# **January 3, 2023**

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

# 1. CONSENT AGENDA

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

A. December 27, 2022, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

Motion by Schultz, second by Grobe, to adjourn Sine Die. Motion Carried.

	Tim Wichman, Chairman
<u> </u>	
Melvyn Hous	ser, County Auditor

APPROVED: January 10, 2023

PUBLISH: X

#### **January 3, 2023**

#### MET IN REGULAR SESSION

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

#### 2. SCHEDULED SESSIONS

District Court Judge Maggie Popp Reyes appeared to swear in the following elected officials: Scott Belt, Board of Supervisors, Susan Miller, Board of Supervisors, Jeff Jorgensen, Board of Supervisors, Lea Voss, Treasurer, Matt Wilber, Attorney and Andrew Moats, Recorder.

Motion by Shea, second by Belt, to appoint Melvyn Houser, County Auditor, as Temporary Chairperson for the election of a new Board Chairman and Chairman Pro-Tem for the year 2023.

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

Houser announced nominations are now in order for the office of Chairman for 2023.

Shea was nominated by Wichman.

There being no further nominations, Houser declared it ceased. The Board proceeded to vote as follows:

Wichman voted for Shea; Shea voted for Shea; Belt voted for Shea; Miller voted for Shea; and Jorgensen voted for Shea.

Shea was elected Chairman for 2023.

Houser announced nominations are now in order for the office of Chairperson Pro-Tem for 2023.

Belt was nominated by Wichman.

There being no further nominations, Melvyn Houser, County Auditor, declared it ceased. The Board proceeded to vote as follows:

Wichman voted for Belt; Shea voted for Belt; Belt voted for Belt; Miller voted for Belt; and Jorgensen voted for Belt.

Belt was elected Chairman Pro-Tem for 2023.

Thereupon, Houser, Temporary Chairperson, turned the meeting over to Chairman Brian Shea.

Motion by Miller, second by Belt, to approve and authorize Board to sign **Resolution No. 06-2023**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

# RESOLUTION NO. 06-2023

# RESOLUTION AUTHORIZING THE COUNTY ENGINEER TO CLOSE SECONDARY ROADS FOR CONSTRUCTION AND/OR MAINTENANCE.

WHEREAS, Section 306.41 of the Code of Iowa, 2002, provides that "The agency having jurisdiction and control over any highway in the state, or the chief engineer of said agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance, or natural disaster and shall cause to be erected ROAD CLOSED signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any

person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor,"

**NOW THEREFORE BE IT RESOLVED** by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that the County Engineer be authorized to close Pottawattamie County Secondary roads as necessary with the actual dates of closure to be determined by the County Engineer as follows:

For Construction: Any project as described in the approved "Pottawattamie County Secondary Road Construction Program for the fiscal year 2023-2024, and any approved supplements thereto."

For Emergency Closure of any road for maintenance purposes: Any route deemed necessary by the County Engineer.

Dated this 3rd day of January, 2023.

#### ROLL CALL VOTE

			ABSTAIN	ABSENT
	AYE	NAY		
Brian Shea	0	0	0	0
Tim Wichman	0	0	Ο	0
Scott Belt	0	0	0	0
Susan Miller	0	0	0	0
Jeff Jorgensen	0	0	Ο	0
ATTEST: Melvyn Houser, County				
RECOMMENDED:	G . F .			

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 07-2023**, entitled: Resolution to Authorize the County Engineer to Certify Completion Papers and Make Final Acceptance of Contract Work on the Farm to Market and Federal Aid Systems. Said Resolution is set out as follows:

# **RESOLUTION NO. 07-2023**

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ADMINISTER AND MANAGE CONTRACTS FOR THE SECONDARY ROADS DEPARTMENT, CERTIFY COMPLETION PAPERS AND MAKE FINAL ACCEPTANCE OF CONTRACT WORK USING LOCAL, FARM TO MARKET, AND FEDERAL AID FUNDS.

WHEREAS, it is necessary that the Pottawattamie County Engineer be empowered by the Pottawattamie County Board of Supervisors to execute the Certificate of Completion and make final acceptance of Farm-to-Market contract construction work as provided for in Section 310 of the Code of Iowa, 2002, as well as, Local and Federally funded contract construction work,

**NOW THEREFORE BE IT RESOLVED** by the Pottawattamie County Board of Supervisors in session this 3rd day of January, 2023, that said County Engineer John A. Rasmussen, be hereby designated, authorized, and empowered on behalf of the Pottawattamie County Board of Supervisors to administer and manage contracts for the Secondary Roads Department, execute the Certification of Completion of Work and Final Acceptance thereof in accordance with plans and specifications utilizing Local, Farm-to-

Market and Federally funded construction projects for the Secondary Roads Department in Pottawattamie County for the year 2023.

