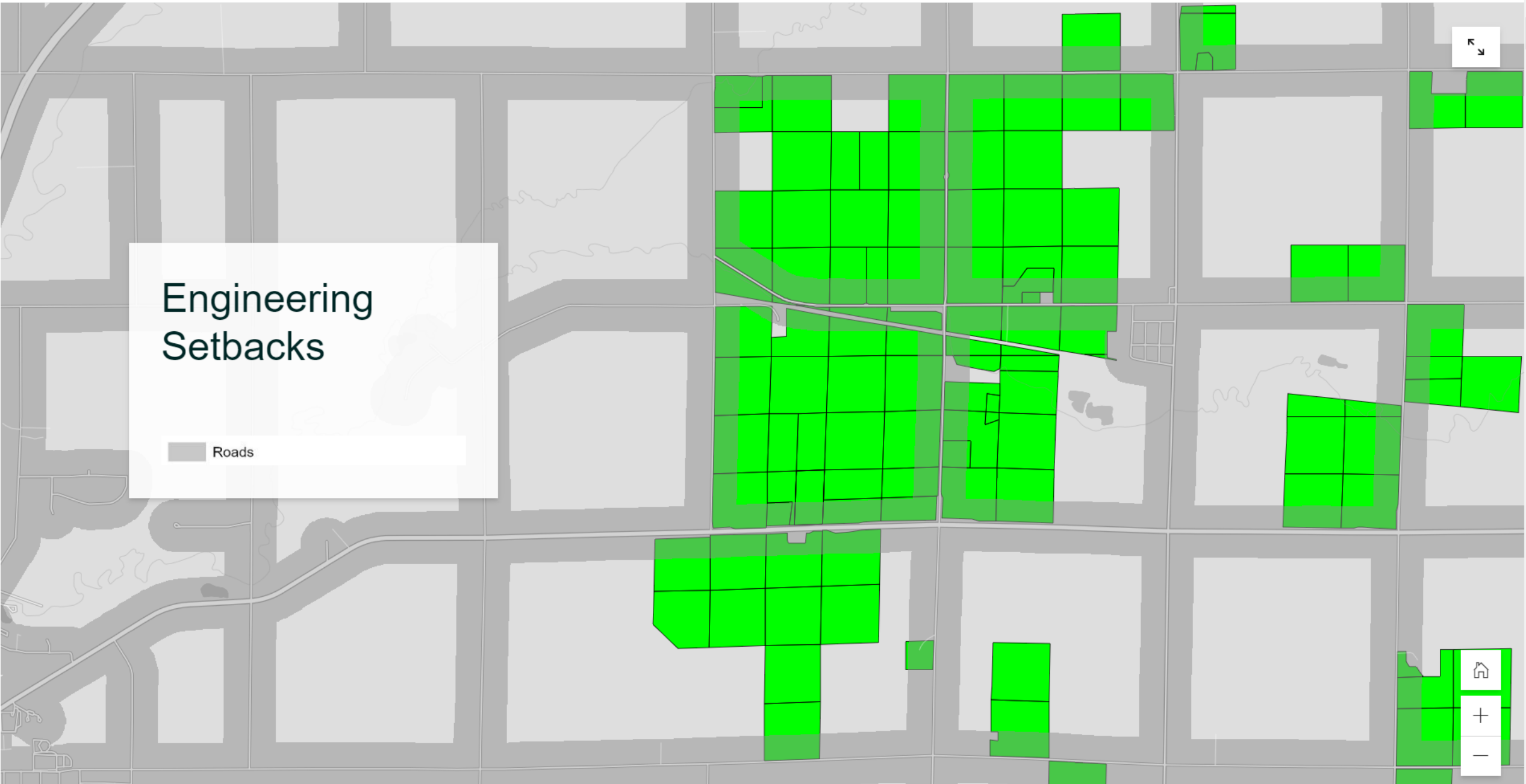
# Engineering Setbacks

 Participating Parcel



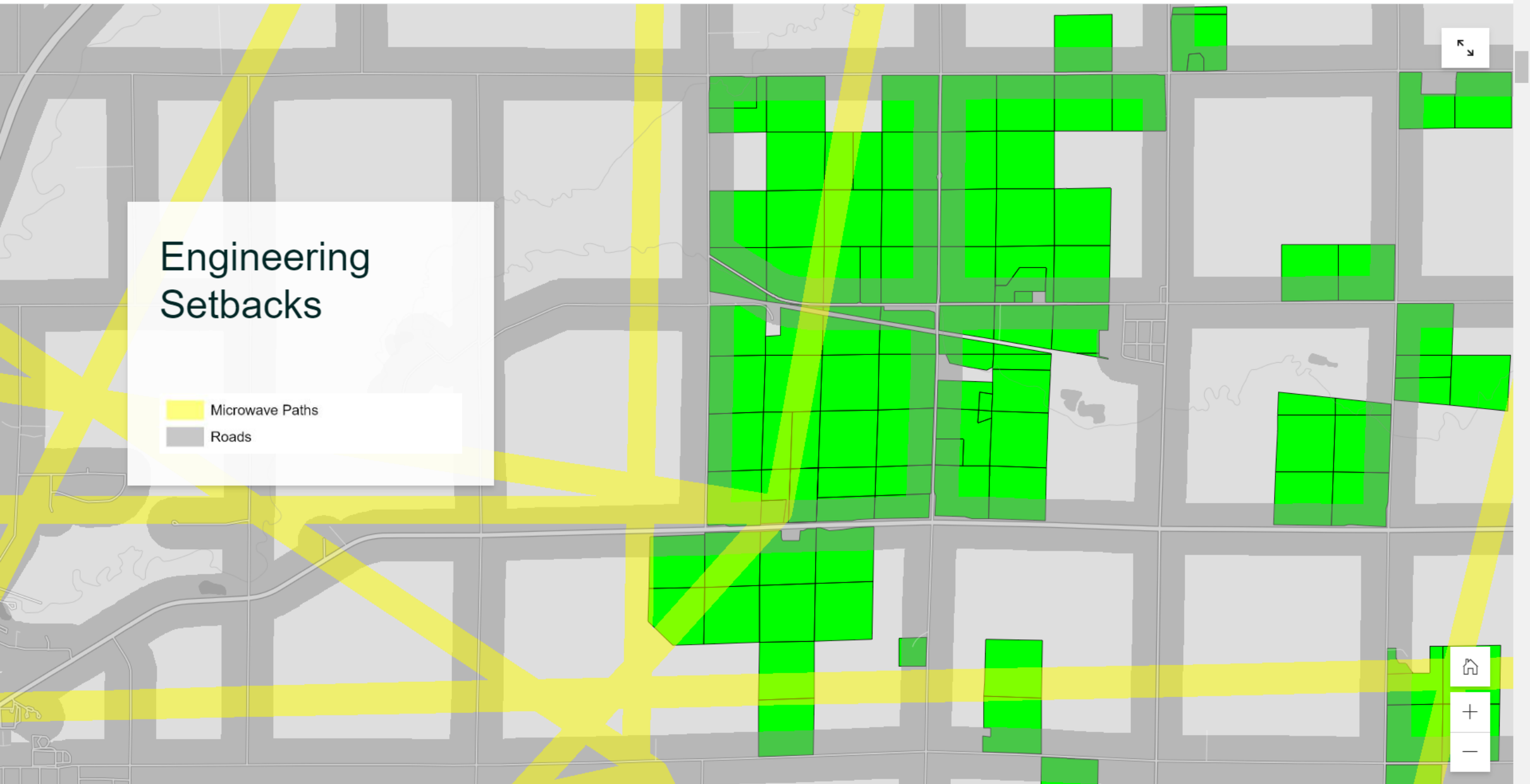
# Engineering Setbacks

 Roads



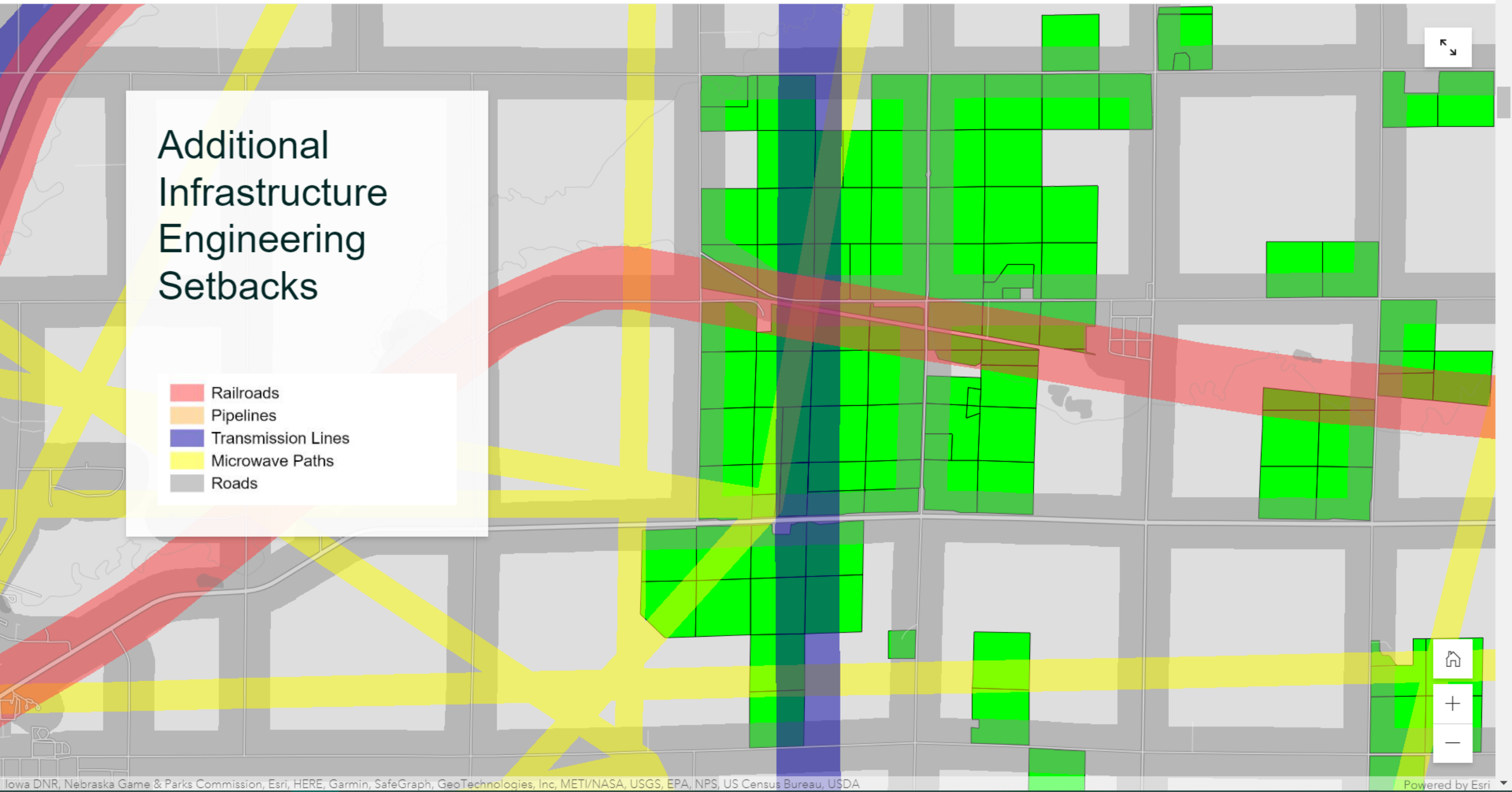
