

February 20, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. February 13, 2024, Minutes as read.
- B. Communications – Employment of Jesus Navarrete as a Telecommunicator.
- C. Renewal of Class B Native Wine Liquor License, granting privileges of Class B Native Wine Liquor License for Olive Branch, Inc. d/b/a Olive Branch, Council Bluffs.
- D. Renewal of Class C Liquor License, granting privileges of Class C Liquor License/Outdoor Service, for BT Links LLC d/b/a Bent Tree Golf Club, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Shea, second by Belt, to open Public Hearing to consider disposing of real property by lease pursuant to Iowa Code Section 31.361(2).

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

Motion by Wichman, second by Shea, to close public hearing.

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

Motion by Wichman, second by Jorgensen, to approve disposing of real property by lease pursuant to Iowa Code Section 331.361(2).

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

Motion by Wichman, second by Belt, to approve and authorize Board Chairperson to sign **Resolution No. 16-2024** a Resolution to enter into a Farm Lease with Thomas Mackland for Part of the NE1/4 NW1/4 9-76-44.

RESOLUTION NO. 16-2024

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

WHEREAS, following the flooding event of 2019, Pottawattamie County, Iowa, has acquired a parcel of land through the Hazard Mitigation Grant Program, which consisting of 1.01 acres and legally described as follows:

A tract of land lying in the Northeast 1/4 of the Northwest 1/4 of Section 9, Township 76 North, Range 44 West of the Fifth Principal Meridian, Pottawattamie County, Iowa, being more particularly described as follows: Commencing at the Southeast Corner of the Northwest 1/4 of Section 9-76-44 thence North 00°00'00" East along the East line of said Northwest 1/4 a distance of 1737.81 feet to the Point of Beginning; thence continuing North 00°00'00" East a distance of 209.0 feet; thence North 90°00'00" West a distance of 242.0 feet; thence South 00°00'00" West a distance of 209.0 feet; thence South 90°00'00" East a distance of 242.0 feet to Point of Beginning.

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

WHEREAS, Pottawattamie County, Iowa, has explored various options for maintenance of said Parcel as open space, including entering into a long term farm lease (10 years plus) with the adjoining property owner which requires the Tenant maintain responsibility for the clearing the trees and weed vegetation, as well as

the annual maintenance and upkeep of the property as required by the Hazard Mitigation Grant Program Deed Restriction Agreement.

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

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

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

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

WHEREAS, a Notice of Public Hearing on the proposal was published in The Nonpareil, an official County newspaper, on February 15, 2024 and the Board of Supervisors conducted a Public Hearing on the said proposal on February 20, 2024 and after hearing all interested parties, the Board approved the execution of said Lease.

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

Dated this 20th day of February 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, Chairperson	<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"/>
_____ Brian Shea	<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: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Shea, second by Jorgensen, to approve Second Consideration of **Ordinance No. 2024-01**, an Ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa by changing the district designation of approximately 35.94 acres from a Class A-3 (Riverfront and AG Production) to Class I-1 (Limited Industrial) District; and to adopt Ordinance No. 2024-01 into law.

**POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2024-01**

AN ORDINANCE to amend the Official Zoning Map of Pottawattamie County, Iowa, by changing the district designation of approximately 35.94 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 17-74-43 NE SW EXC RR

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.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, 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"/>
_____ Brian Shea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeff Jorgensen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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



NOTICE OF PUBLIC HEARING PUBLISHED:	February 8, 2024
BOARD OF SUPERVISORS PUBLIC HEARING:	February 13, 2024
FIRST CONSIDERATION:	February 13, 2024
SECOND CONSIDERATION:	February 20, 2024
PUBLICATION:	February 29, 2024
RECORD:	March 1, 2024

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

Motion by Shea, second by Belt, to approve Second Consideration of Ordinance No. 2024-02, an Ordinance to amend Pottawattamie County, Iowa Zoning Ordinance, Chapter 8.004.095; and to adopt Ordinance No. 2024-02 into law.

POTTAWATTAMIE COUNTY, IOWA
ORDINANCE NO. 2024-02

AN ORDINANCE to amend Chapter 8, of Pottawattamie County, Iowa Zoning Ordinance:

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

SECTION 1 - REPEAL OF CONFLICTING ORDINANCES: That section 8.004.095.03 is hereby repealed in its entirety. Furthermore all other Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2 - 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 8.004.095:

.03 The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. The total square footage of the ADU shall be limited as follows:

- A. Double the minimum lot size required by code, up to eight (8) acres, shall not exceed the lesser of eight hundred (800) square feet or fifty (50) percent of the primary structure, excluding garage and carports.
- B. Eight (8) to twelve (12) acres shall not exceed the lesser of one thousand (1,000) square feet or fifty (50) percent of the primary structure, excluding garage and carports.
- C. Twelve (12) acres plus shall not exceed the lesser of twelve hundred (1,200) square feet or fifty (50) percent of the primary structure, excluding garage and carport.

SECTION 3 - 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 4 - REPEAL OF CONFLICTING ORDINANCES: That all ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5 - EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED.

ROLL CALL VOTE

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

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



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FIRST CONSIDERATION:	February 13, 2024
SECOND CONSIDERATION:	February 20, 2024
PUBLICATION:	February 29, 2024
RECORD:	March 1, 2024

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

Motion by Wichman, second by Shea , to approve Second Consideration of **Ordinance No. 2023-05** to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Systems (Case #ZTA-2023-03); and to set date for Third Consideration for February 27, 2024, at 10 A.M.

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

Oscar Duran/Executive Director, Municipal Housing Agency of Council Buffs appeared before the Board to discuss PILOT and Expanded Housing Opportunities.
Discussion only. No action taken.

Danna Kehm/CEO, Pottawattamie Arts, Culture & Entertainment appeared before the Board to give an update on PACE and programming for the county.
Discussion only. No action taken.

Motion by Belt, second by Shea, to authorize Board Chairperson to sign Service Agreement with Stellar Services, LLC for the Sheriff's Office for a 5-year term.

UNANIMOUS VOTE. Motion Carried.

Reviewed Service Agreement with U.S. Department of Justice United States Marshals Service Prisoner Operations that was signed by the Sheriff's Office for a 3-year agreement.

UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Shea, second by Jorgensen, to approve job description and pay for Bridge Foreman.

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 Jason Hough.
- 2) Human Resources – Payroll status change for Jana Lemrick.
- 3) Sheriff – Payroll status change for Noah Hahn.
- 4) Sheriff – Payroll status change for Travis Steffens and Brandon Allen.

B. Out of State Travel Notification(s):

- 1) Risk Management – Out of State Travel Notification for Garfield Coleman and Jacob Head.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Shea, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.

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

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

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

8. BUDGET STUDY SESSION

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:05 P. M

Susan Miller, Chair

ATTEST:

Melvyn Houser, County Auditor

APPROVED: February 27, 2024

PUBLISH: X