# Consent Agenda

# February 16, 2021

# MET IN REGULAR SESSION

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

# PLEDGE OF ALLEGIANCE

# 1. CONSENT AGENDA

After discussion was held by the Board, a Motion was made by Grobe, and seconded by Schultz, to approve:

- A. February 9, 2021, Minutes as read.
- B. Jail Employment for position of Detention Officer: James Taylor.
- C. Sheriff's Office/Communications Employment of Joshua Derrington.
- D. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/Outdoor Service/Sunday Sales for Stress Free LLC d/b/a Bent Tree Golf Course, Council Bluffs.
- E. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/Outdoor Service/Sunday Sales for NW Pottawattamie County Golf d/b/a Quail Run Country Club, Neola.
- F. Renewal of Class C Liquor License (LC) (Commercial), granting privileges of Class C Liquor License (LC) Commercial)/ Sunday Sales for Palace Event Center, LLC, Treynor.

UNANIMOUS VOTE. Motion Carried.

# 2. SCHEDULED SESSIONS

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz, to approve Change Order #3. UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Schultz, and seconded by Shea, to approve CRC 031 – Alternate Clean Agent Fire System. UNANIMOUS VOTE. Motion Carried.

Paula Hazlewood, Executive Director and Shalimar Mazetis, Manager of Rural Development for Advance Southwest Iowa appeared before the Board to present their 2020 EOY Update and 2021 YTD Activity Report. Discussion only. No action taken.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Shea, to approve funding request for county libraries in the amount of \$329,600. UNANIMOUS VOTE. Motion Carried.

Matt Wyant, Planning Director and Pam Kalstrup, Acting Director appeared before the board to provide an update on the 2019 Flood Event. Discussion only. No action taken.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Schultz, to approve reappointments of Anne Christensen and John Reynolds to Magistrate Appointing Commission. UNANIMOUS VOTE. Motion Carried.

# **3. OTHER BUSINESS**

Motion by Schultz, seconded by Shea, to approve and authorize Board to sign Resolution No. 11-2021 entitled: Resolution for Transfer from County Case Management Fund to General Basic Fund. Said resolution is laid out as follows:

# **RESOLUTION NO. 11-2021**

# **RESOLUTION Transfer from County Case Management Fund to General Basic Fund**

**WHEREAS**, it is desired to transfer money from County Case Management Fund to General Basic Fund; and

WHEREAS, said transfer is in accordance with Section 331.432, Code of Iowa; and

**NOW THEREFORE BE IT RESOLVED**, that the Pottawattamie County Board of Supervisors as follows:

- SECTION 1: The sum of \$771,795.94 is ordered to be transferred from County Case Management Fund to General Basic Fund, and
- SECTION 2: The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of this operating transfer.

# Dated this 16<sup>th</sup> day of February, 2020.

#### ROLL CALL VOTE ABSTAIN ABSENT NAY AYE 0 Ο Ο Ο Scott Belt, Chairman Ο Ο Ο 0 Tim Wichman Ο Ο Ο Ο Lynn Grobe Ο Ο Ο Ο Justin Schultz Ο Ο Ο Ο Brian Shea ATTEST:

Melvyn Houser, County Auditor

# AYES: Belt, Wichman, Grobe, Schultz, Shea

After discussion was held by the Board, a Motion was made by Shea, and seconded by Schultz, to approve Educational Reimbursement Request from Corey Little/Detention Officer. UNANIMOUS VOTE. Motion Carried.

Discussion was held on the need to find individuals to fill a vacancy on the Magistrate Appointing Commission. Discussion only. No action taken.

Discussion was held by the Board on sharing agendas, minutes and other information from the Board's representative appointment meetings via a shared Dropbox. Discussion only. No action taken.

After discussion was held by the Board, a Motion was made by Wichman, and seconded by Shea, to approve allowed/disallowed Homestead Applications (46 allowed, 0 disallowed) Military Credit Applications (7 allowed, 0 disallowed), Disabled Veteran Homestead (1 allowed, 0 disallowed), Business Property Tax Credit Applications (13 allowed, 3 disallowed), and Family Farm (3 allowed, 0 disallowed).

UNANIMOUS VOTE. Motion Carried.

# 4. CLOSED SESSION

Motion by Wichman, second by Schultz, to go into Closed Session pursuant Iowa Code 21.5(1)(c,j), for discussion and/or decision on the purchase or sale of particular real estate/discussion on impending legal matters.

AYES: Belt, Wichman, Grobe, Schultz, Shea

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

AYES: Belt, Wichman, Grobe, Schultz, Shea

Motion was made by Schultz, and seconded by Grobe to set aside the agenda for emergency action. UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, and seconded by Shea to set Max Levy Public Hearing date for March 9<sup>th</sup>, 2021 at 10:00 A.M.

Motion by Schultz, second by Shea, to go into Closed Session pursuant Iowa Code 21.5(1)(j) for discussion and/or decision on the purchase or sale of particular real estate.

AYES: Belt, Wichman, Grobe, Schultz, Shea

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

AYES: Belt, Wichman, Grobe, Schultz, Shea

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

AYES: Belt, Wichman, Grobe, Schultz, Shea

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

AYES: Belt, Wichman, Grobe, Schultz, Shea

# 5. RECEIVED/FILED

- A. Salary Actions:
  - 1) Secondary Roads Payroll Status Change for Matt White
  - 2) Jail Payroll Status Change for Trevor Ceder, Riley Jones, Dustin Ceder, Rod Oliver, Jon Poore

- 3) Auditor Payroll Status Change for Becky Lenihan, Rebecca Belt as amended
- 4) Juvenile Detention Employment of Caroline Espino for position of Part-Time Youth Corrections Worker

# 6. SCHEDULED SESSIONS

The Board held a budget workshop. Discussion only. No action taken.

# 7. ADJOURN

Motion by Grobe, second by Shea, to adjourn meeting. UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 4:25 P.M.

Scott Belt, Chairman

ATTEST:

Melvyn Houser, Pottawattamie County Auditor

APPROVED: February 23, 2021 PUBLISH: X

# Scheduled Sessions

# <u>Matt Wyant/Director, Planning and</u> <u>Development, and/or Pam Kalstrup, Acting</u> <u>Director, Planning and Development</u>

Public Hearing and first consideration of Ordinance No. 2021-01, AN ORDINANCE to amend Chapter 8 of the Pottawattamie County, Iowa Zoning Ordinance, by adding a provision that temporary roadside fireworks stands and Christmas tree lots are a principal use in the class I-1 (General Industrial) District.

# **RECORDER'S COVER SHEET**

Prepared by:

Pottawattamie County Office of Planning and Development 223 South 6<sup>th</sup> Street, Suite 4 Council Bluffs, IA 51501-4245 (712) 328-5792

Return Document to:

Pottawattamie County Office of Planning and Development 223 South 6<sup>th</sup> Street, Suite 4 Council Bluffs, IA 51501-4245 (712) 328-5792

# Document Title:

Pottawattamie County Ordinance #2021-01

# POTTAWATTAMIE COUNTY, IOWA ORDINANCE NO. 2021-01

**AN ORDINANCE** to amend Chapter 8, of Pottawattamie County, Iowa Zoning Ordinance, by adding provisions that Temporary roadside fireworks stands and Christmas tree lots, when approved by the Development Director for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year are a principal use in the I-1 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 8.055.020.20 T., Principal Use in the I-1 (General Industrial) District:

- 8.055.020.20 PRINCIPAL USES: The following principal uses shall be permitted in a Class I-1 District:
  - I. Temporary roadside fireworks stands and Christmas tree lots, when approved by the Development Director for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year.

**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
Scott Belt, Chairman
Justin Schultz

Lynn Grobe			_	_
Brian Shea				
Tim Wichman				
Attest: Melvyn Houser, County Auditor				
Pottawattamie County, Iowa				
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NOTICE OF PUBLIC HEARING PUBLISH BOARD OF SUPERVISORS PUBLIC HEA		February 1 February 2		
FIRST CONSIDERATION: SECOND CONSIDERATION:		February 2 March 2, 2	23, 2021	

PUBLICATION: RECORD: March 2, 2021 March 11, 2021 March 12, 2021

TO:	Board of Supervisors
FROM:	Pam Kalstrup, Zoning & Land Use Coordinator
DATE:	February 18, 2021
RE:	Case #ZTA-2021-01

### APPLICANT: Collin Piti

### **PROPERTY OWNER:** Jack Barta Trust

**REQUEST:** Zoning text to amend the Pottawattamie County, Iowa, Zoning Ordinance, Section 8.055.020.20 T., Principal Uses for the Class I-1 (General Industrial) District, by adding I. Temporary roadside fireworks stands and Christmas tree lots, when approved by the Development Director for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year.

Temporary roadside fireworks stands and Christmas tree lots are principal uses in the C-1 (Highway Commercial) and C-2 (General Commercial) Zoning Districts.

There are 17 properties zoned I-1 in the County. *Attachment 1* shows those properties (labeled I-1 in purple).

The State Fire Marshal is responsible for enforcing lowa Administrative Code 661-265 Consumer Fireworks Sales Licensing and Safety Standards. *Attachment 2*.

**Attachment 3** is Pottawattamie County's current I-1 (Limited Industrial) District Zoning Ordinance.

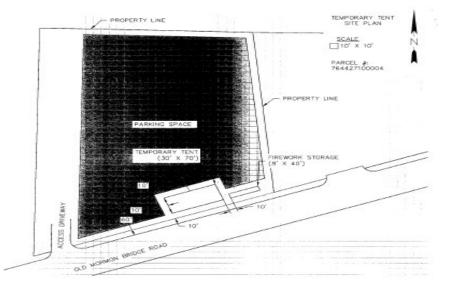
Although you are voting on whether to approve or deny the Zoning Text Amendment and are not approving or denying a specific site, the applicant requesting this amendment proposes a temporary fireworks stand on Old Mormon Bridge Road approximately <sup>3</sup>/<sub>4</sub> of a mile west of Crescent City Limits. Properties in the immediate area are a mixture of industrial and agricultural ground. There is one residential property across the road.