# Engineering Setbacks

-  Microwave Paths
-  Roads



# Additional Infrastructure Engineering Setbacks

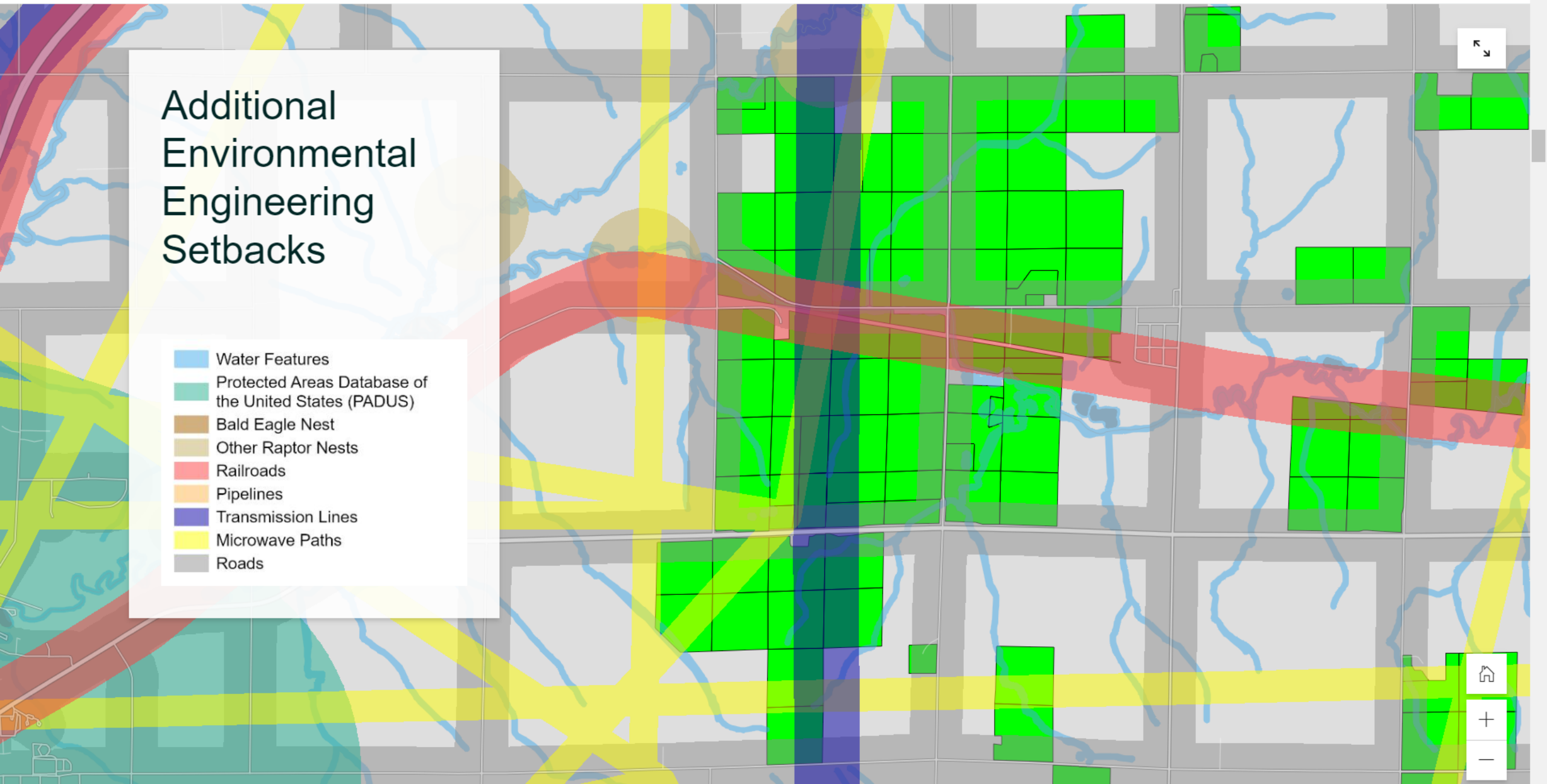
-  Railroads
-  Pipelines
-  Transmission Lines
-  Microwave Paths
-  Roads