POLL CALL VOTE

Dated this 3rd day of January, 2023.

		KULL	CALL VO	) I E
	AYE	NAY	ABSTAIN	ABSENT
Brian Shea	0	0	0	0
Difaii Silea				
Tim Wichman	0	0	0	0
	0	0	0	0
Scott Belt				
Susan Miller	0	0	0	0
	0	0	0	0
Jeff Jorgensen	O	Ü	Ü	Ü
ATTEST:				
Melvyn Houser, County Auditor				
RECOMMENDED:				
Pottawattamie County Engi	neer			

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 08-2023**, entitled: Resolution to Authorize the County Engineer to Issue and sign Special Permits for the Movement of Vehicles of Excessive Size and Weight Upon Pottawattamie County Secondary Roads. Said Resolution is set out as follows:

#### **RESOLUTION NO. 08-2023**

RESOLUTION TO AUTHORIZE THE COUNTY ENGINEER TO ISSUE AND SIGN SPECIAL PERMITS FOR THE MOVEMENT OF VEHICLES OF EXCESSIVE SIZE AND WEIGHT UPON POTTAWATTAMIE COUNTY SECONDARY ROADS.

**WHEREAS**, the Board of Supervisors is empowered under authority of Section 321E.1 of the 2002 Code of Iowa to issue permits for the movement of machines, vehicles, or loads, or combinations thereof which exceed the maximum dimensions and/or weights specified in Sections 321.452 to 321.466 but within the limitations of Chapter 321E upon Secondary Roads under their jurisdiction, and

**WHEREAS**, it is important that such permits be issued by persons familiar with the statutes and regulations relating to such permits and also with the limitations of the County's roadways, road surfaces, and structures along the selected or designated routes,

**NOW THEREFORE BE IT RESOLVED** by the Pottawattamie County Board of Supervisors in session this 3<sup>rd</sup> day of January, 2023, that the Pottawattamie County Engineer and the following named employees of the Secondary Roads Department be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Pottawattamie County Secondary Roads in accordance with said Chapters 321E and 321 as amended:

John A. Rasmussen, County Engineer Mike Bonnet, Program Administrator Kristina R. Treantos, Operations Administrator

Dated this 3rd day of January, 2023.

		ROLL CALL VOIL			
	AYE	NAY	ABSTAIN	ABSENT	
		0	0	0	
Brain Shea					

	U	0	O	
Tim Wichman				
	0	0	0	С
Scott Belt				
	0	0	0	С
Susan Miller				
	0	0	0	С
Jeff Jorgensen				
ATTEST:				
Melvyn Houser, County Auditor				
RECOMMENDED:				
D	- ·			

Pottawattamie County Engineer

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

Motion by Belt, second by Jorgensen, to sign contract to purchase additional Right of Way from Patrick E and Doris A Montang in the amount of \$1,380.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to sign contract to purchase additional Right of Way from Eric G and Nicole L Thomsen in the amount of \$5,012.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to sign contract to purchase additional Right of Way from Jeffrey and Julieann Karloff in the amount of \$8,118.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Miller, to sign contract to purchase additional Right of Way from CMRS, LLC in the amount of \$15,602.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to sign contract to purchase additional Right of Way from Brandt Land Company in the amount of \$11,936.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to sign Leasehold Interest Contract to Kelby Vorthman in the amount of \$100.00.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to sign Leasehold Interest Contract to Tom Heitman as a donation.

UNANIMOUS VOTE. Motion Carried.

## 3. OTHER BUSINESS

Motion by Jorgensen, second by Belt, to adopt Robert's Rules of Order as written rules of parliamentary procedures for transaction of business in meetings, except when it conflicts with the Code of Iowa. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to establish a policy that the Board of Supervisors' regular sessions will be held on the following day(s): Tuesday at 10:00 A..M. It shall be the prerogative of the Chairman, with Board approval, to cancel or add a meeting day.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 01-2023**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:

### **RESOLUTION NO. 01-2023**

**BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that the Auditor be, and is hereby authorized and directed to issue warrants in payment of claims before audit, and when the Board is not in session for the following purposes:

#### **FIRST:**

For salaries where such compensation shall have been previously fixed by the Board of Supervisors. When services of an employee are terminated upon certification of the officer under which such compensation has been earned.