Application:

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#### Site Plan:



The applicant has had conversation with the State Fire Marshal's office and the County Engineer – see correspondence below:

#### Pam,

As discussed, please see below a summary of the fireworks licensing process that we will pursue if the amendment is approved:

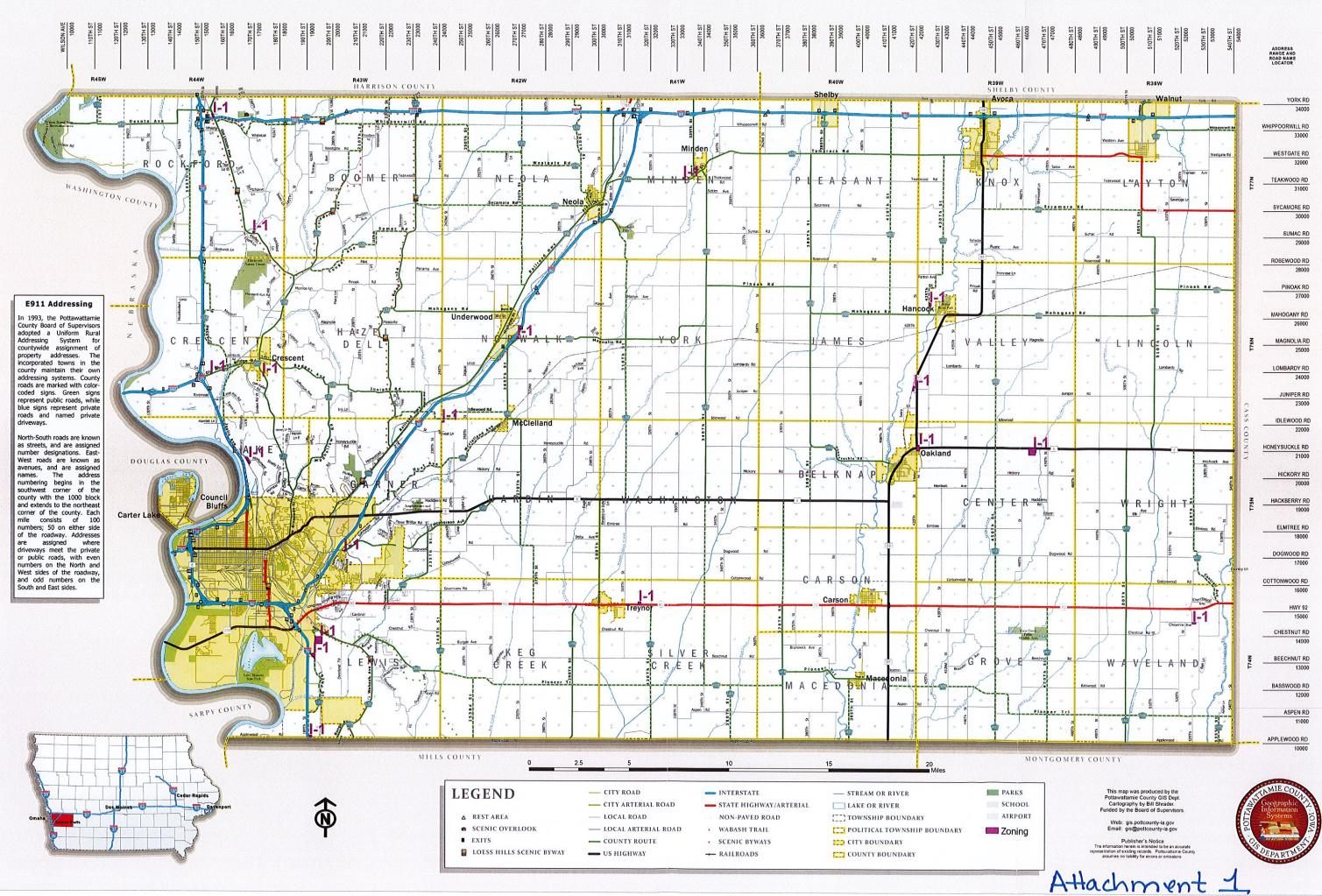
I had an extensive conversation with the Iowa State Fire Marshal's Office concerning the licensing requirements and now feel I have a good understanding of the process. The Iowa State Fire Marshall begins accepting applications for retail fireworks licenses on February 1 of each year. Should our Zoning Text Amendment be approved, we expect to submit our application shortly that. Along with the application and fee payments, we will also submit internal and external site plans for the temporary structure (tent) that we plan to put up and proof of commercial general liability insurance in accordance with Iowa Administrative Rule 661-265.24(1). Should our licensing application and site plans be approved, we will then be issued a license, which occurs on a rolling / first come first serve basis. The final step prior to officially opening for business is an inspection of the site, which we will schedule after setting everything up (tent, tables, product, fire extinguishers, etc.) and before opening for business.

I also spoke with John Rasmussen, the County Engineer for the Secondary Roads Department. I explained our filing for a Zoning Text Amendment and our plans to have a fireworks tent on the property next summer. He said that he has no issue with the plan or the current entrance to the property, as long as no one is parking on the highway. I told him that the property is big enough that we will have a full parking lot and will ensure that no one is parking on the highway.

Please let me know if there is anything else you need. Thank you!

Collin Piti

COMMISSION RECOMMENDATION:	On February 8, 2021 the Planning Commission conducted their public hearing on this request and made the following recommendation:
Motion:	to recommend that the request of Jack Barta Trust, as filed under Case #ZTA-2021-01, be approved as submitted.
Motion by:	Wede.
Second by:	Leaders.
Vote:	Ayes – Leaders, B. Larson, Wede, Silkworth. Motion Carried.





Public Safety[661]

Attach ment Ch 265, p.1

#### CHAPTER 265

CONSUMER FIREWORKS SALES LICENSING AND SAFETY STANDARDS

DIVISION I SAFETY STANDARDS

**661—265.1(100)** Sale of consumer fireworks—safety standards. Any retailer or community group offering for sale at retail any first-class or second-class consumer fireworks, as described in American Pyrotechnics Association (APA) Standard 87-1, as published in December 2001, shall do so in accordance with the National Fire Protection Association (NFPA) Standard 1124, published in the Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition (hereinafter referred to as "APA 87-1" and "NFPA 1124," respectively). [ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661-265.2 to 265.9 Reserved.

DIVISION II

CONSUMER FIREWORKS SALES—RESTRICTIONS

**661**—**265.10(100) Sales allowed.** A retailer or community group that is issued a license pursuant to this chapter is authorized to sell consumer fireworks as defined in this chapter. However, sales are permitted only as follows.

**265.10(1)** Prohibited sale or transfer to persons under 18 years of age.

a. A retailer or community group shall not transfer consumer fireworks, as described in APA 87-1, chapter 3, to a person who is under 18 years of age.

b. A person, firm, partnership or corporation shall not sell consumer fireworks to a person who is less than 18 years of age.

265.10(2) Exceptions for persons under 18 years of age.

a. A retailer selling or offering for sale consumer fireworks as described in APA 87-1, chapter 3, shall supervise any employees who are less than 18 years of age who are involved in the sale, handling, or transport of consumer fireworks in the course of their employment for the retailer.

b. A community group selling or offering for sale consumer fireworks as described in APA 87-1, chapter 3, shall ensure that any persons who are less than 18 years of age who are involved in the sale, handling, or transport of consumer fireworks by the community group, whether the persons less than 18 years of age are paid or unpaid, shall do so under the direct supervision of an adult member of the community group.

**265.10(3)** Safety requirements—storage and retail sales. A retailer or community group selling consumer fireworks as described in APA 87-1, chapter 3, shall do so in accordance with NFPA 1124, published in the Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

**265.10(4)** Dates of sale.

*a. Permanent building.* A retailer or community group may sell consumer fireworks as described in APA 87-1, chapter 3, at a permanent building only between June 1 and July 8 and between December 10 and January 3 each year, all dates inclusive.

*b. Temporary structure.* A retailer or community group may sell consumer fireworks as described in APA 87-1, chapter 3, at a temporary structure between June 13 and July 8 each year, both dates inclusive.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661-265.11 to 265.19 Reserved.

#### DIVISION III CONSUMER FIREWORKS RETAILER LICENSING

#### 661-265.20(100) Definitions. The following definitions apply to Division III.

"APA 87-1" means the American Pyrotechnics Association Standard 87-1, as published in December 2001.

"Community group" means a nonprofit entity that is open for membership to the general public and is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code or a fraternal benefit society, as that term is defined in Iowa Code section 512B.3.

"First-class consumer fireworks" means the following consumer fireworks, as described in APA. 87-1, chapter 3:

- 1. Aerial shell kits and reloadable tubes.
- 2. Chasers.
- 3. Helicopter and aerial spinners.
- 4. Firecrackers.
- 5. Mine and shell devices.
- 6. Missile-type rockets.
- 7. Roman candles.
- 8. Sky rockets and bottle rockets.

9. Multiple tube devices as described in this definition of first-class consumer fireworks that are manufactured in accordance with APA 87-1, section 3.5.

"NFPA 1124" means the National Fire Protection Association (NFPA) Standard 1124, published in the Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

"Retailer" means the same as defined in Iowa Code section 423.1.

"Second-class consumer fireworks" means the following consumer fireworks, as described in APA 87-1, chapter 3:

- 1. Cone fountains.
- 2. Cylindrical fountains.
- 3. Flitter sparklers.

4. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.

- 5. Ground spinners.
- 6. Illuminating torches.
- 7. Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
- 8. Wheels.

9. Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2. [ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661—265.21(100)** License fee schedule. The following license fees shall be paid before issuance of a license for the retail sale of consumer fireworks.

**265.21(1)** Permanent building—retailer—first-class consumer fireworks. The annual fee is \$1,000 for a retailer at a permanent building who devotes 50 percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks.

**265.21(2)** Temporary structure—retailer—first-class consumer fireworks. The annual fee is \$500 for a retailer at a temporary structure who devotes 50 percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks.

265.21(3) Retailer—first-class consumer fireworks—less than 50 percent of retail space. The annual fee is \$400 for a retailer who devotes less than 50 percent of the retailer's retail floor space to the sale or display of first-class consumer fireworks.

**265.21(4)** Community group—first-class consumer fireworks. The annual fee is \$400 for a community group that offers for sale, exposes for sale, or sells first-class consumer fireworks.

**265.21(5)** Retail sale of both first-class consumer fireworks and second-class consumer fireworks. A license issued for the retail sale of first-class consumer fireworks allows the retailer or community group to sell or offer for sale both first-class consumer fireworks and second-class consumer fireworks at the same location. The license fee shall be based on the percentage of the retail space devoted to the sale of first-class fireworks.

**265.21(6)** Retailer or community group—license for second-class fireworks only. The annual fee is S100 for a community group that offers for sale, exposes for sale, or sells second-class consumer fireworks but not first-class consumer fireworks. A license issued for the sale of second-class consumer fireworks does not allow the community group to sell or offer or expose for sale any first-class consumer fireworks.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

#### 661-265.22(100) Fees collected.

**265.22(1)** Administrative license fee. A nonrefundable administrative fee of \$100 is required with every application for a consumer fireworks retail sales license. The \$100 fee will be applied to the license fee if the license is issued.

**265.22(2)** Changing license class or amount. If a retailer or consumer group is issued a license for the retail sale of one class or amount of consumer fireworks, and changes to a class or amount that requires a higher license fee, the retailer or consumer group shall pay only the difference in the two fees. The license for the lower class will be invalid after the issuance of the new license.

**265.22(3)** No refund after issuance. Payment is final when the license is issued, and the fee will not be refunded.

[ARC 3592C, IAB 1/17/18, effective 2/21/18]

#### 661-265.23(100) Consumer fireworks retail sales license.

**265.23(1)** Application period. The state fire marshal will begin accepting applications for consumer fireworks retail sales licenses beginning March 1 of each year. The license applications for permanent sites will be processed before the applications for temporary sites. Complete applications will be processed in the order they are submitted.

**265.23(2)** Application form and instructions. The application for a license for retail sales of first-class consumer fireworks or second-class consumer fireworks, or both first-class consumer fireworks and second-class consumer fireworks, shall be made to the state fire marshal. The application form and instructions may be found on the state fire marshal website at www.dps.state.ia.us/fm/building/licensing/consumerfireworksindex.shtml.

**265.23(3)** Application requirements. Applications and the accompanying plans must include all required information and must be prepared in accordance with the application instructions. An application will not be processed until all required information is received in the form required by the instructions. If any required information is illegible or incomplete, that application will not be processed and a new application with all of the required information must be submitted. The state fire marshal's office may, in its discretion, allow an applicant to provide missing information without submitting a new application.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

#### 661-265.24(100) Submittal of application and required information.

265.24(1) The following must be submitted to the state fire marshal's office:

*a.* The completed application, signed by the owner, officer, director, or another person authorized to sign documents on behalf of the retailer or community group.

b. Document(s) that establish that the applicant is either a community group or retailer.

c. The plan(s) for each retail sales location, including any permanent or temporary building or structure.

*d.* The plan(s), including any required site plan(s) for the location(s) and for any building(s) or structure(s), whether permanent or temporary, that will be used for the storage of consumer fireworks.

e. All plans and drawings must be legible and include all required information and measurements.

f. Proof that the applicant has obtained commercial general liability insurance with minimum per-occurrence coverage of at least \$1 million and aggregate coverage of at least \$2 million.

g. The applicable license fee.

**265.24(2)** Updating contact information. If any of the contact information for the retailer or community group changes during the period that the license is valid, that information shall be updated and submitted to the state fire marshal's office within five working days of when the information changed.

[ARC 3592C, IAB 1/17/18, effective 2/21/18]

#### 661-265.25(100) Fireworks site plan review and approval.

**265.25(1)** *Plan approval.* 

*a.* A license is required for each location where the retail sales of consumer fireworks are conducted. The plan(s) for each retail sales location, including any permanent or temporary building or structure, and for each building or structure used for the storage of fireworks must be submitted.

b. Every location where the retail sales of consumer fireworks take place or where consumer fireworks are stored, including any permanent or temporary building(s) or structure(s), must do so in accordance with NFPA 1124.

c. The retailer or community group shall also submit to the state fire marshal's office the proposed plan(s), including any required site plan(s) for the location(s) and for any building(s) or structure(s), whether permanent or temporary, that will be used for the storage of fireworks.

*d.* The plan(s) will be reviewed to determine whether it is in accordance with NFPA 1124. If the plan(s) is incomplete or noncompliant, the retailer or community group will receive notification of deficiencies that need to be corrected.

NOTE: Regarding the incorporation of the reference to NFPA 102, 1995 edition, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures into NFPA 1124 concerning tents and membrane structures, Sections 7.3.5 and 7.4.8.1.2 of NFPA 1124 should be read together with Section A.7.4.8.1.2 in the Explanatory Material in Annex A to NFPA 1124 and used for the purposes of (1) determining the requirements for the means of egress in tents and membrane structures except as modified by Section 7.3.14 of NFPA 1124 for special requirements for the retail sales of consumer fireworks, and (2) to prohibit the use, discharge, or ignition of fireworks within the tent or membrane structure. The other provisions of NFPA 1124, including the sections relating to the retail sales of consumer fireworks in tents or membrane structures, remain applicable.

**265.25(2)** *Plans not required.* In the discretion of the state fire marshal, plans may not be required in the following circumstances:

a. For permanent buildings or temporary structures in which only exempt amounts of first-class or second-class consumer fireworks are offered for sale, pursuant to section 7.3.1, NFPA 1124. The licensee shall make current product inventory information available to the state fire marshal upon request.

b. For permanent buildings that were licensed in the previous year and for which there have been no changes to the site, building or floor plan. If any changes have been made, a new or updated plan shall be submitted.

c. For permanent buildings which are currently classified as a retail occupancy and in which second-class consumer fireworks are the only fireworks are offered for sale. [ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

#### 661-265.26(100) Plan review and inspection-guidelines.

265.26(1) Inspections.

a. Any retailer or community group offering for sale at retail any consumer fireworks, as described in APA 87-1, shall do so in accordance with NFPA 1124. Every location and any building or structure where the retail sales of consumer fireworks are conducted or where consumer fireworks are stored is subject to an inspection. In the discretion of the state fire marshal, prelicense inspections may not be required in the following circumstances: (1) For permanent buildings or temporary structures in which only exempt amounts of first-class or second-class consumer fireworks are offered for sale, pursuant to section 7.3.1, NFPA 1124. The licensee shall make current product inventory information available to the state fire marshal upon request.

(2) For permanent buildings that were licensed in the previous year and for which there have been no changes to the site, building or floor plan. If any changes have been made, then a new or updated plan shall be submitted.

b. State licensing inspections shall only be conducted by persons approved by the state fire marshal. The inspection form shall be approved by the state fire marshal and will be available only to approved inspectors.

c. Each location, including the building(s) or structure(s) where the retail sales of consumer fireworks will be conducted or are conducted or where consumer fireworks are stored, must pass the state licensing inspection when conducted. Each location, including the building(s) or structure(s) must pass all elements of the inspection as conducted.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661—265.27(100) Issuance and display of license. The submitted application, any additional documents and information, and the completed inspection form shall be reviewed by the state fire marshal's office.

**265.27(1)** If all of the requirements are met and the correct license fee is paid, the state fire marshal shall issue the license. The license will be sent by email or can be downloaded from the state fire marshal's website at <u>www.dps.state.ia.us/fm/building/licensing/consumerfireworksindex.shtml</u>. The license shall be effective for the applicable date(s) for the sales of consumer fireworks.

**265.27(2)** The license must be clearly displayed at the location where the retail sales of consumer fireworks for which the license was issued are conducted.

[ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661—265.28(100)** Unauthorized use of license. Only the retailer or the community group which is issued the license may use that license for the retail sales of consumer fireworks. Each license will be issued for a specific location. The license may not be transferred to or used at any other location.

**265.28(1)** If the retailer or community group to which the license is issued changes the location where the retail sale of consumer fireworks will be sold, the retailer or community group shall submit a new application and all required information for the new site and pay the applicable license fee. The application must be reviewed and approved in order for a new license to be issued.

**265.28(2)** The licensed retailer or community group or the authorized representative of the licensed retailer or community group must be personally present at all times when consumer fireworks are being sold.

**265.28(3)** No unlicensed retailer, community group, person, group of people, business, or other for-profit or nonprofit entity may use the license issued to another retailer or community group for the retail sales of consumer fireworks, unless the licensed retailer or community group or the authorized representative of the licensed retailer or community group is personally present at all times when consumer fireworks are being sold. [ARC 3592C, IAB 1/17/18, effective 2/21/18]

661-265.29 Reserved.

#### DIVISION IV CONSUMER FIREWORKS WHOLESALER REGISTRATION

661-265.30(100) Definitions. The following definitions apply to Division IV.

"Consumer fireworks" means first-class consumer fireworks and second-class consumer fireworks, as those terms are defined in Iowa Code section 100.19.

"NFPA 1124" means the National Fire Protection Association (NFPA) Standard 1124, published in the Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

"Wholesaler" means a person who engages in the business of selling or distributing consumer fireworks for the purpose of resale in this state.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661—265.31(100) Annual registration. Each wholesaler shall register with the state fire marshal annually.

**265.31(1)** Registration process. Each wholesaler shall complete the annual registration form and submit the form to the state fire marshal's office. The registration form and instructions may be found on the state fire marshal website at www.dps.state.ia.us/fm/building/licensing/consumerfireworksindex.shtml.

**265.31(2)** Registration fee. Each wholesaler shall pay an annual registration fee of \$1,000 to the state fire marshal.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661—265.32(100)** Safety regulations—storage and transfer. Each wholesaler shall comply with all of the requirements of NFPA 1124 for the storage and transfer of consumer fireworks. [ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661—265.33(100)** Insurance—required. While operating as a wholesaler, each wholesaler shall maintain commercial general liability insurance with minimum per-occurrence coverage of at least \$1 million and aggregate coverage of at least \$2 million.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661-265.34 to 265.39 Reserved.

DIVISION V VIOLATIONS—LICENSE REVOCATION

**661—265.40(100)** Revocation of license. The consumer fireworks retail sales license granted to a retailer or community group shall be revoked upon a finding by the state fire marshal that the licensee intentionally violated any of the rules in Division III of this chapter.

**265.40(1)** Notice of violation. The state fire marshal, any paid or volunteer member of a fire department, or any law enforcement officer may investigate a complaint of a violation of the rules in Division III of this chapter. After a review of the investigation, the state fire marshal may issue a Notice of Violation and Order to Show Cause to the licensee. The Notice shall contain the date, time and place for the hearing before the division of the state fire marshal.

265.40(2) Hearing. A hearing on the violation shall be held before the division of the state fire marshal.

**265.40(3)** Findings. If, after a hearing on the Order to Show Cause, the division of the state fire marshal finds that the licensee intentionally violated any of the rules in Division III, the state fire marshal shall revoke the license or licenses of the retailer or community group for the retail sale of consumer fireworks.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661**—**265.41(100)** Petition for judicial review. The licensee may file a petition for judicial review of the decision of the division of the state fire marshal in accordance with the terms of the Iowa administrative procedure Act, Iowa Code chapter 17A.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661—265.42(100)** License revocation effective date. The revocation of the license or licenses for the retail sale of consumer fireworks commences on the thirty-first day after the date of the order of the division of the state fire marshal, if a petition for judicial review has not been filed in the district court. If the licensee has filed a petition for judicial review, the revocation of the license or licenses for the

retail sale of consumer fireworks commences on the thirty-first day following the entry of the order of the district court, if the order affirms the order of the division of the state fire marshal. [ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

**661—265.43(100)** Revocation—denial of new license. A new license shall not be issued to a person whose license has been revoked or to the business in control of the premises on which the violation occurred for a period of one year if there is a finding that the owner of the business had actual knowledge of the violation resulting in the license revocation.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661-265.44 to 265.49 Reserved.

#### DIVISION VI

#### FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES GRANT PROGRAM

**661—265.50(100) Consumer fireworks fee fund.** All fees received from the licenses issued for the retail sale of consumer fireworks and the annual registration fees received from wholesalers of consumer fireworks shall be deposited into the consumer fireworks fee fund pursuant to Iowa Code section 100.19. The state fire marshal shall use the fees deposited into this fund to fulfill the responsibilities of the state fire marshal for the administration and enforcement of Iowa Code sections 100.19 and 100.19A. [ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

661—265.51(100) Local fire protection and emergency medical service providers grant program. The local fire protection and emergency medical service providers grant program is established by the state fire marshal. The grant program shall be funded with only those moneys from the consumer fireworks fee fund which are not needed by the state fire marshal to fulfill the responsibilities of the state fire marshal for the administration and enforcement of Iowa Code sections 100.19 and 100.19A.

265.51(1) Definitions. The following definitions apply to Division VI.

"Emergency medical services" means the same as defined in Iowa Code section 147A.1(5).

"Fire protection service" means volunteer or paid fire departments.

**265.51(2)** Authorized applicants. Any local fire protection service provider or local emergency medical service provider in the state of Iowa may apply for grant funds from the local fire protection and emergency medical service providers grant program.

**265.51(3)** Authorized purposes of grant funds. The grant funds in the local fire protection and emergency medical service providers grant program may only be used for the following:

a. To establish or provide fireworks safety education programming to members of the public.

b. To purchase necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.

265.51(4) Application. The application for grant funds shall he fire marshal. made to the state The application form may be found at www.dps.state.ia.us/fm/building/licensing/consumerfireworksindex.shtml. Applications must be received on or before June 30 of each year. The application shall include all of the following:

*a.* The application shall be signed by a person who is an official, owner, or another person who has authorization to sign on behalf of the fire protection service or the emergency medical service provider entity.

b. The specifics of the proposed use of the grant funds.

(1) If the application is for equipment, the applicant should include a detailed description of the equipment, the company or entity from which the purchase will be made, the cost, and a justification as to how this equipment purchase fits the purposes of the grant program.

(2) If the application is for safety education programming, the application shall include a detailed description of the programming, the specific people who will be providing the programming, and a description of the materials to be purchased and used.

c. The amount of grant funds requested.

**265.51(5)** Approval of application. The state fire marshal shall review the application and determine whether to make the award of grant funds. The state fire marshal has the sole discretion in determining whether or not to award funds from the grant program to the applicant and the amount of funds awarded to each applicant. Factors to be considered in making an award of grant funds include, but are not limited to:

*a.* The amount of grant funds available.

b. The number of applicants for grant funds.

c. The proposed use of the grant funds and whether the use is consistent with the approved program purposes.

d. Whether the applicant has previously been approved for grant funds from this program.

e. The applicant's use of any previous grant funds received from the program.

**265.51(6)** Report required. All grant recipients shall file a report with the state fire marshal that lists the amount of grant funds received and the purpose(s) for which the grant funds were spent. The state fire marshal may conduct an inspection or audit to determine compliance with the rules and purposes of the grant program, in addition to any other authorized audits.

[ARC 3124C, IAB 6/21/17, effective 5/31/17; ARC 3592C, IAB 1/17/18, effective 2/21/18]

These rules are intended to implement Iowa Code sections 100.19 and 100.19A

[Filed Emergency ARC 3124C, IAB 6/21/17, effective 5/31/17]

[Filed ARC 3592C (Notice ARC 3123C, IAB 6/21/17), IAB 1/17/18, effective 2/21/18]



# CHAPTER 8.055

8.055.010 INTENT: The Class I-1 District is intended primarily to provide for those activities and used of a limited industrial nature which are either free of objectionable influences in their operations and appearance or which can, through the use of appropriate abatement devices, readily prevent or control any such objectionable be influences. Land requirements for most limited industrial uses generally dictates its application along major streets and highways, railroad lines, and other major transportation corridors of the County which generally lie close to commercial and industrial districts. (Ordinance #2015-05/12-18-2015)

8.055.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class I-1 District: (Ordinance #81-6/10-01-81)

- .01 A
  - A. Auction halls, barns and yards. (Ordinance #81-6/10-01-81)
  - B. Automobile and other vehicle parts and supply stores. (Ordinance #81-6/10-01-81)
  - C. Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. (Ordinance #81-6/10-01-81)
  - D Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service. (*Ordinance #81-6/10-01-81*)
- .02 B
  - A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for effective precipitation or recovery of dust. (Ordinance #81-6/10-01-81)
  - B. Bakeries, other than those whose products are sold at retail only on the premises. (Ordinance #81-6/10-01-81)
  - C. Bottling plants. (Ordinance #81-6/10-01-81)
  - D Business and professional offices. (Ordinance #81-6/10-01-81)
- .03 C
  - A. Carpenter and cabinet making shops. (Ordinance #81-6/10-01-81)
  - B. Catering establishments. (Ordinance #81-6/10-01-81)
  - C. Circus, carnivals or similar transient enterprises; provided such structures or buildings shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)

- D. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred (100) degrees Fahrenheit. (Ordinance #81-6/10-01-81)
- .E. Coal, coke or wood yards. (Ordinance #81-6/10-01-81)
- F. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities. (Ordinance #81-6/10-01-81)
- G. Commercial parking lots and structures for passenger vehicles in accordance with the provisions of Chapter 8.080. (Ordinance #81-6/10-01-81)
- H. Commercial storage warehouses and mini-warehouses. (Ordinance #81-6/10-01-81)
- I. Concrete mixing plants, and concrete product manufacturing; provided no residential street shall be used for delivery trucks for ingress to or egress from the plant. (Ordinance #81-6/10-01-81)
- J. Contractor's equipment storage yards, including storage yards for commercial vehicles. (Ordinance #81-6/10-01-81)
- K. Convenience stores, including package foods and picnic supplies. (Ordinance #81-6/10-01-81)
- L. Cooperage works. (Ordinance #81-6/10-01-81)
- M. Creameries, including wholesale manufacturing of ice cream. (Ordinance #81-6/10-01-81)
- .04 D
  - A. Demolition rubble waste disposal sites, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (Ordinance #88-15/12-06-88)
- B. Drive-in theaters. (Ordinance #81-6/10-01-81)
- .05 E
  - A. Egg and poultry stores, excluding any slaughtering eviscerating or plucking. (Ordinance #81-6/10-01-81)
  - B. Electrical repair shops. (Ordinance #81-6/10-01-81)
  - C. Enameling, lacquering or japanning. (Ordinance #81-6/10-01-81)

- D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings. (Ordinance #81-6/10-01-81)
- E. Exterminator sales. (Ordinance #81-6/10-01-81)
- .06 F
  - A. Feed and seed sales and storage, including grain elevators. (Ordinance #81-6/10-01-81)
  - B. Frozen food lockers, excluding any slaughtering. (Ordinance #81-6/10-01-81)
  - C. Furniture warehouses and van services. (Ordinance #81-6/10-01-81)
- .07 G
  - A. Garages for general motor vehicle repair, including major body and fender work, and overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. (Ordinance #81-6/10-01-81)
  - B. Garden supply shops and nurseries. (Ordinance #81-6/10-01-81)
  - C. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effect. (Ordinance #81-6/10-01-81)
- .08 H
- .09 I
- A. Ice manufacturing and cold storage plants. (Ordinance #81-6/10-01-81)
- .10 J
- .11 K
- .12 L
  - A. Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious, or offensive conditions. (Ordinance #81-6/10-01-81)
  - B. Laundries, including linen and diaper supply services. (Ordinance #81-6/10-01-81)
  - C. Lawn mower repair shops. (Ordinance #81-6/10-01-81)

- D. Lumber yards and building material sales yards, including incidental mill work. (Ordinance #81-6/10-01-81)
- ,13 M
  - A. Machinery sales, rental and repairs. (Ordinance #81-6/10-01-81)
  - B. Machine shops, including the use of lathes, drill presses and similar equipment on pre-formed metals, but not involving the use of drop hammers and other noise producing machine-operated tools. (Ordinance #81-6/10-01-81)
  - C. Manufacturing, assembling, packaging or other comparable treatment of electric, electronic or gas appliances, instruments and devices of any kind, including kitchen appliances; small industrial instruments and devices; radios, phonographs, and television sets; cameras and other photographic equipment; musical instruments, toys, novelties, and rubber and metal hand stamps; medical, dental and drafting instruments; small precision instruments, such as barometers, clocks, watches and compasses; and including the manufacturing of small accessory parts, such as coils, condensers, transformers, crystal holders and similar products. (Ordinance #81-6/10-01-81)
  - D. Manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures. (Ordinance #81-6/10-01-81)
  - E. Manufacturing, compounding, processing, assembling, packaging, or other comparable treatment of articles or merchandise derived from previously prepared materials, specifically listed as follows: bone, canvas, cardboard, cellophane, cloth, cord, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, natural or synthetic rubber, paper, plastic, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood, yarns; and light metal mesh, pipe, rods, strips or wire. (*Ordinance #81-6/10-01-81*)
  - F. Manufacturing, processing, packaging, or other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries. (Ordinance #81-6/10-01-81)
  - G. Manufacturing, processing, packaging, or other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only be electricity or gas. (Ordinance #81-6/10-01-81)
  - H. Milk distributing station, other than a retail business conducted on the premises. (Ordinance #81-6/10-01-81)
  - I. Monument sales yard. (Ordinance #81-6/10-01-81)
  - J. Motion pictures, radio, and television production studios and broadcasting stations, but not including antennas or towers. (*Ordinance #81-6/10-01-81*)

- K. Motor vehicle dismantling or recycling provided all portions of the operation shall be conducted within an enclosed building; that no metal shredders shall be used in connection with the operation; and that no burning of any portion of a motor vehicle is done on the site. (Ordinance #81-6/10-01-81)
- .14 N
- .15 0
- .16 P
  - A. Packing and crating houses, excluding meat or fish products. (Ordinance #81-6/10-01-81)
  - B. Parcel delivery services. (Ordinance #81-6/10-01-81)
  - C. Photographic film printing or development establishments. (Ordinance #81-6/10-01-81)
  - D. Plumbing and heating, or electrical contractor shops. (Ordinance #81-6/10-01-81)
  - E. Photographic, lithographing and engraving shops, including blueprinting, photostating or other reproduction processes. (*Ordinance #81-6/10-01-81*)
  - F. Processing, packaging, or other comparable treatment of bakery goods, candy, canned foods, processed dairy products, and other food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering of refining of fats and oils. (Ordinance #81-6/10-01-81)
  - G. Publishing and newspaper printing establishments, including bookbinding. (Ordinance #81-6/10-01-81)
- .17 Q

### .18 R

- A. Refrigeration equipment sales and services. (Ordinance #81-6/10-01-81)
- B. Rental yards for equipment customarily used by contractors. (Ordinance #81-6/10-01-81)
- C. Restaurants, cafes, and drive-in eating and dining places. (Ordinance #81-6/10-01-81)
- .19 S
  - A. Safe and vault repair. (Ordinance #81-6/10-01-81)
  - B. Service stations, including dispensing of diesel fuels and complete truck service. (Ordinance #81-6/10-01-81)

- C. Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. (Ordinance #2003-12/10-03-03)
- D. Sheet metal shops, including the forming of heating and ventilating ducts, eaves, cornices and metal products, not involving the use of drop hammers and other noise producing machine-operated tools. (Ordinance #81-6/10-01-81)

#### .20 T

- A. Taxidermists. (Ordinance #81-6/10-01-81)
- B. Telegraph exchanges and other communications equipment buildings. (Ordinance #81-6/10-01-81)
- C. Tire shops, including vulcanizing, retreading or recapping. (Ordinance #81-6/10-01-81)
- D. Tool or cutlery sharpening or grinding. (Ordinance #81-6/10-01-81)
- E. Towers with a height not exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- F. Transformer stations, booster stations, and utility stations; including utility yard and *garage* for service or storage. (*Ordinance #81-6/10-01-81*)
- G. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, and including vehicle storage and repair. (*Ordinance #81-6/10-01-81*)
- H. Truck and motor freight stations or terminals, including cartage and express hauling and similar establishments, provided such uses are conducted either (a) within a completely enclosed building or buildings, except for storage of vehicles, or (b) within an area completely enclosed on sides by a sight obscuring fence not less than six (6) feet high. (Ordinance #81-6/10-01-81)
- .21 U
  - A. Upholstering shops. (Ordinance #81-6/10-01-81)
- .22 V
  - A. Veterinary hospitals or clinics; provided an exercising runway shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision and one hundred (100) feet from any Class "C" District boundary. (Ordinance #2004-14/07-01-04)
- .23 W

- A. Warehouses, retail and wholesale, except for the storage of fuel or flammable liquids and explosives. (Ordinance #81-6/10-01-81)
- B. Welding, blacksmithing, or other metal working shops, exclusive of drop hammers and other noise producing machine-operated tools. (Ordinance #81-6/10-01-81)
- .24 X
- .25 Y
- .26 Z
- 8.055.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class I-1 District, when authorized in accordance with the requirements of Chapter 8.096: (Ordinance #81-6/10-01-81)
  - .01 Agricultural grain and seed, stock feed and alfalfa drying, processing and storage. (Ordinance #81-6/10-01-81)
  - .02 *Demolition rubble waste disposal sites*, which such disposal site may be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (*Ordinance #88-15/December 8, 1988*)
  - .03 Flammable liquids, underground storage only, not to exceed fifty thousand (50,000) gallons per storage unit, provided such storage units shall be located not less than three hundred (300) feet from any Class "R" or "C" District. (Ordinance #81-6/10-01-81)
  - .04 Foundry casting of light-weight non-ferrous metals produced in an electric foundry not causing noxious fumes or odors. (*Ordinance #81-6/10-01-81*)
  - .05 Railroad and freight stations, including freight classification yards and repairs shops; provided no such station, yard or shop shall be closer than two hundred (200) feet from any Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
  - .07 Transmitting stations and towers exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. (Ordinance #2007-09/10-12-07)
- 8.055.040 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class I-1 District: (Ordinance #81-6/10-01-81)
  - .01 Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded. (Ordinance #81-6/10-01-81)
  - .02 Display *signs*, subject to the provisions of Chapter 8.090. (Ordinance #81-6/10-01-81)

- .03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090. (Ordinance #2004-14/07-01-04)
- 8.055.050 OFF-STREET PARKING AND LOADING: Off-street parking and loading spaces shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class I-1 District. (Ordinance #81-6/10-01-81)
- 8.055.060 HEIGHT REQUIREMENTS: The maximum height of *buildings* and *structures* in a Class I-1 District shall be seventy-five (75) feet, provided that no building or structure within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height. (Ordinance #2004-14/07-01-04)
- 8.055.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings* and *structures* in a Class I-1 District shall be as follows: (Ordinance #81-6/10-01-81)
  - .01 The front yard setback shall be a minimum of twenty-five (25) feet. (Ordinance #81-6/10-01-81)
  - .02 The side yard setback shall be a minimum of fifty (50) feet when such yard abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
  - .03 The *rear yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such yard abuts a Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
  - .04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. (Ordinance #81-6/10-01-81

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8.055.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum lot size and maximum lot coverage for uses in a Class I-1 District shall be as follows, except as provided in Section 8.004.030 for lots not having common water and/or sewer facilities: (Ordinance #81-6/10-01-81)

				MINIMUM LOT			
U:	SE	AREA	WIDTH	DEPTH	COVERAGE		
.01 Ai	ny Permitted Use	1.0 Acres	80'	100'	70%		

(Ordinance #81-6/10-01-81)

# Becky Lenihan / Auditor's Office, <u>Finance Dept</u>

**Public Hearing** on Amendment to current county budget for Fiscal Year 2020-21 and approve and authorize Board to sign **Resolution No. 12-2021**.

# NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET POTTAWATTAMIE COUNTY Fiscal Year July 1, 2020 - June 30, 2021

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The POTTAWATTAMIE COUNTY will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2021					
Meeting Date/Time: 2/23/2021 10:00 AM	Contact: Melvyn Houser, County Auditor	Phone: (712) 328-5700			

Meeting Location: Pottawattamie County Board of Supervisors Hearing Room

227 S 6th St Council Bluffs IA 51501

There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing.

REVENUES & OTHER FINANCING SOURCES		Total Budget as Certified or Last Amended	Current Amendment	Total Budget After Current Amendment
Taxes Levied on Property	1	44,930,425	0	44,930,425
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	(
Less: Credits to Taxpayers	3	1,720,400	0	1,720,400
Net Current Property Tax	4	43,210,025	0	43,210,025
Delinquent Property Tax Revenue	5	3,000	0	3,000
Penalties, Interest & Costs on Taxes	6	317,000	0	317,000
Other County Taxes/TIF Tax Revenues	7	8,038,803	0	8,038,803
Intergovernmental	8	21,455,592	824,065	22,279,65
Licenses & Permits	9	282,300	0	282,300
Charges for Service	10	2,780,903	0	2,780,903
Use of Money & Property	11	644,505	0	644,50
Miscellaneous	12	5,943,000	148,468	6,091,468
Subtotal Revenue	13	82,675,128	972,533	83,647,66
Other Financing Sources:		- ,, -	,	,- ,
General Long-Term Debt Proceeds	14	6,912,515	0	6,912,51
Operating Transfers In	15	12,840,000	0	12,840,000
Proceeds of Fixed Asset Sales	16	600,000	0	600.000
Total Revenues & Other Sources	17	103,027,643	972,533	104,000,176
EXPENDITURES & OTHER FINANCING USES		,	0.12,000	10 1,000,111
Operating:				
Public Safety and Legal Services	18	33,498,648	0	33,498,648
Physical Health and Social Services	19	5,221,873	1,601,648	6,823,52
Mental Health, ID & DD	20	2,378,510	0	2,378,510
County Environment & Education	21	6,835,349	636,000	7,471,349
Roads & Transportation	22	20,886,735	0	20,886,73
Government Services to Residents	23	2,554,376	183,068	2,737,444
Administration	24	13,696,132	122,000	13,818,132
Nonprogram Current	25	0	0	
Debt Service	26	2,885,825	0	2,885,825
Capital Projects	27	11,167,000	0	11,167,000
Subtotal Expenditures	28	99,124,448	2,542,716	101,667,164
Other Financing Uses:	20	00,121,110	2,012,110	101,001,10
Operating Tranfers Out	29	12,840,000	0	12,840,000
Refunded Debt/Payments to Escrow	30	0	0	12,010,000
Total Expenditures & Other Uses	31	111.964.448	2.542.716	114.507.164
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	32	-8,936,805	-1,570,183	-10,506,988
Beginning Fund Balance - July 1, 2020	33	46,422,291	0	46,422,292
Increase (Decrease) in Reserves (GAAP Budgeting)	34	0	0	(
Fund Balance - Nonspendable	35	0	0	(
Fund Balance - Restricted	36	14,459,917	-636,000	13,823,91
Fund Balance - Committed	37	0	0	,
Fund Balance - Assigned	38	8,962,362	-934,183	8,028,17
Fund Balance - Unassigned	39	14,063,207	0	14,063,20
Total Ending Fund Balance - June 30, 2021	40	37,485,486	-1,570,183	35,915,30
	-+0	57,400,400	-1,070,100	55,515,50

Explanation of Changes: Additional Covid-19 emergency preparedness revenues and expenses and economic development expenses.

		FY 2020-					
DEPT	DEPARTMENT	CERTIFIED	ORIGINAL	AMENDMENT	AMENDMENT	Original	DEPT
#	NAME	BUDGET 03/31/20	6/23/2020	APPROP 11/3/2020	APPROP 2/232021	Budget	#
			Resolution 61-2020	Resolution 95-2020	Resolution 12-2021	2-2021 With Amendments	
01	Board of Supervisors	15,732,921	15,732,921		602,000	15,732,921	01
	Auditor	1,752,638			183,068		02
	Treasurer	1,759,304	1,759,304		,	1,759,304	
	Attorney	3,342,314				3,342,314	
	Sheriff	8,474,359				8,474,359	
	Debt Service/Supervisors	2,645,825	2,645,825	240,000		2,885,825	
	Recorder	877,990	877,990	,		877,990	
12	Medical Examiner	400,168	400,168			400,168	
20	Secondary Roads	23,286,735	23,286,735			23,286,735	
	Veteran Affairs	446,089	446,089			446,089	21
	Conservation	2,375,266	2,375,266		34,000	2,375,266	22
23	Physical Health & Education	1,025,568	1,025,568	800,000	1,601,648	, ,	
	General Assistance	209,265	209,265	,	, ,	209,265	
	DHS	437,800	437,800			437,800	
27	Animal Control	177,582	177,582			177,582	27
29	Corrections-Jail	13,586,891	13,586,891			13,586,891	29
37	Communications-911	3,550,641	3,550,641			3,550,641	37
38	Environmental Health	678,210	678,210			678,210	38
40	UnemploymentHR	40,000	40,000			40,000	40
48	WIC	631,596	631,596			631,596	48
50	Human Resources	474,848	474,848			474,848	50
51	Building and Grounds	1,478,319				1,478,319	
	Information Services	2,089,700			122,000		
53	Planning & Development	666,340	666,340		,	666,340	53
	GIS	415,872	415,872			415,872	
57	Promise Partners	375,197	375,197			375,197	57
58	CD Treatment Services	7,500	7,500			7,500	58
59	Case Management	0				0	59
	Mental Health	2,378,510	2,378,510			2,378,510	60
99	Non Departmental	13,912,000	13,912,000	7,695,000		21,607,000	
	TOTAL	103,229,448	103,229,448	8,735,000	2,542,716	114,507,164	

# Resolution No. 12-2021

# **RESOLUTION NO. 12-2021**

WHEREAS, there were necessary expenses incurred in some county departments, causing the budget of that department to exceed 100% of costs; and

**WHEREAS**, the Board of Supervisors desires to allow those expenditures, and no tax increase will occur due to these expenditures; and

**WHEREAS**, the public had due notice of the Budget Amendment Hearing, and at the hearing, due time was allowed for objections to any and all portions of the amended budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Pottawattamie County, hereby amends the Fiscal Year 2020/21 budget.

# Dated this 23<sup>rd</sup> day of February, 2021

# ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Scott Belt, Chairman	0	0	0	0
Tim Wichman	0	0	0	0
Lynn Grobe	0	0	0	0
Justin Schultz	0	0	0	0
Brian Shea	0	0	0	0

ATTEST:

Melvyn Houser, County Auditor

# Jason Slack/ Director, Buildings & Grounds

Discussion and/or decision to approve: CRC 034 – Boiler Room FS and HAC Clash



## General Contractor's Cost Summary

PROJEC	T: Pottawatta	amie Countv	. Iowa - Co	urthouse	Renovation	PROJECT NUMBER: 1	07419J
CONTRA		Ronco Con				—	2/10/2021
						-	
	-		CRC) # and	l Descrip	otioi <u>CRC 034</u>	- Boiler Room FS and HVAC	<u>Clash</u>
Reference	e: ASI # and	1					
	KFI # and	Description					
	Approved				Declined		
	OWNER					Date	
X	Approved				Declined		
	Approveu				Decimeu		
	11.6	2					
	Kemberly F	) \COATHA				02-15-21	
	Kimberly A. B	- po ey				Date	
NOTE	-	-					
<u>NOTE:</u>						iate), itemized accountings and appropria	te
	supporting dat	a must be attache	d to any claim o	r contractor	r's request for chang	e proposal for approval.	
General	Contractor	Self Perform	<u>med Work</u>				
1.						·····	
2.	General C	ontractor's L	abor	••••		····· <u> </u>	
3.						······	
4.						······ <u> </u>	
5.	Overhead	and Profit (1	5% of line	4)			
6.	Total of G	General Con	tractor Sel	f Perfor	med Work	 	
Shaard		llation /Wom	I 6:4.				
	<u>ractor Insta</u>			mmany	Shoot and Sur	mmarias/Proalidowns)	
" (Attaci 7.				-		<b>mmaries/Breakdowns)</b> d to the following:)	
7.	a.	Mason	•				
	a. b.	Drywaller					
	о. с.	Roofer					
	с. d.	Flooring					
	е.	Painter					
	f.	Plumber					
	g.	HVAC					
	h.	Electrician					
	i.	Other: Fire					
	j.						
	k.						
	1.						
	m.	Other					
8.						— 	\$1,490.00
9.					,	tor's Work (5% of line 8)	\$74.50
10.						es 8 and 9)	
						·	÷

CONTRACTOR'S COST SUMMARY
CRC #
Project Name: Pottawattamie County, Iowa - Courthouse Renovation
Date:
Page 2 of 2

### Material Supplier/Subcontractor Providing Materials Manufactured Off Site for General Contractor to Install On Site

\* (Attach Subcontractor/Supplier Cost Summary Sheet and Summaries/Breakdowns)

11.	Material	erials Supplied by Sub or Material Supplier (include but are not limited to the following)			
	a.	Structural Steel	••••••		
	b.	Interior Architectural Woodwork			
	c.	Doors			
	d.				
	e.	Hardware			
	f.				
	g.	Other			
	h.	Other			
	i.	-			
12.	Subtotal	of Materials Supplied			
13.	General	Contractor's Overhead and Profit (5% of line	12)		
14.		Materials Supplied by Subcontractor/Mat			
15.	Material	Supplied by General Contractor			
16.	General	Contractor's Labor			
17.		ent			
18.	Subtotal	(lines 15, 16, and 17)			
19.	Overhea	d and Profit (15% of line 18)			
20.	Total of	General Contractor (lines 18 and 19)			

21.	Subtotal (lines 6, 10, 14, and 20)	\$1,564.50
22.	Bond at\$15.65_ and Insurance at\$15.65_	\$31.29
23.	Total Contractors Request for Change (CRC) (lines 21 and 22)	\$1,595.79

5004 S. 110th Street | Omaha, NE 68137

December 15<sup>th</sup>, 2020

Ronco Construction 1717 N 74<sup>th</sup> Street Omaha, NE 68114

Ph: 402/397-9109 Fax: 402/397-8799

Project: Pottawattamie County Courthouse Renovation – Council Bluffs, IA

Mahoney Fire Sprinkler, Inc. tenders the following, in response to your request for changes in the base bid:

Demo & relocate 20 feet of 6" Schedule 40 fire sprinkler main for HVAC in Exist. Courthouse Boiler Room (E004).

Changes include:

Cost for labor, material, & equipment associated with removing & relocating the 6" main.

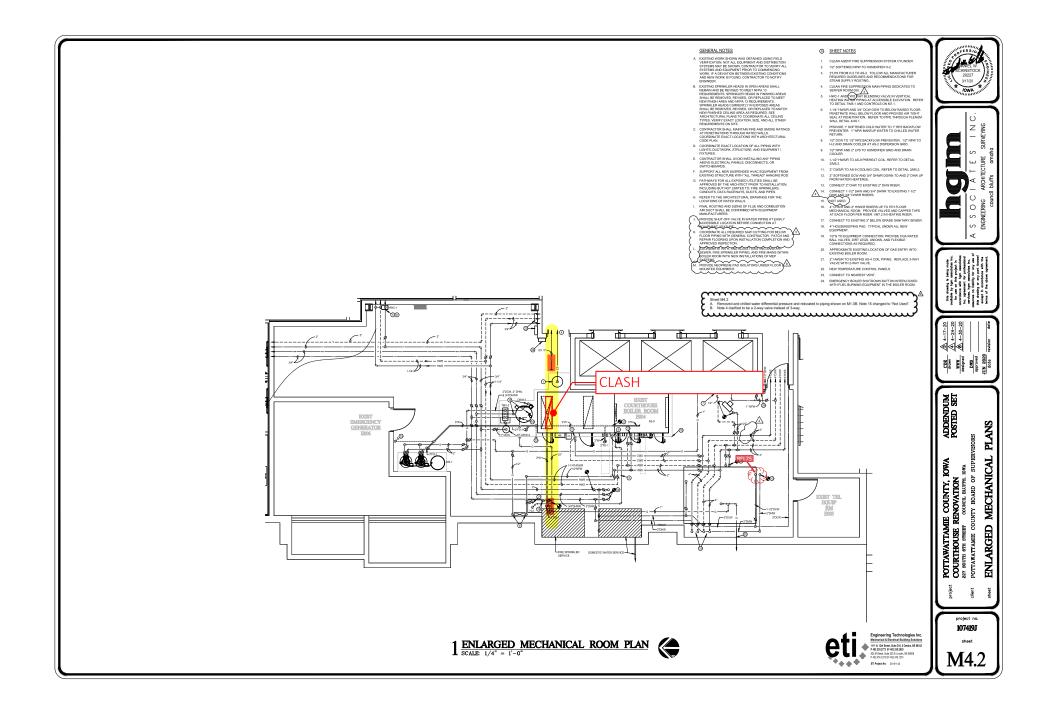
Please call if you have questions.

Mahoney Fire Sprinkler, Inc.

Accepted by:	·
Title:	
Date:	

Bob Mahoney III President

C/O #4



# Jason Slack/ Director, Buildings & Grounds

Discussion and/or decision to approve: CRC 040 – Garage Sally Port Exterior Window Security



## General Contractor's Cost Summary

PROJECT CONTRA		tamie County, Ronco Cons		ourthouse ]	<u>Renovation</u>	PROJECT NUMBER: DATE:	<u>107419J</u> 2/11/2021
	-	<b>-</b> ·	,	-		Garage Sally Port Exterior	Window Sec.
Reference		l Description	ASI	#027 Gara	ige Sally Port	030 Window Security	
	RFI # and	l Description					
	Approved				Declined		
	OWNER					Date	
54				_			
	Approved				Declined		
	1.7	$\cap$					
	Temberly.	Kanth				02-16-21	
	Kimberly A. I	Bogatz, AIA				Date	
NOTE:	This form all	Subcontractor/Mat	erial Sunnlier	cost summary	forms (if appropri	ate), itemized accountings and appropr	iate
						e proposal for approval.	late
Contractor					request for enung.	proposation approval	
		<u>Self Perforn</u>					
1.							
2. 3.							
3. 4.							
4. 5.							
<i>5</i> . 6.	Total of (	General Cont	ractor Sel	4) If Perforn	ned Work	•••••••••••••••••••••••••••••••••••••••	
0.	1 otur or v				icu vi orikini		
Subcontr	actor Insta	allation/Work	<u>x on Site</u>				
* (Attach	Subcontra	actor/Supplie	r Cost Su	mmary S	heet and Sun	nmaries/Breakdowns)	
7.	Subcontra	actor's cost sur	nmary (ind	clude but a	are not limited	d to the following:)	
	a.	Mason					
	b.	Drywaller				· · · · · · · · · · · · · · · · · · ·	
	с.	Roofer				· · · · · · · · · · · · · · · · · · ·	
	d.	Flooring					
	e.	Painter		•••••			
	f.	Plumber					
	g.	HVAC	•••••	•••••		•••••••••••••••••••••••••••••••••••••••	
	h.	Electrician					
	i.	Other: Wind	low Film				300.00
	j.	Other: Steel	Erection				1,250.00
	k.	Other					
	1.						
	m.	Other					
8.					,		
9.						tor's Work (5% of line 8)	\$77.50
10.	Total of S	Subcontracto	r Installat	tion/Work	x on Site (line	es 8 and 9)	\$1,627.50

CONTRACTOR'S COST SUMMARY
CRC #
Project Name: Pottawattamie County, Iowa - Courthouse Renovation
Date:
Page 2 of 2

### Material Supplier/Subcontractor Providing Materials Manufactured Off Site for General Contractor to Install On Site

\* (Attach Subcontractor/Supplier Cost Summary Sheet and Summaries/Breakdowns)

11.	Material	als Supplied by Sub or Material Supplier (include but are not limited to the following)			
	a.	Structural Steel			
	b.	Interior Architectural Woodwork			
	c.	Doors			
	d.	Windows			
	e.				
	f.				
	g.	Other			
	h.				
	i.				
12.	Subtotal	of Materials Supplied			
13.	General	Contractor's Overhead and Profit (5% of line	12)		
14.	Total of	Materials Supplied by Subcontractor/Mat	erial Supplier		
15.	Material	Supplied by General Contractor			
16.	General	Contractor's Labor			
17.		ent			
18.	Subtotal	(lines 15, 16, and 17)			
19.	Overhea	d and Profit (15% of line 18)			
20.	Total of	General Contractor (lines 18 and 19)			

21.	Subtotal (lines 6, 10, 14, and 20)	\$1,627.50
22.	Bond at \$16.28 and Insurance at \$16.28	\$32.55
23.	Total Contractors Request for Change (CRC) (lines 21 and 22)	\$1,660.05



#### **Renze Display Company**

6847 North 16th Street Omaha, NE 68112 Ph: (402) 342-1111 FAX: (402) 342-2864 Web: http://www.renze.com

Page 1 of 1

Created Date:	2/11/2021 9:29:47AM	Prepared For:	Ronco Construction
Salesperson:	Jim Dykes	Contact:	Jimmy Esola
Email:	jdykes@renze.com	Office Phone:	(402) 321-2772
Office Phone:	(402) 342-1111 x134	Fax:	N/A
Office Fax:	(402) 659-2848	Email:	jesola@ronco-construction.com
Entered by:	Jim Dykes	Address:	1717 N 74th St
	,		Omaha, NE 68114-1805

#### Description: Mirrored One-Way Vision Film for Pottawattamie County Courthouse

			Quantity	Unit Price	Subtotal
1	Description:	64.5" x 28" Mirrored One-Way Vision Film. Includes installation.	1	\$254.01	\$254.01

		Estimate Total:	\$254.01	
		Subtotal:	\$254.01	
The above estimate does not include sh charge	ipping or taxes. An ed on the final invo		xes will be	
Payment Terms: Net 15; Balance due in 15 days.				
Client Reply Request				
Estimate Accepted "As Is". Please proceed with Order.	Other:			
Changes required, please contact me.	SIGN:	Date:	1 1	

Print Date:	2/11/2021	9:30:39AM

#### **Nate Bledsoe**

From:	Jim Esola	
Sent:	Wednesday, February 10, 2021 11:16 AM	
То:	Nate Bledsoe	
Subject:	FW: Pottawattamie County Courthouse	

For ASI 27, total for Atlas \$1,250. Still need a film number.

Jimmy Esola Project Engineer (402) 321-2772

From: reidb@atlaserection.com <reidb@atlaserection.com> Sent: Wednesday, February 10, 2021 10:23 AM To: Jim Esola <jesola@ronco-construction.com> Subject: RE: Pottawattamie County Courthouse

Jim,

Add \$500 to supply the plate and bars.

Thank you,

RB

From: Jim Esola <<u>jesola@ronco-construction.com</u>> Sent: Wednesday, February 10, 2021 9:42 AM To: <u>reidb@atlaserection.com</u> Subject: RE: Pottawattamie County Courthouse

It is approximately 28-1/2" x 65".

Thanks, Jimmy

From: reidb@atlaserection.com <reidb@atlaserection.com> Sent: Wednesday, February 10, 2021 9:37 AM To: Jim Esola <jesola@ronco-construction.com> Cc: Nate Bledsoe <nbledsoe@ronco-construction.com> Subject: RE: Pottawattamie County Courthouse

I can, can you give me the rough dimension of the window opening so I can calculate the amount I will need.

Thank you,

RB

From: Jim Esola <jesola@ronco-construction.com>
Sent: Wednesday, February 10, 2021 8:41 AM
To: reidb@atlaserection.com
Cc: Nate Bledsoe <nbledsoe@ronco-construction.com>
Subject: RE: Pottawattamie County Courthouse

Reid,

Can you include in your price to supply the material for the bars?

Thanks, Jimmy

From: reidb@atlaserection.com <reidb@atlaserection.com> Sent: Tuesday, February 9, 2021 1:50 PM To: Jim Esola <<u>jesola@ronco-construction.com</u>> Subject: FW: Pottawattamie County Courthouse

Jimmy,

I was actually the PM on this one. The cost to install the frame around the existing window would be \$750. I would need to see the fabrication ticket prior to fabrication to make sure it is built in a way that can be installed in the field.

Thank you,

#### **Reid Brandstetter**

Project Manager C: 402-651-7540



From: kennyp@atlaserection.com <kennyp@atlaserection.com>
Sent: Tuesday, February 9, 2021 1:21 PM
To: 'Reid Brandstetter' <reidb@atlaserection.com>
Subject: FW: Pottawattamie County Courthouse

From: Jim Esola <jesola@ronco-construction.com>
Sent: Tuesday, February 9, 2021 11:29 AM
To: kennyp@atlaserection.com
Cc: Nate Bledsoe <nbledsoe@ronco-construction.com>; Darrell Darling <ddarling@ronco-construction.com>
Subject: Pottawattamie County Courthouse

Kenny,

We have the attached ASI for the Pottawattamie County Courthouse, where we need to install some kind of bars on an existing window that will be inside their new cell area. Would you be interested in putting together a quote for these bars? The interior block dimension surrounding the window is 28-1/2" x 65". Please let me know if you have any questions.

Thanks, Jimmy

**Jimmy Esola Project Engineer** (402) 321-2772 Ronco Construction Company



1717 North 74<sup>th</sup> Street, Omaha, NE 68114 Phone: 402.397.9109 www.ronco-construction.com

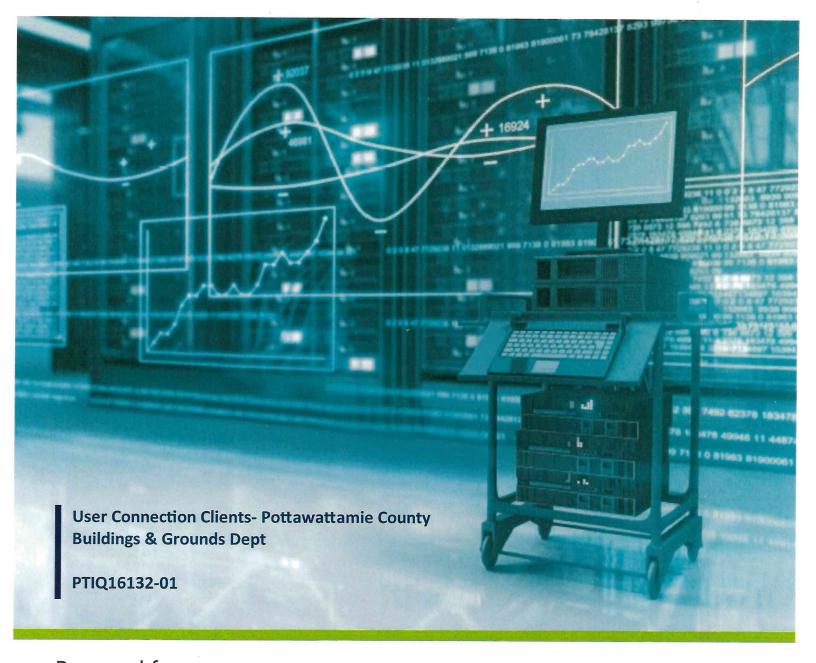
Fax: 402.397.8799 jesola@ronco-construction.com

Building Excellence Through Teamwork

# Jason Slack/ Director, Buildings & Grounds

Discussion and/or decision to approve: Parallel Technologies Quote for 24 user licenses

## Empowering People Through Intelligent Buildings



## Prepared for:

**Pottawattamie County Buildings** & Grounds Dept Jason Slack









CLIENT IS TAX EXEMPT

.

Parallel Technologies (PTI) to provide the following direct material purchase. Quantities are limitied to the numbers shown in this document.



## P Bill of Materials

Qty	Mfr Model #	Description	Unit Price	Extended Price
Materials	- Physical Security			\$6,715.58
24	GSC-1U	1 Genetec Security Desk client connection (inclu. Web Client)	\$278.57	\$6,685.68
0.5	РС	Project Coordination	\$59.79	\$29.90
				\$0.00

Products & Services Total: \$6,715.58



### Quote #PTIQ16132-01 - User Connection Clients- Pottawattamie County Buildings

Prepared by:	Prepared for:	Quote Information:
Parallel Technologies, Inc.	Pottawattamie County Buildings &	Quote #: PTIQ16132-01
Brandon Rogotzke	227 South 6th Street Council Bluffs, IA 51501	Delivery Date: 01/26/21
952-278-0344	Jason Slack	Expiration Date: 02/08/21
brogotzke@ptnet.com	jason.slack@pottcounty-ia.gov	

#### **Quote Summary**

Description	Amount
Products & Services (tax included)	\$6,715.58

#### PTI Terms and Conditions:

#### Section 1 - The Work

This proposal takes precedence over any and all prior proposals, correspondence, and oral agreements or representation relating to the work set forth in the attached scope of work. This proposal commences on the Start Date as specified in the attached scope of work, and represents the entire agreement between Parallel and the Customer. In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain in full force.

#### Section 2 - Pricing

Pricing and amounts proposed shall remain valid for 30 days unless otherwise specified. Price includes only the material listed based on Parallel's interpretation of plans and specifications unless otherwise noted. Shipping and sales taxes, and any other taxes assessed on Customer shall be added to the price upon invoice to customer, unless otherwise note in the proposal.

#### Section 3 - Invoice remittance and Payment

Customer agrees to standard payment terms of 100% of materials billed on acceptance, 50% of labor on install start and progress for remainder. If the project extends sixty (60) days or more, Parallel will invoice for products and material when ordered, and progress billing for services. Customer agrees to pay the amount due to Parallel as invoiced within 30 days of the date of being invoiced. If Customer is overdue in any payment to Parallel, Parallel shall be entitled to suspend the Work until paid and charge Customer an interest rate of 1 and ½% per month, and may avail itself of any other legal or equitable remedy. Customer shall reimburse Parallel costs incurred in collecting any amounts that become overdue, including attorney fees, court costs and any other reasonable expenditure.

#### Section 4 - Warranty

Parallel provides the following warranty to the Customer:

For a period of one year, commencing on the earlier of substantial completion of work, or first beneficial use, ("Warranty Period"): A. The Work performed under this agreement will be of good quality, B. That all equipment will be new unless otherwise required or permitted by this agreement, C. That the Work will be free from defects not inherent in the quality required or permitted; and D. That the Work will conform to the requirements of this agreement.



The Customer's sole remedy for any breach of this warranty is that Parallel shall remove, replace and/or repair at its own expense any defective or improper Work, discovered within the Warranty Period, provided Parallel is notified in writing of any defect within the Warranty Period. Any equipment or products installed by Parallel in the course of performing the Work hereunder shall only carry such warranty as is provided by the manufacturer thereof, which Parallel hereby assigns to Customer without recourse to Parallel. Upon request of Customer, Parallel will use all reasonable efforts to assist Customer in insufficient maintenance, improper operation, or normal wear and tear under normal usage. NO FURTHER WARRANTIES OR GUARANTEES, EXPRESS OR IMPLIED, ARE MADE WITH RESPECT TO ANY GOODS OR SERVICES PROVIDED UNDER THIS AGREEMENT, AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED.

#### Section 5 - Changes

Without invalidating this Agreement, Customer or Parallel may request changes in the Work. Any changes to the Work and any adjustment to the Agreement Price or the time for completion of the Work shall be in writing signed by both Customer and Parallel. If Customers orders any additional work or causes any material interference with Parallel's performance of the Work, Parallel shall be entitled to an equitable adjustment in the time for performance and in the Agreement Price.

#### Section 6 - Force Majeure

Neither Customer or Parallel shall be responsible or liable for, shall incur expense for, or be deemed to be in breach of this Agreement because of any delay in the performance of their respective obligation pursuant to this Agreement due solely to circumstances beyond their reasonable control ("Force Majeure") and without the fault or negligence of the party experiencing such delay, provided that the party experience the delay shall promptly give written notification to the other party within 5 days after such party has learned of the Force Majeure.

#### Section 7 - Indemnification

Parallel shall indemnify and hold customer harmless from and against claims, damages, losses and expenses, (including, but not limited to, reasonable attorney's fees) attributable to bodily injury, sickness, disease or death, or to destruction of tangible property, but only to the extent caused by: a) the negligent or willful acts or omissions of Parallel or Parallel's employees or subcontractors while on the Customer's site, or b) the malfunction of the equipment supplied by Parallel, or c) Parallel's breach of this agreement. In no event shall either Parallel or Customer be liable to the other party hereto for special, indirect, incidental, or consequential damages, including commercial loss, loss of use or lost profits, even if that party has been advised of the possibility of such damages. In no event will Parallel Technologies be liable to customer for any amounts in excess of the amounts paid by Customer to Parallel.

#### Section 8 - Disputes

In the event of any dispute between Parallel and Customer, Parallel and Customer shall first attempt to resolve the dispute in the field, but if that is not successful, then in a meeting between authorized officers of each company. If settlement attempts are not successful, then the dispute shall be subject to and decided by mediation or arbitration.

#### Parallel Technologies, Inc.

Signature:		Signature:	
Name:	Brandon Rogotzke	Name:	<u>-</u>
Date:	1/26/2021	Date:	

# Suzan Erem/ Executive Director Sustainable Iowa Land Trust (SILT)

Presentation on how organization operates and new book "An Iowa Landowners Guide to Sustainable Food Crops"

## Melvyn Houser / Auditor

Discussion and/or decision on Compensation Board's recommendation for elected officials for FY 2021/22; and setting date to sign Resolution determining decision on Compensation Board's recommendation. MELVYN J HOUSER POTTAWATTAMIE COUNTY AUDITOR AND ELECTION COMMISSIONER 227 S 6<sup>TH</sup> ST, PO BOX 649 COUNCIL BLUFFS, IOWA 51502-0649



Kristi Everett, First Deputy – Elections Linda Swolley, First Deputy – Real Estate Kristy Hassay, Second Deputy – Real Estate Rebecca Belt, Finance Officer Phone (712) 328-5700 FAX (712) 328-4740

December 16, 2020

COMPENSATION BOARD MEETING

On the above date, the Pottawattamie County Compensation Board met in the Pottawattamie County Board of Supervisor's Hearing Room at 12:00 Noon.

The Board met to consider salaries of the Pottawattamie County Elected Officials for the fiscal year 2021-2022. Present: Chairman, Curt Heithoff, Marcia Antworth, John Dalton, Matt Garst and Julie Jenson. Rob Livingston and Roger Williams attended via GoToMeeting. Also present: Matt Wilbur, County Attorney, Lea Voss, County Treasurer, Jeff Danker, County Sheriff, Andy Brown, Sheriff Elect, Board of Supervisor members Tim Wichman and Lynn Grobe. Scott Belt attending via GoToMeeting. Jana Lemrick, Human Resources, Becky Belt, Finance Officer and Becky Lenihan, Assistant Finance Officer. Also, on GoToMeeting were Melvyn Houser, County Auditor and Lynn Herrington on behalf of Mark Brandenburg, County Recorder.

Chairman Curt Heithoff called the meeting to order and asked everyone present to introduce themselves and what department they represented.or were from.

Motion by Julie Jenson, second by Matt Garst to approve the minutes of 2019. Unanimous vote aye. Carried.

#### MATT WILBUR: Attorney

I appreciate the efforts of the Comp Board. Salary was low, now I think they keep us at the same pace as Consumer Price Index. All I ask for is a cost of living raise.

#### LEA VOSS: Treasurer

Thank you everyone. It's not all about money but serving the public that is reflected on my staff. Every day we have to have broad shoulders and accept the blame that is placed on us. My office lost our Finance Officer after 30 years. It is devastating, but we'll carry on just as we have for the 42 years that I've been in the office. Whatever you can do, it reflects to my deputies too.

#### TIM WICHMAN: Board of Supervisors

LYNN GROBE: Board of Supervisors

I won't comment, I am just here to observe.

JANA LEMRICK: Human Resources. No comments.

JEFF DANKER: Sheriff I appreciate my salary being close to the Police Chief. It's nice that the Sheriff makes more than I did at one time. I think 3% would be a fair increase.

ROB LIVINGSTON: Auditor

Thank you to all the Elected Officials. The Auditor does a lot more than just the job of Melvyn Houser; it is a reflection of the entire office. Melvyn is worried about deputies and how they fare. The people running county/city government are friends/neighbors in our Community. I feel like they are the best. I agree with  $3-3\frac{1}{2}\%$ .

JOHN DALTON: Sheriff

Thank you to the elected officials. I appreciate your efforts. Good job on the handling of Covid.

MATT GARST: Attorney

Representing Matt for about 10 years now. I am a stats type of person, Social Security is looking at 1.3% Kiplinger inflation 2.1% and the State of Iowa is recommending a 0% increase. I would like to hear from the elected officials before I give my recommendation.

#### CURT HEITHOFF: Recorder

41 years as an attorney opens a lot of doors. Lawyers are foreigners in other counties, we don't get treated very well. Lawyers like coming to Pottawattamie County.

MELVYN HOUSER: Auditor. No comments

MARCIA ANTWORTH: Board of Supervisors

Thought of staying home but wanted to see everyone. Commends the County on the handling of Covid-19. Will go with the flow.

#### ROGER WILLIAMS: Board of Supervisors

As a former supervisor, I try to represent/look at this process through the Board's eyes. Believe 3-3  $\frac{1}{2}$ % to be the best figure.

JULIE JENSON: Treasurer

You all have done a good job. I will go with the flow. Despite Covid, we need to move forward.

## \*\* Rob Livingston made a motion for a 2 ½ % raise across the board, Julie Jenson seconded. Unanimous vote aye. Carried.

Matt Garst made a motion to elect John Dalton Chairperson for 2020, Marcia Antworth seconded that motion. Unanimous vote aye. Carried.

Meeting adjourned.

Pizza, sodas and cookies were served.

As I sit in this meeting year after year, I hear nothing but good things from the Elected Officials and much appreciation from the Compensation Board!

Respectfully submitted:

Becky Lenihan Assistant Finance Officer Pottawattamie County Auditor's Office

2/23/21 – FY21-22 Final Budget Numbers Presentations			
Department		Time	
Sheriff/Jail/911	Andy Brown / Jeff Theulen / Linda Hensley / Bob Andersen	11:00	
Recorder	Mark Brandenburg/ Lynn Herrington,/Marilyn Hebing	11:05	
Treasurer	Lea Voss	11:10	
Planning & Development / Public Health	Matt Wyant/Maria Sieck	11:15	
Roads	John Rasmussen	11:20	
Conservation	Mark Shoemaker	11:25	
Medical Examiner	Cheri Dahlheim	11:30	
Veteran Affairs	Nick Jedlicka	11:35	
Buildings & Grounds	Jason Slack	11:40	
Attorney	Matt Wilber	11:50	
IT	David Bayer	11:55	
Auditor	Melvyn Houser	12:00	
HR	Jana Lemrick	12:05	
Board of Supervisors		12:10	
Community Services	Suzanne Watson	12:15	

# **Other Business**

## Jana Lemrick / Director, HR

Discussion and/or decision on: Pay for employees working COVID response / mass vaccination clinic

## Jana Lemrick / Director, HR

Discussion and/or decision on: Review of Employee Handbook policy #608, Inclement Weather/Emergency Courthouse Closing Title:Inclement Weather/Emergency Courthouse ClosingPolicy Number:608Effective Date:July 1, 2009Revision Date:Soard of Supervisors

#### Policy:

It is the policy that county offices will remain open in all but the most extreme weather conditions and in emergency situations. Unless an emergency closing is announced, all employees are expected to report to work in accordance with their regular work schedule. However, all employees are urged to use their own discretion in deciding whether they can commute safely to work.

#### Comments:

#### Inclement Weather:

- (1) If weather conditions prevent an employee from reporting to work or from reporting to work on time, the employee is responsible for notifying his/her supervisor.
- (2) If an employee is unable to be present at work, reports to work late or leaves work prior to the designated quitting time due to weather conditions, the employee shall utilize appropriate paid leave in order to receive full pay. If an employee's appropriate paid leave accounts have been exhausted, then the employee shall receive leave without pay. Employees shall not be allowed to utilize sick leave if absent as a result of weather conditions.

#### Emergency Closing of County Facilities:

- (1) If the Board of Supervisors closes the courthouse due to an "emergency" situation, there may be circumstances under which essential personnel are required to work. The Board of Supervisors and individual Department Heads shall designate those essential personnel as the situation dictates.
- (2) In the event of an emergency closing, each Department Head is responsible for notifying their employees. Notification of closing will also be announced as early as possible through the media.
- (3) It is the responsibility of the Department Head to maintain an accurate employee listing if an emergency situation and/or natural disaster would occur and access to the courthouse and county records is restricted. In order to communicate with employees in these type of situations, the employee is required to provide the Department Head with current home

telephone number(s), cellular telephone number(s), residence address and personal email address. The Department Head will ensure the privacy of this information and shall only utilize this information in emergency situations.

The Board of Supervisor's shall maintain an accurate listing of contact information for each Department Head.

(4) When county offices are officially closed due to emergency situations, employees shall be compensated at their regular rate of pay for the remaining balance of the work day.

If county offices are officially closed for any length of time due to a natural disaster or any other type of emergency situation, the Board of Supervisor's shall determine what, if any, compensation is to be made to affected county employees. When making their decision, the Board of Supervisor's shall take into consideration the type of disaster, the length of time it will take to recover and current county policies and procedures.

# **Received/Filed**

# **Closed Session**