# Additional Environmental Engineering Setbacks

-  Water Features
-  Protected Areas Database of the United States (PADUS)
-  Bald Eagle Nest
-  Other Raptor Nests
-  Railroads
-  Pipelines
-  Transmission Lines
-  Microwave Paths
-  Roads




# Additional Buildings Engineering Setbacks




-  Commercial, Industrial, and Public Buildings & Cemeteries
-  Farm and Livestock Structures & Non-Residential Buildings
-  Water Features
-  Protected Areas Database of the United States (PADUS)
-  Bald Eagle Nest
-  Other Raptor Nests
-  Railroads
-  Pipelines
-  Transmission Lines
-  Microwave Paths
-  Roads

# Existing Engineering Setbacks

Other Setbacks

The map displays a grid of setbacks. A legend overlay on the left side of the map, titled "Existing Engineering Setbacks", shows a grey square labeled "Other Setbacks". The map itself features a grid of setbacks, with some cells highlighted in bright green and others in grey. The background is a light grey map showing roads and water bodies.

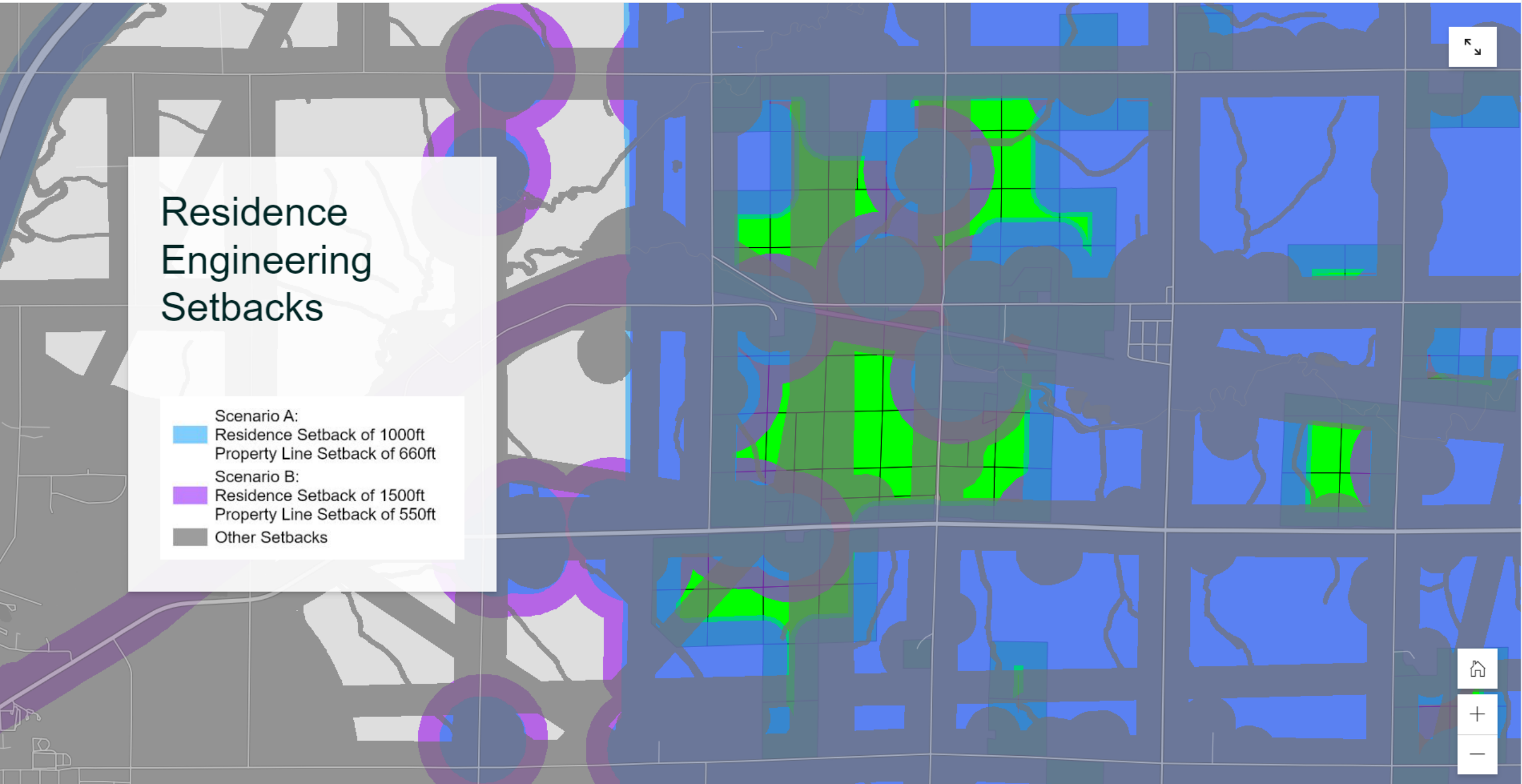
# Residence Engineering Setbacks

- Scenario A:
-  Residence Setback of 1000ft
  -  Property Line Setback of 660ft
  -  Other Setbacks



# Residence Engineering Setbacks

- Scenario A:  
Residence Setback of 1000ft  
Property Line Setback of 660ft
- Scenario B:  
Residence Setback of 1500ft  
Property Line Setback of 550ft
- Other Setbacks





# Residence Engineering Setbacks



- Scenario A:
  - Residence Setback of 1000ft
  - Property Line Setback of 550ft
- Scenario C:
  - Residence Setback of 0.5-miles
  - Property Line Setback of 1500ft
- Other Setbacks



## Buildable Area

Participating Land: ~3,300 acres

Buildable Area with 1000ft  
Residence Setback and 660ft  
Property Line Setback: ~458 acres



-  Buildable Area with Residence Setback of 1000ft & Property Line Setback of 660ft
-  Participating Land



## Buildable Area

Participating Land: ~3,300 acres

Buildable Area with 1500ft  
Residence Setback and 550ft  
Property Line Setback: ~320 acres

-  Buildable Area with Residence Setback of 1500ft & Property Line Setback of 550ft
-  Participating Land







## Buildable Area

Participating Land: ~3,300 acres

Buildable Area with Half Mile Residence Setback and 1500ft Property Line Setback: ~0.4 acres

-  Buildable Area with Residence Setback of 0.5-miles & Property Line Setback of 1500ft
-  Participating Land





# Appendix

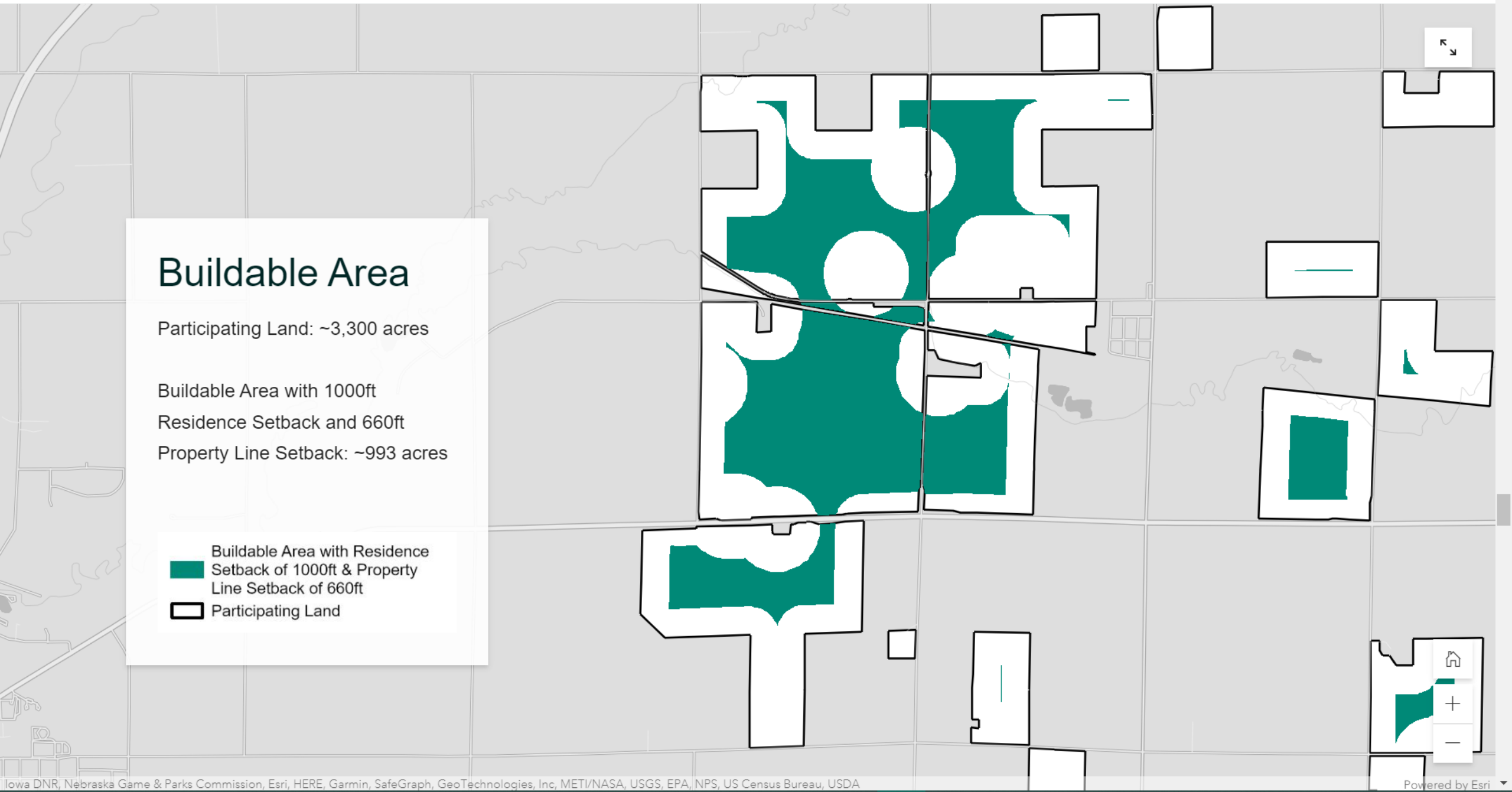


## Buildable Area

Participating Land: ~3,300 acres

Buildable Area with 1000ft  
Residence Setback and 660ft  
Property Line Setback: ~993 acres



-  Buildable Area with Residence Setback of 1000ft & Property Line Setback of 660ft
-  Participating Land

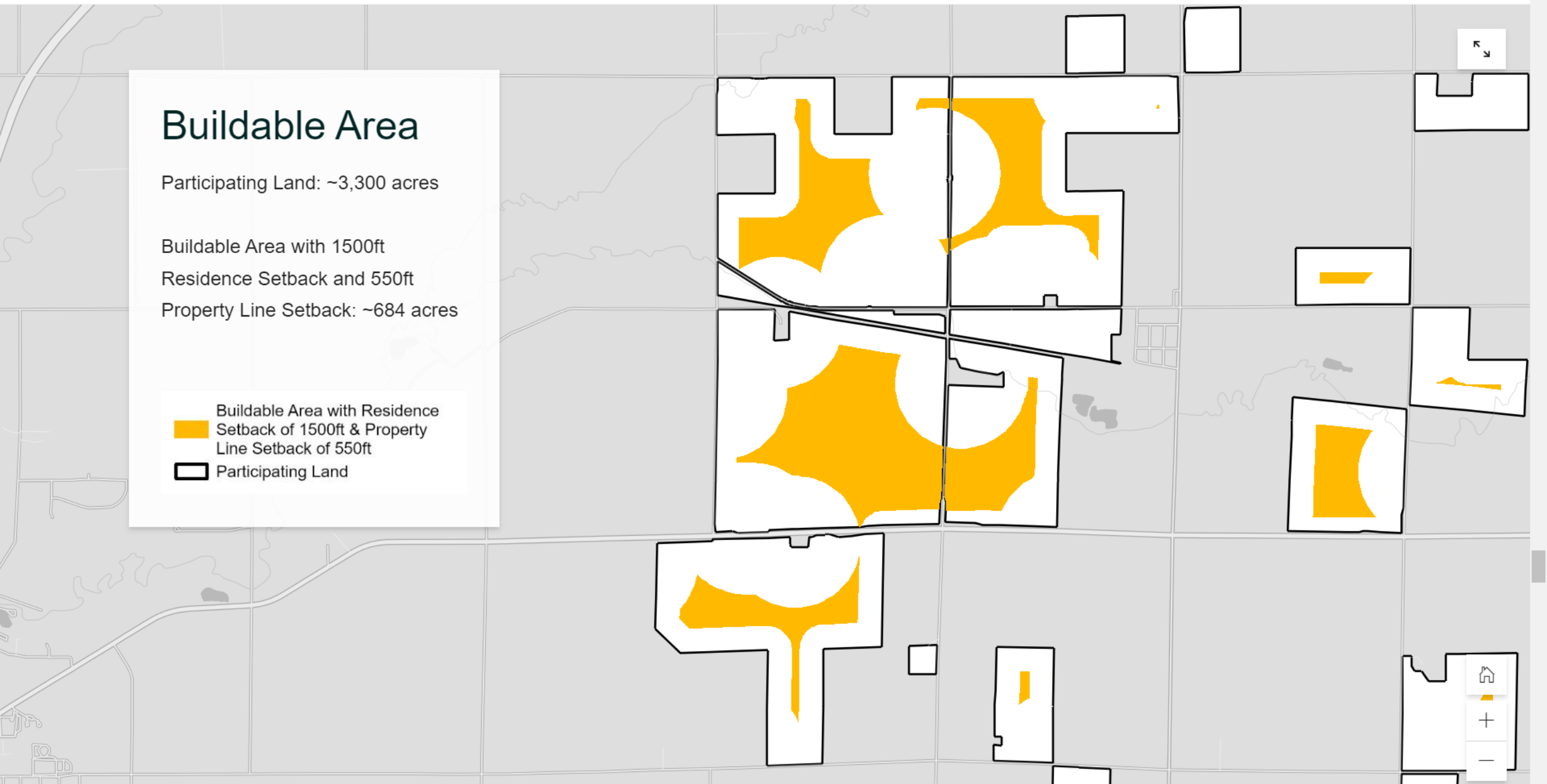


## Buildable Area

Participating Land: ~3,300 acres

Buildable Area with 1500ft  
Residence Setback and 550ft  
Property Line Setback: ~684 acres



-  Buildable Area with Residence Setback of 1500ft & Property Line Setback of 550ft
-  Participating Land

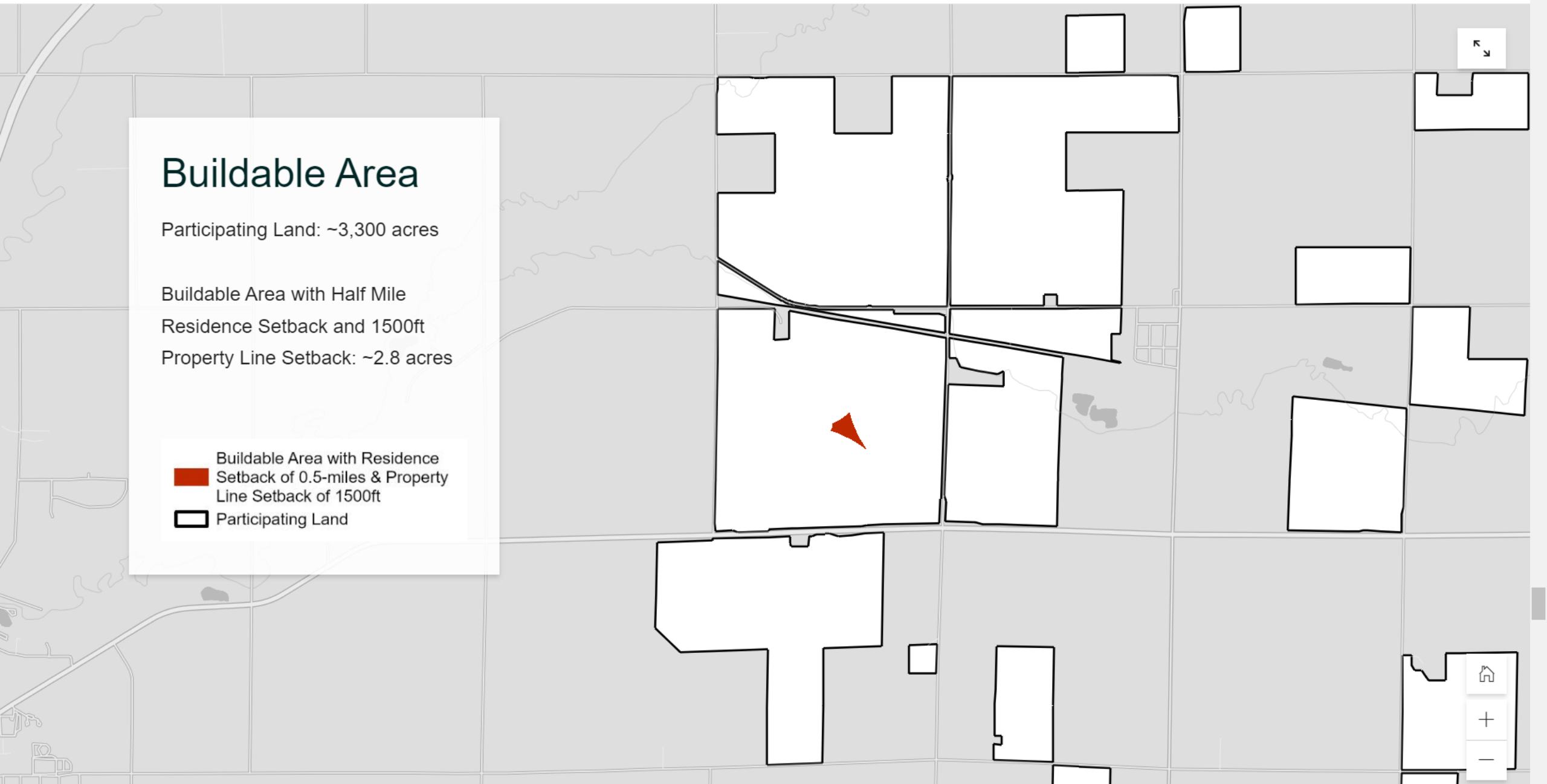


## Buildable Area

Participating Land: ~3,300 acres

Buildable Area with Half Mile Residence Setback and 1500ft Property Line Setback: ~2.8 acres

-  Buildable Area with Residence Setback of 0.5-miles & Property Line Setback of 1500ft
-  Participating Land



**Other Business**

**Tina Treantos/Operations**  
**Administrator, Secondary**  
**Roads and/or Jana**  
**Lemrick/Director, Human**  
**Resources**

**Discussion and/or decision on pay for Assistant  
Engineer Candidate.**

**Discussion and/or decision to accept signature of the Board Chairman on the Quit Claim Deed for 42485 Mahogany Rd, Hancock, the original agreement was approved on the March 22, 2022, minutes to transfer the transfer station site to the City of Hancock.**



the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 22nd day of March, 2022.

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
_____ Tim Wichman, 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"/>
_____ Lynn Grobe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Justin Schultz	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

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

Jana Lemrick/Director, Human Resources and Suzanne Watson/Director, Community Services appeared before the Board to review draft for SWIA MHDS Region for 28E agreement between the SWIA MHDS Region and Pottawattamie County. Discussion only. No action taken.

After discussion was held by the Board, a Motion was made by Shea, and second by Belt, to approve the Board Chairman to sign contract extension with Witt O'Brien for FEMA representation. UNANIMOUS VOTE. Motion Carried.

Tom Kallman/Manager, Regional Water appeared before the Board to give an update on the rural water extension to Pioneer Trail. Discussion only. No action taken.

**3. OTHER**

After discussion was held by the Board, a Motion was made by Shea, and second by Belt, to accept the agreement of donated property from Jack Links and to approve the Board Chairman to sign the offer to donate Parcel No. 3 on the attached survey recorded in Book 89, Page 24354 of the Pottawattamie County Recorder Office. UNANIMOUS VOTE. Motion Carried.

John Rasmussen/Engineer and Matt Wyant/Director, Planning and Development and Josh Billings/Public Works, Hancock appeared before the Board and after discussion by the Board they will get an appraisal on the old secondary roads shed in Hancock. Discussion only. No action taken.

After discussion was held by the Board, a Motion was made by Belt, and second by Shea, to approve transfer of transfer station site to the City of Hancock per original agreement. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Shea, and second by Belt, to approve and authorize an on-call policy revision. UNANIMOUS VOTE. Motion Carried.

**4. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Communications – Payroll status change for Scott Vandervort.
  - 2) Conservation – Employment of Noah Sundberg as Natural Areas Management Intern



**PETERSEN LAW**  
P L L C

Deborah L. Petersen  
Margaret M. McCabe  
215 S. Main Street, Suite 301  
Council Bluffs, IA 51503  
**p: 712-328-8808**  
f: 712-328-1562

City of Hancock  
PO Box 109  
Hancock IA 51535

November 8, 2023

Re: Transfer to Hancock  
Our File No. 9489.46

To Whom It May Concern:

We are enclosing the recorded Quit Claim Deed for the transfer station located at 42485 Mahogany Road in Hancock. You should retain this document in a safe place for your future reference. This matter is now complete, and we are closing our file and our file will be destroyed in ten (10) years.

Sincerely,

PETERSEN LAW PLLC

DEBORAH L. PETERSEN

[deborah@petersenlawcb.com](mailto:deborah@petersenlawcb.com)

DLP: krs

Enclosure

Cc: Pam Kalstrup w/ enclosure

2023-09883  
RECORDED: 10/11/2023 08:08:27 AM  
RECORDING FEE: 17.00  
IOWA E-FILING FEE: 3.32  
TOTAL FEE: 20.32  
TRANSFER TAX: 0.00  
ANDREW MOATS, RECORDER  
POTTAWATTAMIE COUNTY, IOWA

Prepared by and Return to: Deborah L. Petersen, 215 South Main Street, Suite 301, PO Box 893,  
Council Bluffs, IA 51502-0893, (712) 328-8808  
Taxpayer Information: Pottawattamie County, 227 South 6<sup>th</sup> Street, Council Bluffs, IA 51501

### QUIT CLAIM DEED

For the consideration of One Dollar and other valuable consideration, POTTAWATTAMIE COUNTY, a Municipal Corporation organized and existing under the laws of Iowa, by the Chairman of the Board of Supervisors thereunto duly authorized as hereinafter set forth, does hereby Convey to TOWN OF HANCOCK, a Municipal Corporation organized and existing under the laws of Iowa, the following described real estate in Pottawattamie County, Iowa:

Parcel A, a parcel of land located in part of the NW ¼ NE ¼ of Section 18, Township 76 North, Range 39 West of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa, said parcel being more fully described as follows: Commencing at the N ¼ corner of said Section 18 and the point of beginning; thence S88°22'36"E along the North line of said NW ¼ NE ¼ a distance of 122.37 feet; thence S01°41'02"W a distance of 424.52 feet; thence N88°22'36"W a distance of 121.60 feet to the West line of said NW ¼ NE ¼; thence N01°34'50"E a distance of 424.52 feet to the point of beginning. Said parcel contains 1.19 acres, more or less, including presently established county road right of way (0.14 ac.) and is subject to all easements of record. Note: The North line of the NW ¼ NE ¼ of said Section 18 is assumed to bear S88°22'36"E for this description.

Re-record with Signatures -  
Deborah Petersen

This deed is authorized by Joint Resolution City of Hancock, Iowa #2-2012, dated January 18, 2012, and Pottawattamie County, Iowa #8-2012, dated January 17, 2012, filed on January 23, 2012, in Book 2012, Page 973, and re-recorded on February 21, 2012, on in Book 2012, Page 2595.

**This deed is exempt according to Iowa Code 428A.2(6).**

Grantors do Hereby Covenant with Grantees and successors in interest to Warrant and Defend the real estate against the lawful claims of all persons claiming by, through or under them, except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and

phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

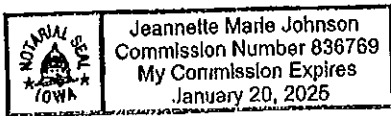
In witness whereof POTTAWATTAMIE COUNTY has caused these presents to be signed by the Chairman of the Board of Supervisors and its Auditor duly attested hereunto affixed this 10 day of October 2023.

By Brian M Shea  
BRIAN SHEA, Chairman

By Melvyn Houser  
MELVYN HOUSER, Auditor

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

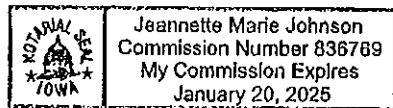
This record was acknowledged before me on October 10, 2023, by BRIAN SHEA, as Chairman of the Pottawattamie County, Iowa Board of Supervisors.



Jeannette Marie Johnson  
Signature of Notary Public

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

This record was acknowledged before me on October 10, 2023, by MELVYN HOUSER, as Auditor of Pottawattamie County.



Jeannette Marie Johnson  
Signature of Notary Public

TO: Lea Voss, County Treasurer  
Andrew Brown, County Sheriff  
Matt Wyant, County Planning Director

FROM: Gina Hatcher

Request for County Department Comments

DATE: November 13<sup>th</sup>, 2023

ESTABLISHMENT: **NEW- APRES BAR CO LLC**

OWNER: see attached

LEGAL DESCRIPTION: See attached property record.

The Auditor has received the attached request for the above class permits/sales/services. Please supply the following information for the Board of Supervisors within five (5) working days. Additional explanation may be given in the form of comments below and/or attachments.

DEPARTMENT	COMMENTS	YES	NO
TREASURER	Free from certified taxes and special assessments		
PLANNING	Properly zoned		
	Nuisance violations		X
	Septic system violations		X
SHERIFF	Complaints received		
	Citations issued at this establishment		
	Owner convicted of a felony within the last 5 years		

X unknown

COMMENTS

Signature

To Recommend Application be denied  
Property is Non conforming rental  
Hall.



See Attached  
memo

**TO:** Board of Supervisors  
**FROM:** Matt Wyant, Director Planning and Development  
**DATE:** November 13, 2023

**RE:** Denial of "APRES BAR CO LLC" Class C Alcohol license application

**Background:** On April 19<sup>th</sup>, 2023, our office was presented with an application for a class C permit for alcohol sales at 21264 Homestead Ave, Council Bluffs. This application was denied by the Board of Supervisors for not meeting required zoning classifications and road surface type.

November 13, 2023, our office has received a new application for a 5 day class C permit for alcohol sales.

The property owners have met the criteria for a nonconforming status of a rental hall by submitting evidence that the rental hall operated 3 times per week after the rezoning of the property.

Nonconforming status does not allow for expansion of activities on the site. Adding alcohol sales even for a short time is a expansion of the nonconformance of the site.

**County code:**

**CHAPTER 8.095 NONCONFORMING USES AND STRUCTURES 8.095.010**  
**INTENT:** Within the zoning districts established by this Ordinance or amendments that may be adopted later, there exists (a) lots, (b) structures, and (c) uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not encourage their survival. It is the intent of this Ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited in the same district.

**RECCOMENDATION:** To deny the current application based on the nonconforming land use, zoning, and road surface type.

**TO:** Board of Supervisors  
**FROM:** Matt Wyant, Director Planning and Development  
**DATE:** April 19<sup>th</sup>, 2023

**RE:** Denial of "The Acres Venue" Class C Alcohol license application

**Background:** On April 19<sup>th</sup>, 2023 our office was presented with an application for a Class C permit for Alcohol sales at 21264 Homestead Ave, Council Bluffs. This property is currently zoned A4 Loess Hills and accessed off of a gravel road. It is the former site of a nonconforming reception hall. Nonconforming because of the road surface type and no ag component to the business which would have been in violation of the existing codes at the time it was in operation.

In 2009 the owners of 21264 Homestead Ave, Council Bluffs petitioned the Board of Supervisors to change the Zoning classification on the above referenced property from a C2 to A4 stating that the use of the property had changed and was only residential now. The Board granted that petition and the zoning was changed.

C2 zoning conflicts with the road surface type of that property, and being now zoned A4 the property is in compliance with the zoning ordinance and land use plan.

**RECOMMENDATION:** To deny the current application based on the land use, zoning, and road surface type.

TO: Lea Voss, County Treasurer  
 Andrew Brown, County Sheriff  
 Matt Wyant, County Planning Director

FROM: Gina Hatcher

Request for County Department Comments

DATE: November 13<sup>th</sup>, 2023

ESTABLISHMENT: **NEW- APRES BAR CO LLC**

OWNER: see attached

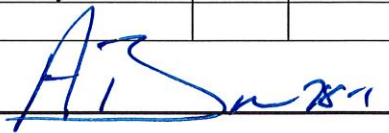
LEGAL DESCRIPTION: See attached property record.

The Auditor has received the attached request for the above class permits/sales/services. Please supply the following information for the Board of Supervisors within five (5) working days. Additional explanation may be given in the form of comments below and/or attachments.

DEPARTMENT	COMMENTS	YES	NO
TREASURER	Free from certified taxes and special assessments		
PLANNING	Properly zoned		
	Nuisance violations		
	Septic system violations		
SHERIFF	Complaints received	✓	
	Citations issued at this establishment		✓
	Owner convicted of a felony within the last 5 years		✓

COMMENTS

Signature



Complaints received -

• 05/07/23 + 06/06/23 - general purpose reports for harassment + trespassing

• nothing located w/name search for owner in our records



**TO:** **Lea Voss, County Treasurer**  
Andrew Brown, County Sheriff  
Matt Wyant, County Planning Director

**FROM:** Gina Hatcher

Request for County Department Comments

**DATE:** November 13<sup>th</sup>, 2023

**ESTABLISHMENT:** **NEW- APRES BAR CO LLC**

**OWNER:** see attached

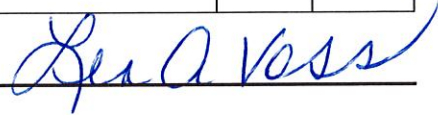
**LEGAL DESCRIPTION:** See attached property record.

The Auditor has received the attached request for the above class permits/sales/services. Please supply the following information for the Board of Supervisors within five (5) working days. Additional explanation may be given in the form of comments below and/or attachments.

<b>DEPARTMENT</b>	<b>COMMENTS</b>	<b>YES</b>	<b>NO</b>
<b>TREASURER</b>	Free from certified taxes and special assessments	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>PLANNING</b>	Properly zoned	<input type="checkbox"/>	<input type="checkbox"/>
	Nuisance violations	<input type="checkbox"/>	<input type="checkbox"/>
	Septic system violations	<input type="checkbox"/>	<input type="checkbox"/>
<b>SHERIFF</b>	Complaints received	<input type="checkbox"/>	<input type="checkbox"/>
	Citations issued at this establishment	<input type="checkbox"/>	<input type="checkbox"/>
	Owner convicted of a felony within the last 5 years	<input type="checkbox"/>	<input type="checkbox"/>

**COMMENTS**

**Signature**





# State of Iowa

Alcoholic Beverages Division

## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
APRES BAR CO LLC	Apres Bar Co	(515) 789-0044		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
21264 Homestead Avenue		Council Bluffs	Pottawattamie	51503
MAILING ADDRESS	CITY	STATE	ZIP	
3610 Holcomb AvenueBeaverdale	Des Moines	Iowa	50310	

## Contact Person

NAME	PHONE	EMAIL
Jillian Harrington	(515) 789-0044	admin@apresbarco.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Class C Retail Alcohol License	5 Day	Pending Dramshop Review

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
----------------	-----------------	----------------------

### SUB-PERMITS

Class C Retail Alcohol License

### PRIVILEGES



## **Status of Business**

BUSINESS TYPE

Limited Liability Company

## **Ownership**

### • Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Jillian Harrington	Des Moines	Iowa	50310	Owner	100.00	Yes

## **Insurance Company Information**

INSURANCE COMPANY

Illinois Casualty Co

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

7543 10 300 004

--- Permanent Property Address ---	----- Mailing Address -----
SCHNECKLOTH, ADAM-KIMBERLY K	SCHNECKLOTH, ADAM-KIMBERLY K
21264 HOMESTEAD AVE	21264 HOMESTEAD AVE
COUNCIL BLUFFS, IA 51503	COUNCIL BLUFFS, IA 51503

District: 024 GARNER TWP/UNDERWOOD SCH

===== REAL ESTATE TAXES ON TREASURER'S WEBPAGE =====

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/754310300004>

===== TAX DESCRIPTION\* =====

\* Not to be used on legal documents

GARNER TWP 10-75-43 PT SW NW & PT NW SW COMM 797.90'N 1040.72'E W1/4 COR TH SELY321.70' S1577.93' C/L CO RD SWLY221.87' NWLY1239.1' N102.60' NELY481.55' TO POB (PARCEL D)

===== ASSESSED VALUE =====

\* Class is for Assessment purposes only - Not Zoning

Current Value				
2023	Res. Land	Dwelling	Total	Class
Full Value	\$131,800	\$457,000	\$588,800	R
Exempt	\$0	\$0	\$0	R
Net Total	\$131,800	\$457,000	\$588,800	R

Prior Year Value				
2022	Res. Land	Dwelling	Total	Class
Full Value	\$96,700	\$342,100	\$438,800	R
Exempt	\$0	\$0	\$0	R
Net Total	\$96,700	\$342,100	\$438,800	R

===== EXEMPTIONS/CREDITS APPLIED =====

2022 HOMESTEAD  
2022 MILITARY  
2023 HOMESTEAD

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D SCHNECKLOTH, ADAM-KIMBERLY K book/page: [2023/00992](#) D

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page
01/23/2023	600000	<a href="#">D0</a>	<a href="#">2023/00992</a>
08/30/2001	245000	<a href="#">D028</a>	0102/18523
10/30/1998	150000	<a href="#">D017</a>	0099/28602

===== ASSESSMENT DATA =====

PDF: 7 MAP: GARNER TWP

Date Reviewed: 01/17/23 HH

LAND.....564842 sqFt 12.97 acres

Residence 1 of 1 -- Single-Family

BUILDING.....2 Story Frame 7/0 Rooms Above/Below 4/0 Bedrooms Above/Below 952 SF Base AC  
Built:2002 Normal Bsmt: Full Bsmt Finish: None Attic Finish: None

FINISH.....Foundation: Conc Exterior: Vinyl Roof: Asph / Gable

Interior: Drwl Flooring: Carpet / Laminate / Vinyl

ADDITIONS....Addition 1: 392 SF 1 Story Frame Built: 2002 AC Bsmt SF: 392

PLUMBING.....3 Standard Bath - 3 Fixt 1 Toilet Room (1/2 Bath) 1 Shower Stall/Tub

PORCHES.....144 SF 1S Frame Open No Bsmt

GARAGES(1)...1 Attached

Garage 1: 816 SF Att Frame Built: 2002

Commercial Building 1 of 1 -- Hotel / Motel Common Facilities (705)

STRUCTURE....1 story 3200 base SF 0 bsmt SF 3712 gross SF  
 Year Built: 1993 Eff Year: 1993 Condition: Below Normal

VERTICALS....Ext Wall: Vinyl - Frame  
 Int Wall: Drywall or Equiv.  
 Front/Doors: Incl. w / Base  
 Windows: Wood Casement

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
 Ceiling: Drywall  
 Struc Floor: 4" R'Concrete  
 Floor Cover: Asphalt Tile  
 Partitions: Incl. w / Base  
 Framing: Wood - Light  
 HVAC: Combination FHA - AC

ADJUSTMENTS..Canopy - attached (720)  
 BLDG EXTRAS..1 PORCH: 720 SF, Concrete Patio

## Commercial Building 1 of 1 Addition 1 -- Hotel / Motel Common Facilities (705)

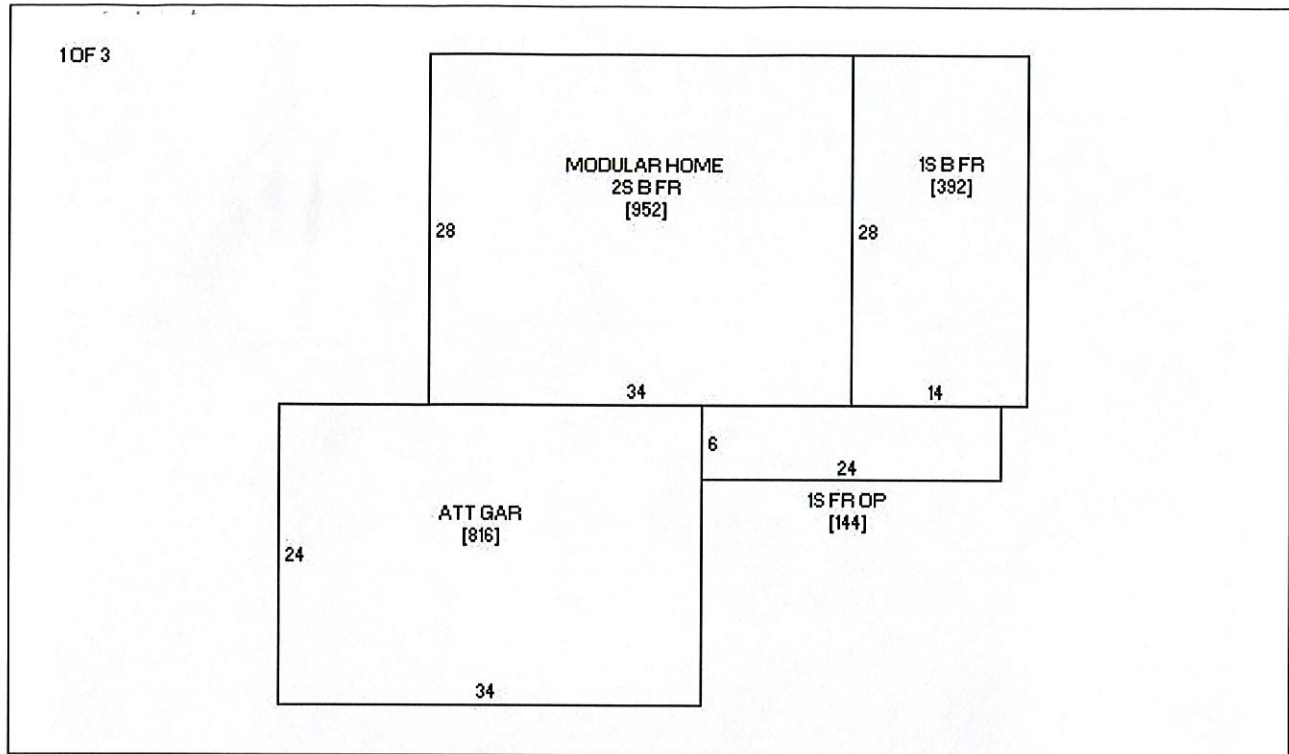
STRUCTURE....1 story 512 base SF 0 bsmt SF  
 Year Built: 1993 Eff Year: 1993 Condition: Normal

VERTICALS....Ext Wall: Vinyl - Frame  
 Int Wall: Drywall or Equiv.  
 Front/Doors: Incl. w / Base  
 Windows: Wood Casement

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
 Ceiling: Drywall  
 Struc Floor: 4" R'Concrete  
 Floor Cover: Quarry Tile  
 Partitions: Incl. w / Base  
 Framing: Wood - Light  
 HVAC: Combination FHA - AC

PLUMBING.....Toilet Room (2)  
 Water Closet (1)  
 Urinal - Wall (2)  
 Sink-Kitchen (1)

##	Outbuilding Type / Description	Dimension	Cap/Area	Year
1	Machine or Utility Building/FR/MTL	32 x 72	2304 SF	1992
2	Lean-To/SV LEAN-TO ATT TO MACH BLDG	10 x 46	460 SF	1993



21264 HOMESTEAD AVE, SCHNECKLOTH, ADAM-KIMBERLY K



21264 HOMESTEAD AVE, SCHNECKLOTH, ADAM-KIMBERLY K, 1 01/17/2023

[Zoom Out](#) [Zoom In](#)



2400ft x 2400ft

**Click any parcel to go to its web page**

Spring 2022 aerial

See [more maps](#) at the [County GIS Department](#).

As of:

[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

# **Melvyn Houser/Auditor**

**Discussion and/or decision to approve EBS flex spending amount effective January 1, 2024, through December 31, 2024, with a change to the section 125 IRS maximum from \$3,050 to \$3,200 for medical annual contribution.**





# Section 125 Renewal

## Eligibility Information

Eligibility will remain the same as it is currently stated in the Plan Document if no changes are listed below.

## Flex Plan Information

Plan Design will remain the same as it is currently stated in the Plan Document for Medical and Dependent Care setup (*Grace, No Grace, Rollover*) including amendments due to the Cares Act and Consolidated Appropriations Act. Amendments to extend plans or to remove limits on carryover amounts will remain in effect throughout the new plan year unless noted below. If you have questions about your current plan design, please contact EBS for details.

Section 125 Summary 2024

Current Plan Provisions	Indexed IRS Maximum	Limited Contribution
Medical Annual Contribution	<del>\$3,050</del> 3200.00	
DCA Annual Contribution	\$5,000	
Employer Contribution		
Debit Card-Yes		
	Medical & Limited Flex	Dependent Day Care
No Grace, No Carryover		
Grace Option	X	X
Indexed Carryover		Not Available
Limited Carryover		Not Available
Minimum Carryover		Not Available
Runout for Active EE	90 days after end of plan	90 days after end of plan
Runout for Termined EE	90 days after last date worked	90 days after last date worked

Additional comments:

All plans that have selected the FSA Medical Carryover option will automatically increase to the IRS annual allowable amount of 20% of the maximum contribution limit every plan year. If you do not want the automatic increase in the Carryover option, indicate the maximum amount you want to Carryover. \$ \_\_\_\_\_

Yes  No

Do you want to implement a MINIMUM amount of Carryover for those employees who choose NOT to participate the next plan year. \$25 \_\_\_\_\_ \$50 \_\_\_\_\_ \$100 \_\_\_\_\_

Yes  No

I (group) want EBS to complete the required annual non-discrimination testing for the fees listed on the VOP below. I understand that (group) is required to complete the testing worksheets to have the tests performed. If EBS does not perform the testing, or if this question is left blank, non-discrimination testing becomes the responsibility of the group. Sole-proprietors and partners in a partnership may not participate in the Plan. S-Corporation more than 2% owners are not eligible to participate in the Plan; nor can employee-spouse, children, parents, and grandparents. Key, and highly compensated employees cannot have a disproportionate share of the before tax benefits within the Plan.

Yes  No

Are there changes to the pre-tax benefits offered through your Cafeteria plan? If yes, please list here: \_\_\_\_\_

## Notifications and Reports

No Changes to notifications and reports.

We get too many emails. We only want the notifications and reports indicated below.

Notifications:  Payroll Deduction  Manual Claim Funding  DC Funding

Monthly:  Account Balance Detail  Payment History  Repayment

**Melvyn Houser/Auditor and**  
**Matt Wyant/Director, Planning**  
**and Development**

**Discussion and/or decision on New Class C Retail Liquor  
License, for Apres Bar Co LLC d/b/a Apres Bar Co.,  
Council Bluffs.**

# Committee Appointments

Update from Board members on Committee meetings from the past week.

**Received/Filed**

# **Public Comments**

**Closed Session**