#### **SECOND:**

For transportation of persons transferred at the County's expense to various State Institutions, when such expenses have been previously authorized and ordered by the court or direction of the Department of Human Services, and to include transients for Pottawattamie County Human Services.

#### **THIRD:**

For Clerk of Court's certified bills for payment of Grand Jury.

#### **FOURTH:**

For benefits for salaries on County payroll, where benefit rates have been previously fixed by the Board of Supervisors.

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
	0	0	0	0
Brian Shea				
	0	0	0	0
Tim Wichman				
	0	0	0	0
Scott Belt				
	0	0	0	0
Susan Miller				
·	0	0	0	0
Jeff Jorgensen				
ATTEST:				
Melvyn Houser, County Auditor				

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 02-2023**, a Resolution pertaining to the Auditor destroying county vouchers and canceled county warrants which have been on file for more than ten years. Said Resolution is set out as follows:

#### **RESOLUTION NO. 02-2023**

WHEREAS, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2013; and

WHEREAS, Code of Iowa, Section 331.323(e), requires the Board of Supervisors to authorize the Auditor to destroy county vouchers and canceled county warrants, which have been on file for more than ten years.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors, Pottawattamie County, Iowa, authorizes the Auditor to destroy county vouchers and canceled county warrants dated before January 1, 2013.

Dated this 3<sup>rd</sup> Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
	0	0	0	0
Brian Shea				
	0	0	0	0
Tim Wichman				

	0	0	0	0
Scott Belt				
Susan Miller	0	0	0	0
	0	0	0	0
Jeff Jorgensen				
ATTEST:				
Melvyn Houser, County Auditor				

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

Motion by Miller, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 03-2023**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

# **RESOLUTION NO. 03-2023**

#### RESOLUTION APPOINTING DEPUTIES

**WHEREAS**, the Code of Iowa, Chapter 331.903, states that the auditor, treasurer, recorder, sheriff and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible, and

**WHEREAS**, the number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board, and

**WHEREAS**, each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment and during the absence or disability of the principal officer, the first deputy shall perform the duties of the principal officer.

**NOW THEREFORE BE IT RESOLVED**, that the Pottawattamie County Board of Supervisors hereby approves the following deputy appointments:

Attorney
Auditor

Kristin M. Everett, First Deputy
Linda Swolley, First Deputy, Real Estate
Kristy Hassay, Second Deputy, Real Estate
Lynn Herrington, First Deputy
Sheriff
Treasurer

Jamie Smothers, First Deputy
Heather Ausdemore, First Deputy

Dated this 3rd Day of January, 2023.

## ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
	0	0	0	0
Brian Shea				
	0	0	0	0
Tim Wichman				
	0	0	0	0
Scott Belt				
Susan Miller	0	0	0	0
	0	0	0	0
Jeff Jorgensen				
ATTEST:				
Melvyn Houser, County Auditor				

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 04-2023**, a Resolution pertaining to the taxable value of the lengths of mileage of the several railroad, telegraph, telephone, and express companies in Pottawattamie County. Said Resolution is set out as follows: **RESOLUTION NO. 04-2023** 

**BE IT RESOLVED**, by the Board of Supervisors of Pottawattamie County, Iowa, that it is hereby ordered that the lengths of the mileage of the several railroad, and express companies in Pottawattamie County, and the taxable value thereof, as fixed by the Department of Revenue, within the several towns, townships, and school districts of Pottawattamie County be fixed according to schedule and the County Auditor is hereby ordered to publish and spread the same upon the taxes levied for said County for the Fiscal Year 2023-2024.

# RECAPITULATION RAILROADS \$ 80,214,174.97 PIPELINE \$ 84,796,613.30 TOTAL FOR COUNTY \$ 165,010,788.27

Dated this 3rd Day of January, 2023.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Brian Shea	0	0	0	0
Tim Wichman	0	0	0	0
Scott Belt	0	0	0	0
Susan Miller	0	0	0	0
Jeff Jorgensen	0	0	0	0
ATTEST:				

Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve and authorize Board to sign **Resolution No. 05-2023**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

# RESOLUTION NO. 05-2023 CONSTRUCTION EVALUATION RESOLUTION

**WHEREAS**, Iowa Code Section 459.304(3), sets out the procedure if a Board of Supervisors wishes to adopt a "Construction Evaluation Resolution" relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2023, and January 31, 2024, and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in Iowa Code Section 459.305, but the Board's

recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code Section 459.304(3).

Dated this 3rd day of January, 2023.

#### ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
Brian Shea	0	0	0	0
Tim Wichman	0	0	0	0
Scott Belt	0	0	0	0
Susan Miller	0	0	0	0
Jeff Jorgensen	0	0	0	0
ATTEST: Melvyn Houser County Auditor				

Melvyn Houser, County Auditor

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

Motion by Belt, second by Miller, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2023 year: The Herald-Oakland, The Avoca Journal Herald-Avoca; and The Daily Nonpareil-Council Bluffs. The County shall pay no more than Iowa Code allows for legal publications in these newspapers.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Jorgensen, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2023, as per Code of Iowa, Section 33.1:

MARTIN LUTHER KING, JR. DAY JANUARY 16, 2023 PRESIDENT'S DAY **FEBRUARY 20, 2023** MEMORIAL DAY MAY 29, 2023 INDEPENDENCE DAY JULY 4, 2023 LABOR DAY SEPTEMBER 4, 2023 VETERAN'S DAY (observed) **NOVEMBER 10, 2023** THANKSGIVING DAY **NOVEMBER 23, 2023** LIEU OF LINCOLN'S BIRTHDAY **NOVEMBER 24, 2023 CHRISTMAS DECEMBER 25, 2023** NEW YEAR'S DAY 2023 **JANUARY 1, 2024** 

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve Federal Standard Mileage Rate for 2023, at  $65.5\phi$  per mile

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller, to approve Wichman as first representative, and Jorgensen as second representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2023. UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Wichman, to approve appointment of Belt as first representative, and Miller as second representative to the Fourth Judicial District Department of Correctional Services Board of Directors for 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Miller, to approve appointment of Belt as first representative, and Jorgensen as second representative to IGHCP Board for 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve appointment of Miller as first representative, and Shea as second representative to MAPA for 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve reimbursement amount of \$50 per month for Elected Officials' mobile cellular usage for 2023.

UNANIMOUS VOTE. Motion Carried.

Motion by Miller, second by Belt, to approve appointment of Jana Lemrick as Title VI Coordinator. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Miller to approve precinct election official compensation as follows:

A. Discussion and review of Board Members' assignments to 2023 Representative

Precinct Chairperson: \$250 per election and \$8 per hour for election training sessions.

Precinct Officials: \$200 per election and \$8 per hour for election training sessions. Officials serving a half a day \$100, anything less than half of day is paid at \$8 per hour.

Special Precinct Election Board, Result Couriers, Health Care Facility Board, Post-Election Audit, Satellite workers, extra Help in the Office: \$15 per hour. Mileage is paid per Board of Supervisors yearly approved amount

UNANIMOUS VOTE. Motion Carried.

#### 4. REPRESENTATIVE APPOINTMENTS

Appointments.	-	•
	Primary:	Secondary:
Advance SW Iowa Corp		
Council Bluffs Airport Authority		
Conservation Board		
E911 Board		
East Pott Soil and Water Conserv.		
EMA Board		
Golden Hills RC&D		·
Hungry Canyons		
Loess Hills Alliance Board		·
PACE		·
712 Initiative		·
Pott County Trails		·
Promise Partners		·
SW Iowa Juvenile Services		·
SWIPCO/SWITA		·
Veteran Affairs		·
Public Health		·
West Central Community Action		
West Pott Soil and Water Conserv.		
WIDA		
Workforce Investments Board		
Pott County Quarterly Dept. Head		
Pott County Operations Committee		
Pott County Wellness Committee		
Pott County Tourism		

# 5. RECEIVED/FILED

Discussion only. No Action Taken.

A. Salary Action(s):

- 1) Sheriff Payroll Status Change for Brandy Paulson.
- 2) Conservation Employment of William Spagnotti and Christopher Jackson as a Ski/Snowboard Instructors.
- 3) Conservation Employment of Luz Buss as a Kitchen Staff Team Member.
- 4) Conservation Payroll/status change for Matt Smith and Kallie Larson.

## 6. PUBLIC COMMENTS

No Public Comments.

# 7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:35 A. M

Brian Shea, Chairman

Melvyn Houser, County Auditor

APPROVED: January 10, 2023

PUBLISH: X

ATTEST: