

January 2, 2024

MET IN REGULAR SESSION

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

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PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. December 26, 2023, Minutes as read.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to adjourn Sine Die.  
UNANIMOUS VOTE. Motion Carried.

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Brian Shea, Chairman

ATTEST: 

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Melvyn Houser, County Auditor

APPROVED: January 2, 2024  
PUBLISH: X

**January 2, 2024**

**MET IN REGULAR SESSION**

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

Chairman Shea presiding.

Chairman Pro-Tem Belt presiding

**2. SCHEDULED SESSIONS**

Motion by Shea, second by Belt, to appoint Melvyn Houser/County Auditor, as Temporary Chair for the election of a new Board Chair and Chair Pro-Tem for the year 2024.

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

Houser announced nominations are now in order for the office of Chair for 2024.

Miller was nominated by Shea.

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

Shea voted for Miller;

Belt voted for Miler;

Wichman voted for Miller;

Miller voted for Miller; and

Jorgensen voted for Miller.

Miller was elected Chair for 2024.

Houser announced nominations are now in order for the office of Chair Pro-Tem for 2024.

Belt was nominated by Miller.

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

Shea voted for Belt;

Belt voted for Belt;

Wichman voted for Belt;

Miller voted for Belt and

Jorgensen voted for Belt.

Scott Belt was elected Chair Pro-Tem for 2024.

Thereupon, Houser/Temporary Chair, turned the meeting over to Chair Susan Miller.

Motion by Shea, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 06-2024**, entitled: Resolution Authorizing the County Engineer to Close Secondary Roads for Construction and/or Maintenance. Said Resolution is set out as follows:

**RESOLUTION NO. 06-2024**

**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 2nd day of January, 2024, 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 2024-2025, and any approved supplements thereto.”

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

**Dated this 2nd day of January, 2024.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
<hr/> Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Susan Miller	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<hr/> Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: 

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Melvyn Houser, County Auditor

RECOMMENDED: 

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Pottawattamie County Engineer

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

Motion by Belt, second by Shea, to approve and authorize Board to sign **Resolution No. 07-2024**, 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. 07-2024**

**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 2nd day of January, 2024, 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 2024.

Dated this 2nd day of January, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Brian Shea</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Scott Belt</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Tim Wichman</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Susan Miller</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Jeff Jorgensen</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>

ATTEST: 

Melvyn Houser, County Auditor

RECOMMENDED: 

Pottawattamie County Engineer

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

Motion by Wichman, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 08-2024**, 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. 08-2024

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 2nd day of January, 2024, 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  
Brandon Burmeister, Assistant County Engineer  
Mike Bonnet, Program Administrator  
Kristina R. Treantos, Operations Administrator

Dated this 2nd day of January, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>

Brian Shea				
_____	○	○	○	○
Scott Belt				
_____	○	○	○	○
Tim Wichman				
_____	○	○	○	○
Susan Miller				
_____	○	○	○	○
Jeff Jorgensen				

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

RECOMMENDED: \_\_\_\_\_  
Pottawattamie County Engineer

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

Motion by Wichman, second by Shea, to approve and authorize Board Chair to sign Secondary Roads Department’s Road Improvement Policy.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve and authorize Board Chair to sign the final voucher for project STBG-SWAP-C078(204) –FG-78 with Western Engineering.  
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Belt, second by Shea, 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 Shea, 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 A.M. It shall be the prerogative of the Chair, with Board approval, to cancel or add a meeting day.  
UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 01-2024**, a Resolution pertaining to the payment of County bills. Said Resolution is set out as follows:  
**RESOLUTION NO. 01-2024**

**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 2<sup>nd</sup> Day of January, 2024.

	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Brian Shea</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Scott Belt</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Tim Wichman</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Susan Miller</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Jeff Jorgensen</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor  
Roll Call Vote: **AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

Motion by Shea, second by Belt, to approve and authorize Board to sign **Resolution No. 02-2024**, 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. 02-2024**

**WHEREAS**, the Pottawattamie County Auditor has on file county vouchers and canceled county warrants, which have been on file on or before January 1, 2014; 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, 2014.

**Dated this 2nd Day of January, 2024.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Brian Shea</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Scott Belt</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Tim Wichman</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Susan Miller</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Jeff Jorgensen</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>

ATTEST: \_\_\_\_\_  
Melvyn Houser, County Auditor  
Roll Call Vote: **AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

Motion by Belt, second by Shea, to approve and authorize Board to sign **Resolution No. 03-2024**, a Resolution entitled: Resolution Appointing Deputies. Said Resolution is set out as follows:

**RESOLUTION NO. 03-2024**

**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	Jon Jacobmeier, Chief Deputy
Auditor	Linda Swolley, First Deputy, Real Estate
Recorder	Lynn Herrington, First Deputy
Sheriff	Jeff Theulen, Chief Deputy
Treasurer	Jamie Smothers, First Deputy
	Heather Ausdemore, First Deputy

Dated this 2nd Day of January, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Brian Shea</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Scott Belt</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Tim Wichman</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Susan Miller</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Jeff Jorgensen</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: 

Melvyn Houser, County Auditor

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

Motion by Shea, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 04-2024**, 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. 04-2024**

**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 2024-2025.

RECAPITULATION	
RAILROADS	\$ 84,725,289.19
PIPELINE	\$ 91,573,222.26
TOTAL FOR COUNTY	\$ 176,298,511.45

Dated this 2nd Day of January, 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Brian Shea</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Scott Belt</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Tim Wichman</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Susan Miller</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div><div></div><div>Jeff Jorgensen</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: 

Melvyn Houser, County Auditor

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

Motion by Wichman, second by Belt, to approve and authorize Board to sign **Resolution No. 05-2024**, a Resolution entitled: Construction Evaluation Resolution. Said Resolution is set out as follows:

RESOLUTION NO. 05-2024

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, 2024, and January 31, 2025, 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 2<sup>nd</sup> day of January, 2024.

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Brian Shea</div></div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



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Scott Belt	<div></div>	<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Tim Wichman	<div></div>	<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Susan Miller	<div></div>	<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
Jeff Jorgensen	<div></div>	<div></div>	<div></div>	<div></div>

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

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

Motion by Belt, second by Shea, to approve the following newspapers as Official Newspapers for Pottawattamie County, Iowa for the 2024 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 Wichman, second by Belt, to approve the Pottawattamie County Courthouse being closed on the following legal holidays for 2024, as per Code of Iowa, Section 33.1:

MARTIN LUTHER KING, JR. DAY	JANUARY 15, 2024
PRESIDENT’S DAY	FEBRUARY 19, 2024
MEMORIAL DAY	MAY 27, 2024
INDEPENDENCE DAY	JULY 4, 2024
LABOR DAY	SEPTEMBER 2, 2024
VETERAN’S DAY (observed)	NOVEMBER 11, 2024
THANKSGIVING DAY	NOVEMBER 28, 2024
LIEU OF LINCOLN’S BIRTHDAY	NOVEMBER 29, 2024
CHRISTMAS	DECEMBER 25, 2024
NEW YEAR’S DAY 2024	JANUARY 1, 2025

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Jorgensen, to approve Federal Standard Mileage Rate for 2024, at 67¢ per mile.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve Wichman as representative to the Southwest Iowa Region Mental Health & Disability Services Board for 2024.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve appointment of Belt as first representative, to the Fourth Judicial District Department of Correctional Services Board of Directors for 2024.  
UNANIMOUS VOTE. Motion Carried

Motion by Wichman, second by Jorgensen, to approve appointment of Belt as first representative, and Jana Lemrick as second representative to IGHCP Board for 2024.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve appointment of Belt as first representative, and Miller as second representative to MAPA for 2024.  
UNANIMOUS VOTE. Motion Carried.

After discussion was held by the Board, a Motion was made by Shea, and seconded by Jorgensen, to approve assignment to 2024 Representative Meetings as follows:

	Primary:	Secondary:
Advance SW Iowa Corp	Shea	Wichman
Council Bluffs Airport Authority	Jorgensen	Belt
Conservation Board	Wichman	Shea
E911 Board	Shea	Miller
East Pott Soil and Water Conserv.	Wichman	Miller
EMA Board	Shea	Miller
Golden Hills RC&D	Miller	Jorgensen
Hungry Canyons	Jorgensen	

Iowa West Racing Assoc	Belt	Miller
Loess Hills Alliance Board	Shea	Jorgensen
PACE	Jorgensen	Miller
712 Initiative	Miller	Belt
Pott County Trails	Shea	Jorgensen
Promise Partners	Belt	Miller
SW Iowa Juvenile Services	Jorgensen	Miller
SWIPCO/SWITA	Miller	
Veteran Service	Jorgensen	Shea
Board of Health	Shea	Belt
West Central Community Action	Jorgensen	Shea
West Pott Soil and Water Conserv.	Wichman	Belt
WIDA	Miller	Shea
Workforce Investments Board	Belt	Shea
Pott County Quarterly Dept. Head	Miller	Wichman
Pott County Ops/Policy Committee	Miller	Belt
Pott County Wellness Committee	Wichman	Miller
Pott County Tourism	Jorgensen	Shea
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 2024.  
UNANIMOUS VOTE. Motion Carried.

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

Motion by Shea, second by Jorgensen, to approve precinct election official compensation as follows:  
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.

Motion by Jorgensen, second by Shea, to amend **Resolution No. 09-2024** to change from \$40 to \$50 for Clerks for TOWNSHIP TRUSTEE AND CLERK COMPENSATION.  
UNANIMOUS VOTE. Motion Carried

Motion by Jorgensen, second by Shea, to approve and authorize Board to sign amended **Resolution No. 09-2024** entitled: TOWNSHIP TRUSTEE AND CLERK COMPENSATION.

**RESOLUTION NO. 09-2024**  
**TOWNSHIP TRUSTEE AND CLERK COMPENSATION**

**WHEREAS**, the Pottawattamie County Board of Supervisors currently authorizes that all Township Trustees and Clerks may be compensated at the rate of \$50.00 per meeting, and

**WHEREAS**, all Trustees and Clerks are expected to attend three (3) meetings per fiscal year (Pre-budget, Budget, and Financial Report). The number of county paid meetings may only exceed three (3) in any year with prior approval from the Board of Supervisors. The meetings must be open to the public, posted at the County Court House and the Trustee or Clerk must attend the meeting to request payment.

**WHEREAS**, Clerks are expected to conduct work sessions each month at which they update township receipts, disbursements, and other official records. Clerks may be compensated at a rate of \$50.00 per month for this time. Only Township Clerks will be compensated for said work sessions and said sessions are limited to twelve (12) per year.

**WHEREAS**, all payments shall be made by the County Auditor’s Office and a completed affidavit timesheet shall be submitted to receive payment.

**NOW, THEREFORE, BE IT RESOLVED** that the Pottawattamie County Board of Supervisors authorized the Compensation and number of meetings/work sessions effective January 1, 2024:

**Approved this 2nd day of January, 2024.**

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
<u>Brian Shea</u>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>
<u>Scott Belt</u>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>
<u>Tim Wichman</u>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>
<u>Susan Miller</u>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>
<u>Jeff Jorgensen</u>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>

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

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

Motion by Belt, second by Shea, to approve and authorize Chair to sign Contract Number 23-01 for 2023 Pottawattamie County Housing Trust Fund Grant Amendment 1.  
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Report(s):
  - 1) Sheriff Report of Fees Disbursed and Collected for November 2023.
- B. Salary Action(s):
  - 1) Sheriff – Payroll status change for Chad Freeberg and Richard Hiatt.
  - 2) Communications – Payroll status change for Torie Brummett, Rachel Bieghler, and Jamie Watts.
  - 3) Jail – Payroll status change for Melissa McLean.
  - 4) Conservation – Employment of Joshua Dickinson as a Natural Areas Management Intern-Hitchcock.

6. PUBLIC COMMENTS

No Public Comments.

7. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 11:08 A.M

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: January 9, 2024  
PUBLISH: X

January 9, 2024

MET IN REGULAR SESSION  
The Board of Supervisors met in regular session at 10:00 A.M. All members present with Supervisor Belt attending via phone. Chairperson Miller presiding.

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. January 2, 2024, Minutes as read.
- B. Secondary Roads – Employment of Brandon Burmeister as an Assistant Engineer.
- C. Thriving Families Alliance – Employment of Caelan Sauberan as a Part Time Administrative Assistant.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Recognition of January 9, 2024, as National Law Enforcement Appreciation Day.

Motion by Shea, second by Wichman, to approve and authorize Board to sign **Resolution No. 10-2024**, a Resolution approving the increase in the Depository limit for the Treasurer’s Office. Total Maximum Deposit under this resolution is \$220,900,000.00. Authorizing the County Treasurer to invest \$5 million into Midstates Bank in a 7-month CD.

RESOLUTION NO. 10-2024

NAME OF DEPOSITORY	LOCATION	MAXIMUM DEPOSIT UNDER THIS RESOLUTION
<u>COUNTY TREASURER</u>		
Rolling Hills Bank	Walnut	1,900,000.00
Arbor Bank	Oakland	2,500,000.00
Midstates Bank	Council Bluffs	7,000,000.00
Midstates Bank	Avoca	100,000.00
Great Western Bank	Oakland	1,500,000.00
American National Bank	Council Bluffs	200,000,000.00
Treynor State Bank	Treynor	2,500,000.00
US Bank	Council Bluffs	3,000,000.00
<u>COUNTY AUDITOR</u>		
American National Bank	Council Bluffs	500,000.00
<u>COUNTY CONSERVATION</u>		
American National Bank	Council Bluffs	200,000.00
<u>COUNTY PLANNING</u>		
American National Bank	Council Bluffs	200,000.00
<u>COUNTY RECORDER</u>		
American National Bank	Council Bluffs	500,000.00
<u>COUNTY SHERIFF</u>		
American National Bank	Council Bluffs	1,000,000.00
TOTAL		\$220,900,000.00

Passed and Approved this 9th day of January 2024.

ROLL CALL VOTE

AYE    NAY    ABSTAIN    ABSENT

<hr/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Susan Miller, Chair				
<hr/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scott Belt				
<hr/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tim Wichman				
<hr/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Brian Shea				
<hr/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jeff Jorgensen				

ATTEST: \_\_\_\_\_  
Becky Lenihan, Finance & Tax Officer, Auditor’s Office  
**Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve pay range increase for Attorney II to be at a Step 11.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to fill vacancies on the Conservation Board to Chris Ruhaak for a 5-year term, and Brittany McGee to finish out Kelly Dix term which will end 2026.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to authorize the Chair to sign the forgiveness portion of the small-town forgivable note for Treynor.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve the following applications made to the Assessor’s Office: Homestead (approximately 254 recommend allowed, 6 recommend disallowed), Military (22 recommend allowed, 2 recommend disallowed), Disabled Veteran Homestead (15 recommend allowed, 1 recommend disallowed), Family Farm (12 recommend allowed, 1 recommend disallowed).  
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
  - 1) Jail – Payroll status change for Dustin Ceder, Louis Trujillo, David Moritz, Matt Corum, Carie Savage, and Mike Mantell.
  - 2) Crescent Ridge Ski Hill – Payroll status change for Joseph Brunow and Ryan Dibben.
  - 3) Conservation – Payroll status change for Abigail Ridder.
  - 4) Buildings and Grounds – Payroll status change for Matthew Wiese.
  - 5) Crescent Ridge Ski Hill – Employment of Logan Laughhunn as a Kitchen Staff Team Member.
  - 6) Cresent Ridge Ski Hill – Employment of Harrison Smith and Jordan Smith as Rental Shop Team Members.
  - 7) Crescent Ridge Ski Hill – Employment of Tessa Clifton as a Hospitality and Guest Service Worker.
  - 8) Jail – Payroll status change for Steve Winchell, Jake Cotton, and Angela Rubek.
  - 9) Crescent Ridge Ski Hill – Employment of Dylan Reimer as a Ski/Snowboard Instructor.
  - 10) Crescent Ridge Ski Hill – Employment of Parker Peterson as a Chair Lift Attendant.
- B. Out of State Travel Notification(s):
  - 1) Sheriff – Out of State Travel for Megan Albers, Shannon Holman, and Steve Winchell.
  - 2) Jail – Out of State Travel for Trish Bernhards, Mark Smith, and Shannon Holman.
  - 3) Sheriff – Out of State Travel for Shannon Holman.
  - 4) Public Health – Out of State Travel for Jason Kuehnhold and Candy Heyer.

C. Report(s):

- 1) Recorder Fee Book for December 2023.

**6. PUBLIC COMMENTS**

No Public Comments.

The Board recessed at 10:45 A.M., until 1:00 P.M. for the scheduled Budget Study Session.

**7. CLOSED SESSIONS**

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

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

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

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

**8. BUDGET STUDY SESSION**

- 1) Treasurer
- 2) Recorder
- 3) GIS
- 4) IT
- 5) Buildings and Grounds

**9. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:49 P. M

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Susan Miller, Chair

ATTEST:

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Becky Lenihan, Finance & Tax Officer, Auditor's Office

APPROVED: January 16, 2024

PUBLISH: X

January 16, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. January 9, 2024, Minutes as read.
- B. December 2023 Vendor Publication Report.
- C. Attorney – Employment of James Hansen and Cassandra Erbyynn as an Attorney I.
- D. Attorney – Employment of Dan Salvo-McGinn as an Attorney II.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion made by Belt, second by Shea, to approve Neola Township to hold an optional 4<sup>th</sup> meeting. UNANIMOUS VOTE. Motion Carried.

Shalimar Mazetis/Rural Development, Advance Southwest Iowa Corporation appeared before the Board to give a presentation and provide an update on Advance Southwest Iowa Corporation for 2023 review. Discussion only. No action taken.

Motion by Shea, second by Belt, to approve and authorize Board to sign **Resolution No. 11-2024**, a Joint Project agreement for the Construction of a Pedestrian Trail along Eastern Hills Drive.

RESOLUTION 11-2024

RESOLUTION TO APPROVE AND AUTHORIZE THE CHAIRPERSON TO SIGN A “JOINT PROJECT AGREEMENT FOR THE CONSTRUCTION OF A PEDESTRIAN TRAIL ALONG EASTERN HILLS DRIVE”

WHEREAS, Pottawattamie County has purchased and is improving a property for municipal use within the City of Council Bluffs on Eastern Hills Drive, and

WHEREAS, the City of Council Bluffs requires sidewalk construction at the time of property development, and

WHEREAS, the current density of development makes continuous sidewalk or trail construction unfeasible at this time, and

WHEREAS, Iowa Code Chapter 28E authorizes the joint exercise of governmental powers, and

WHEREAS, the City of Council Bluffs will determine when the pedestrian trail is to be constructed given future development and growth in the area.

**NOW THEREFORE BE IT RESOLVED**, the Pottawattamie County Board of Supervisors authorizes the Chairperson to sign the “Joint Project Agreement for the Construction of a Pedestrian Trail along Eastern Hills Drive”.

Dated this 16th day of January, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div>Susan Miller, Chairperson</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Scott Belt</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Tim Wichman</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>







<div><div></div><div>Scott Belt</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Tim Wichman</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Brian Shea</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Jeff Jorgensen</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>

ATTEST: 

Melvyn Houser, Auditor

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

Motion by Wichman, second by Belt, to approve and authorize Board Chairperson to sign the final voucher for project STBG-SWAP-C078(201) –FG-78 with Western Engineering.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Board Chairperson to sign Clinical Service Provider Agreement with Mikaela Reynolds, APRN, WHNP-BC.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve and authorize Board Chairperson to sign Agreement between Pottawattamie County Board of Health and Pottawattamie County, Iowa, for the purpose of setting forth the terms under which the county will assist the Board of Health in the requested discharge of certain public health duties in Pottawattamie County.  
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Shea, second by Belt, to approve Pottawattamie County Treasurer’s Semi- Annual Report for 7/1/2023 – 12/31/2023.  
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week. Appointed Shea as Secondary for SWIPCO.  
Discussion only. No action taken.

5. RECEIVED/FILED

- A. Salary Action(s):
- 1) Sheriff – Payroll status change for Joshua Harker and Cassandra Green.

2) Crescent Ridge Ski Hill – Employment of Aaron Kiley as a Chair Lift Attendant.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.  
**Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

Motion by Shea, second by Wichman, to go out of Closed Session.  
**Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.**

8. BUDGET STUDY SESSION

- 1) Attorney

2) HR

3) Conservation

4) Planning

5) Environmental Health

- 6) Animal Control
- 7) Public Health
- 8) Sheriff
- 9) Jail
- 10) 911

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 4:30 P. M.

\_\_\_\_\_  
Susan Miller, Chair

ATTEST: \_\_\_\_\_  
Becky Lenihan, Finance & Tax Officer, Auditor’s Office

APPROVED: January 23, 2024  
PUBLISH: X

**January 23, 2024**

**MET IN REGULAR SESSION**

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

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

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

- A. January 16, 2024, Minutes as read.
- B. Secondary Roads – Approve 40-hour vacation buyback from Craig Jensen.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Belt, second by Jorgensen, to approve letter of intent for the Pottawattamie County Trails Association to secure financial grants for the construction of multi-use trails connecting our community. UNANIMOUS VOTE. Motion Carried.

Motion made by Shea, second by Belt, to approve Lewis Township to hold more than 3 meetings up to 12.

UNANIMOUS VOTE. Motion Carried.

Mark Eckman/Executive Director, Council Bluffs Convention & Visitors Bureau appeared before the Board to give an update on Pottawattamie Tourism. Discussion only. No Action Taken.

Motion by Jorgensen, second by Shea, to approve funding for Southwest Iowa Leadership Academy in the amount of \$2,500 to be paid out of gaming. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve submission of Final Plat for RMP 87 Subdivision for a 12-month extension. UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Wichman, to approve and authorize Board Chairperson to sign Urban Renewal Joint Agreement related to RMP 87 Subdivision. UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize Board to sign **Resolution No. 13-2024**, an amended Development Agreement with JJHP, LLC.

**RESOLUTION NO. 13-2024**

**Resolution Approving Amended Development Agreement with JJHP, LLC**

WHEREAS, Pottawattamie County, Iowa (the “County”), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Heartland Ridge Subdivision Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this Board of Supervisors (the “Board”) of the County has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal of and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the County has previously entered into a certain development agreement (the “Original Agreement”) with JJHP, LLC (the “Developer”) in connection with construction of public infrastructure (the “Project”) necessary to support the development of a residential subdivision in the Urban Renewal Area; and

WHEREAS, under the Original Agreement, the County has agreed to provide tax increment payments (the “Payments”) to the Developer in a total amount not exceeding \$4,000,000 from incremental property tax revenues derived from the Property; and

WHEREAS, the County and the Developer now propose to amend the Original Agreement in order to (1) adjust the date by which the Developer must submit the Triggering Certification (as defined in the Original Agreement) to the County; (2) update the LMI Amount (as defined in the Original Agreement); and (3) make other related changes; and

WHEREAS, an amended development agreement (the “Amended Agreement”) has been prepared to set forth the new understanding between the County and the Developer; and

WHEREAS, Chapter 15A of the Code of Iowa (“Chapter 15A”) declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a Board of Supervisors must consider any or all of a series of factors;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Pottawattamie County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board hereby reaffirms that:

- (a) The Project will add diversity and generate new opportunities for the Pottawattamie County and Iowa economies;
- (b) The Project will generate public gains and benefits, particularly in the creation of new jobs and housing opportunities, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Board further finds and reaffirms that a public purpose will reasonably be accomplished by entering into the Amended Agreement and providing the incremental property tax payments to the Developer.

Section 3. The Amended Agreement is hereby approved, and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Amended Agreement on behalf of the County, in substantially the form and content in which the Amended Agreement has been presented to this Board of Supervisors. Such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Amended Agreement.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved on January 23, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div>Susan Miller, Chairperson</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Scott Belt</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Tim Wichman</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Brian Shea</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Jeff Jorgensen</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

ATTEST: \_\_\_\_\_

Melvyn Houser, County Auditor

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

3. COMMITTEE APPOINTMENTS

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

4. RECEIVED/FILED

- A. Salary Action(s):
  - 1) Sheriff – Payroll status change for Carie Savage and Tom Smith.
  - 2) Communications – Payroll status change for Merissa Cox.
  - 3) Crescent Ridge Ski Hill – Employment of Christian Buhrman as a Kitchen Staff Team Member.
  - 4) Crescent Ridge Ski Hill – Payroll status for Peyton Bell.
  - 5) Jail – Payroll status change for Spencer Pingel and Connor Lange.
  - 6) Crescent Ridge Ski Hill – Employment of Cece Cronin, Mergan Cox, and Matthew Blair as Ski/Snowboard Instructors.

5. PUBLIC COMMENTS

No Public Comments.

6. STUDY SESSION

Ordinance No. 2023-05 to amend Chapter 8 “Zoning Ordinance” by adding Wind Energy and Solar Energy Systems (Case #ZTA-2023-03).  
Discussion only. No Action Taken.

7. CLOSED SESSIONS

Motion by Wichman, second by Shea, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Shea, second by Jorgensen, to go out of Closed Session.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

8. BUDGET STUDY SESSION

- 1) Medical Examiner
- 2) HHS
- 3) GA/MH/Substance
- 4) Veterans Service

9. ADJOURN

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

THE BOARD ADJOURNED SUBJECT TO CALL AT 2:08 P. M

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: January 30, 2024  
PUBLISH: X

**January 30, 2024**

**MET IN REGULAR SESSION**

The Board of Supervisors met in regular session at 10:00 A.M. All members present, except Supervisor Wichman, who appeared later at 10:55 A.M. Chairperson Miller presiding.

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

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

- A. January 23, 2024, Minutes as read.
- B. Jail – Employment of Asshanni Robb as a Detention Officer.
- C. Jail – Employment of Holly Lewis – Redmond as a Jail Secretary.
- D. Public Health – Employment of Alexis Gray as a Public Health Nurse-ITS.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion made by Shea, second by Belt, to approve Hungry Canyons Alliance’s annual membership fee of \$5,000 for the FY 24/25 to be paid from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion made by Belt, second by Jorgensen, to approve county libraries funding request in the amount of \$374,111 divided by the 5 libraries and to sign a 3-year contract.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Shea, to approve Pottawattamie County 2024 ICAP/IMWCA Insurance renewal of \$1,195,212.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to authorize Board Chairperson to sign certification form on FEMA CRS Community Annual Recertification and Progress Report.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve up to \$5,000 for attorney’s fee for final solar and wind update county ordinance.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve and authorize the Board to sign **Resolution No. 14-2024** adding 214<sup>th</sup> Street from Highway 92 to Greenview Road to the Official Bituminous Road classification; entitled: Resolution for Establishing Official Bituminous Roads.

**RESOLUTION NO. 14-2024**

**RESOLUTION FOR ESTABLISHING OFFICIAL BITUMINOUS ROADS**

WHEREAS, the Pottawattamie County, Iowa, Board of Supervisors, amended the Pottawattamie County, Iowa, Zoning Ordinance by adopting Ordinance #2015-05, effective December 18, 2015; and

WHEREAS, Section 8.002.200.150 defines “hardsurfaced street” as a street which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, County or state regulations or a street that the surfacing has been prepared and treated with a bituminous coating and designated by the County Board in a Resolution as an Official Bituminous Road; and

WHEREAS, the Board of Supervisors in conjunction with the County Engineer has reviewed the current Pottawattamie County, Iowa, Secondary Road System Roads and has determined that only certain roads are sufficiently improved with a bituminous product that warrants allowing residential development to take place along;

NOW, THEREFORE, BE IT RESOLVED, by the Pottawattamie County, Iowa, Board of Supervisors, that the following County Roads be classified as “Official Bituminous (Sealcoat, Blacktop, Asphalt) Roads ” for the purpose of satisfying Section 8.002.200.150 of the Pottawattamie County, Iowa, Zoning Ordinance:

Road Name	From	To
214 <sup>th</sup> Street	Hwy 92	Greenview Road

PASSED AND APPROVED January 30, 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div></div> <div>Susan Miller, Chairperson</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<div></div> <div>Scott Belt</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<div></div> <div>Tim Wichman</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<div></div> <div>Brian Shea</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<div></div> <div>Jeff Jorgensen</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: 

Melvyn Houser, County Auditor

Pottawattamie County, Iowa

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

3. OTHER BUSINESS

Motion by Shea, second by Jorgensen, to approve Southwest Iowa Planning Council (SWIPCO) annual membership dues in the amount of \$11,610 for FY 24/25 to be paid from gaming.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to approve Southwest Iowa Transit Agency (SWITA) funding request in the amount of \$6,000 for FY 24/25 to be paid from gaming.  
UNANIMOUS VOTE. Motion Carried.

Mitch Kay/Chief Financial Officer and David Bayer/Chief Information Officer, Information Technology appeared before the Board to give an update on the Audio/Visual upgrades for the Board Hearing Room.  
Discussion only. No action taken.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Report(s):

1) Sheriff Report of Fees Disbursed and Collected for December 2023.
- B. Salary Action(s):

1) Crescent Ridge Ski Hill – Employment of Crestina Pacheco and Martin Weiler as Ski/Snowboard Instructors.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSIONS

Motion by Wichman, second by Shea, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Wichman, second by Shea, to go out of Closed Session.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

8. BUDGET STUDY SESSION

- 1) WIC
- 2) Thriving Family Alliance

- 3) Secondary Roads
- 4) Auditor
- 5) Board of Supervisors

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:20 P. M

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: February 6, 2024  
PUBLISH: X



February 6, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. January 30, 2024, Minutes as read.
- B. Renewal of Class C Retail Liquor License, granting privileges of Class C Retail Liquor License for Palace Event Center, LLC d/b/a Palace Event Center, Treynor.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Belt, second by Jorgensen, to canvass the Macedonia City Council Special Election, and to authorize Auditor to pay election costs.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and sign project plans for L-2022-(DUMFRIES) – 73-78 and L-2022(240<sup>TH</sup>) - - 73-78 and set bid opening for 10 A.M. on February 27, 2024.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and authorize the Board to sign **Resolution No. 15-2024**, entitled: Bridge Embargo.

RESOLUTION 15-2024

BRIDGE EMBARGO

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.255 and 321.471 to 321.479 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: the County Engineer has completed (or has caused to be completed) the Structure Inventory and Appraisal of certain county bridges, in accordance with the National Bridge Inspection Standards and has determined (or it has been determined) that they are inadequate for two-lane legal loads at allowable operating stress.

NOW, THEREFORE, BE IT RESOLVED by the Pottawattamie County Board of Supervisors that vehicle and load limits be established and that signs be erected advising of the permissible maximum weights thereof on the bridges listed, as follows:

Structure Number	Feature Crossed	Location	Load Limit (Tons) All Vehicles
BO 15	Potato Creek	Sec. 24, T. 77, R. 43	22,32,33
BO 18	Pigeon Creek	Sec. 26, T 77, R 43	22,32,32 One Lane
BO 19	Pigeon Creek	Sec. 27, T 77, R 43	18,26,35, One Lane
CA 03	Trib. To West Nish. River	Sec 27, T 75, R 40	21,31,31
CE 03	Grabill Creek	Sec. 3, T 75, R 39	16,23,23
CE 15	Grabill Creek	Sec. 16, T 75, R 39	20,24,25 One Lane
CE 21	Jordan Creek	Sec. 23, T. 75, R. 39	25,36,40
GA 07	Indian Creek	Sec. 8, T 75, R 43	12,15,15
GR 02	Jordan Creek	Sec. 3, T 74, R 39	17,26,33
GR 05	Grabill Creek	Sec. 6, T. 74, R. 39	21,29,30 One Lane
GR 12	Jordan Creek	Sec. 17, T. 74, R 39	7 Tons All Vehicles, One Lane
HA 01	Keg Creek	Sec. 1, T. 75, R. 42	25,36,39
HA 11	Small Stream	Sec. 17, T 75, R 42	17,24,24 One Lane
JA 03	Small Stream	Sec. 3, T. 76, R. 40	23,30,39, One Lane
KC 06	Small Stream	Sec. 17, T 74, R 42	21,31,40
KC 15	Keg Creek	Sec. 28, T. 74, R. 42	25,36,39
LI 11	Walnut Creek	Sec. 15, T. 76, R. 38	22,35,40

MA 09	West Nishnabotna River	Sec. 21, T 74, R 40	38,40,48
MA 10	Grabill Creek	Sec. 24, T. 74, R. 40	12,19,23 One Lane
MA 11	Grabill Creek	Sec. 25, T. 74, R. 40	21,32,38
MI 01	Keg Creek	Sec. 2, T. 77, R. 41	23,32,32
NE 20	Mosquito Creek	Sec. 25, T. 77, R. 42	25,36,39
RO 06	Drainage Ditch	Sec. 9, T. 77, R. 44	25,36,40
RO 16	Honey Creek	Sec. 34, T. 77, R. 44	24,36,38
SC 18	Mud Creek	Sec. 25, T. 74, R. 41	25,36,40
SC 31	Mud Creek	Sec. 36, T 74, R 41	16,22,28
VA 29	Small Stream	Sec. 22, T. 76, R. 39	19,25,25
WR 01	Walnut Creek	Sec. 3, T 75, R 38	9,15,15, One Lane
WS 12	Little Silver Creek	Sec. 18, T. 75, R. 41	21,30,30, One Lane
WS 26	Middle Silver Creek	Sec. 17, T. 75, R. 41	21,30,30
WS 28	Small Stream	Sec. 23, T. 75, R. 41	20,31,31
WS 31	Silver Creek	Sec. 26, T. 75, R 41	3 Tons All Vehicles, One Lane
WS 42	Silver Creek	Sec. 35, T 75, R 41	18,22,22
WV 06	Drainage Ditch	Sec. 12, T, 74, R 38	17,24,31, One Lane
WV 12	Indian Creek	Sec. 17, T. 74, R. 38	25,26,35
YO 20	IAIS RR	Sec. 20, T. 76, R. 41	21,32,38
YO 28	Little Silver Creek	Sec. 27, T 76, R 41	25,36,40
CE 23	Jordan Creek	Sec. 24, T. 75, R. 39	One Lane
JA 04	Silver Creek	Sec. 4, T. 76, R. 40	One Lane
JA 10	Small Stream	Sec. 10, T. 76, R. 40	One Lane
LI 01	Small Stream	Sec. 3, T. 76, R. 38	One Lane
LY 21	Small Stream	Sec. 3, T. 77, R. 38	One Lane
MI 04	Mosquito Creek	Sec. 7, T. 77, R. 41	One Lane
NE 22	Pigeon Creek	Sec. 30, T. 77, R. 42	One Lane
NE 28	Small Stream	Sec. 35, T. 77, R. 42	One Lane
SC 20	Silver Creek	Sec. 28, T. 74, R. 41	One Lane
VA 18	Small Stream	Sec. 17, T. 76, R. 39	One Lane
VA 20	Small Stream	Sec. 17, T. 76, R. 39	One Lane
VA 30	Grabill Creek	Sec. 23, T. 76, R. 39	One Lane
WV 13	Drainage Ditch	Sec. 17, T. 74, R. 38	One Lane
YO 29	Little Silver Creek	Sec. 28, T. 76, R. 41	One Lane
CR 16	Pigeon Creek	Sec. 34, T. 76, R. 44	Bridge Closed

Dated this 6<sup>th</sup> day of February 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div>Susan Miller, Chairperson</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Scott Belt</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Tim Wichman</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Brian Shea</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Jeff Jorgensen</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ATTEST: _____				
Melvyn Houser, County Auditor				
Roll Call Vote: AYES: Miller, Belt, Wichman, Jorgensen. Motion Carried.				

3. OTHER BUSINESS

Motion by Wichman, second by Jorgensen, to approve bonding for all Elected Officials and Deputy County Officers, Clerks, and Cashiers and the amounts as follows: Auditor \$20,000, Board of Supervisors \$20,000,

Assessor \$20,000, Attorney \$20,000, Recorder \$20,000, Sheriff \$20,000, Treasurer \$50,000, Engineers \$2,000, Deputy County Officers, Clerks and Cashiers \$20,000  
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

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

5. RECEIVED/FILED

- A. Salary Action(s):
  - 1) Environmental Health – Payroll status change for Tracy Nosekabel.
  - 2) Communications – Payroll status change for Merissa Cox and Katherine Ritschard.
  - 3) Crescent Ridge Ski Hill – Payroll status change for Mallory Kjelgaard, Mary Graeve, Caden Reece, Charles Starkovich, Quinn Boland, and Ameila Chapdelaine.
- B. Out of State Travel Notification(s):
  - 1) Public Health – Out of State Travel Notifications for Maria Torres.
  - 2) Jail – Out of State Notifications for Kenneth Loghry, Riley Jones, Trish Bernhards, Shannon Holman, and Megan Albers.
- C. Report(s):
  - 1) Recorder Fee Book for January 2024.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:  
Matthew Spaccapaniccia and Julie Drennen.

The Board recessed at 10:28 A.M. and reconvened at the Burr Oak room located on the first floor of the Courthouse for the scheduled Closed Session and Budget Study Session.

7. CLOSED SESSION

Motion by Wichman, second by Belt, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Jorgensen. Motion Carried.

Motion by Belt, second by Jorgensen, to go out of Closed Session.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Jorgensen. Motion Carried.

8. BUDGET STUDY SESSION

Mitch Kay/Chief Financial Officer appeared before the Board for a Budget Study Session.  
Discussion only. No action taken.

9. ADJOURN

Chairperson Miller adjourned the meeting at 1:13 P.M.

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: February 13, 2024  
PUBLISH: X

**February 13, 2024**

**MET IN REGULAR SESSION**

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

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

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

- A. February 6, 2024, Minutes as read.
- B. January 2024 Vendor Publication Report.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Shea, second by Jorgensen, to open Public Hearing on **Ordinance No. 2024-01**, an ordinance to amend the Official Zoning Map of Pottawattamie County, Iowa by changing the district designation of approximately 35.94 acres from a Class A-3 (Riverfront and Ag Production) to Class I-1 (Limited Industrial) District.

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

Brian Easton; 13511 192<sup>nd</sup> Street; appeared before the Board, concern is the traffic.

Motion by Jorgensen, second by Belt, to close public hearing.

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

Motion by Wichman, second by Shea, to approve First Consideration of **Ordinance No. 2024-01** to amend the Official Zoning Map of Pottawattamie County, Iowa by changing the district designation of approximately 35.94 acres from a Class A-3 (Riverfront and Ag Production) to Class I-1 (Limited Industrial) District; and to set date for Second Consideration for February 20, 2024, at 10:00 A.M.

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

Motion by Shea, second by Belt, to open Public Hearing on **Ordinance No. 2024-02**, an ordinance to amend Pottawattamie County, Iowa Zoning Ordinance, Chapter 8.004.095 Accessory Dwelling Unit.

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

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

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

Motion by Jorgensen, second by Shea, to approve First Consideration of **Ordinance No. 2024-02** to amend Pottawattamie County, Iowa Zoning Ordinance, Chapter 8.004.095 Accessory Dwelling Unit; and to set date for Second Consideration for February 20, 2024, at 10:00 A.M.

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

Kami Willett and Terry Gleaves, East Pottawattamie County Soil and Water appeared before the Board to discuss the Beaver Bounty Program.

Kami Willett/Chair, East Pottawattamie County Soil and Water and Laura Monson/Conservation Education Coordinator appeared before the Board to discuss the annual review of the 28E Agreement with West Pottawattamie Soil and Water Conservation District and East Pottawattamie County Soil and Water Conservation District for the funding administration, and implementation of the full-time Conservation Education Coordinator Position.

Discussion only. No Action Taken.

Motion by Shea, second by Jorgensen, to approve reappointment of Bernie Bolton to the Loess Hills Development and Conservation Authority for a term of two years expiring on 12/31/2025.

UNANIMOUS VOTE. Motion Carried.

Steve Winchell/Captain, Jail update on US Marshals federal contract for the jail.

Discussion only. No Action Taken.

Motion by Shea, second by Jorgensen, to approve the Security Maintenance Contract for FY 24/25 to Electric Company of Omaha in the amount of \$16,156.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to select survey services to facilitate dispensing parcel #744412380001 to Snyder and Associates, not to exceed \$5,000.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, to remove the two sidewalks and railings on the West side of the Courthouse, to be done in house.

UNANIMOUS VOTE. Motion Carried.

Paula Hazlewood/CEO, Advance Southwest Iowa Corporation and Mike Hornacek/President & CEO, Together Inc. appeared before the Board for an introduction and presentation on Together Inc.

Discussion only. No Action Taken.

Paula Hazlewood/CEO, Advance Southwest Iowa Corporation appeared before the Board to provide an update on Economic Development.

Discussion only. No Action Taken.

### **3. OTHER BUSINESS**

Motion by Shea, second by Jorgensen, to authorize Board Chair to sign Modification Agreement on the small-town forgivable note for the City of Avoca, giving them an extension deadline of September 30<sup>th</sup>, 2025.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Shea, to approve and authorize Board Chair to sign Agreement with the City of Avoca Police Department for computer purchase to be paid back by Avoca.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Belt, for approval of the policy for animal control officer on-call pay practices from \$1 per hour to \$2 per hour.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Shea, to approve job description modification for Chair Lift Attendant position.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve job description and pay for part-time Environmental Educator position.

UNANIMOUS VOTE. Motion Carried.

### **4. RECEIVED/FILED**

#### **A. Out of State Travel Notification(s):**

- 1) Jail – Out of State Travel Notification for Donald Henningsen and Amber Roberts.

#### **B. Salary Action(s):**

- 1) Jail – Payroll status change for Trevor Ceder, Riley Jones, Michael Eckmann, Ben Heath, Steve Noecker, Garrett Lembke, Luis Trujillo, Taylor Thomas, and Cory Elonich.
- 2) Attorney – Payroll status change for Emily Grothe, Tammy Herring, and Patrick Sondag.
- 3) Auditor – Payroll status change for Candy Lewis and Dixie Wilson.
- 4) Crescent Ridge Ski Hill – Payroll status change for Chloe Subbert-Borgaila.
- 5) Crescent Ridge Ski Hill – Employment of Kelly Sandberg as a Hospitality and Guest Services Worker.
- 6) Recorder – Payroll status change for Mary Jo Turpen.
- 7) Information Technology – Payroll status change for Matthew Reeves and Kelly Greer.

### **5. PUBLIC COMMENTS**

No Public Comments.

### **6. CLOSED SESSIONS**

Motion by Wichman, 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.

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

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

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

Outside of Closed Session, a Motion was made by Wichman, second by Jorgensen, to approve items discussed in closed session.

UNANIMOUS VOTE. Motion Carried.

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

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

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

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

7. BUDGET STUDY SESSION

8. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 3:10 P. M

\_\_\_\_\_  
Susan Miller, Chair

ATTEST: \_\_\_\_\_  
Becky Lenihan, Finance & Tax Officer, Auditor’s Office and Kristen Bracker, Attorney

APPROVED: February 20, 2024

PUBLISH: X

February 20, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

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

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

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

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

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

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

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

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

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

RESOLUTION NO. 16-2024

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

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

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

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

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









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

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

**3. OTHER BUSINESS**

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

**4. COMMITTEE APPOINTMENTS**

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

**5. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Secondary Roads – Payroll status change for Jason Hough.
  - 2) Human Resources – Payroll status change for Jana Lemrick.
  - 3) Sheriff – Payroll status change for Noah Hahn.
  - 4) Sheriff – Payroll status change for Travis Steffens and Brandon Allen.
- B. Out of State Travel Notification(s):
  - 1) Risk Management – Out of State Travel Notification for Garfield Coleman and Jacob Head.

**6. PUBLIC COMMENTS**

No Public Comments.

**7. CLOSED SESSIONS**

Motion by Wichman, second by Shea, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Shea, second by Belt, to go out of Closed Session.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

**8. BUDGET STUDY SESSION**

**9. ADJOURN**

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

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

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: February 27, 2024  
PUBLISH: X

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

**1. CONSENT AGENDA**

After discussion was held by the Board, a Motion was made by Shea, and seconded by Jorgensen, to remove item 3. C. b. from the agenda and to approve Consent Agenda:

- A. February 20, 2024, Minutes as read.
- B. Publication of Pottawattamie County Salary Listing for 2023.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Belt, second by Shea, to open bids for Dumfries Avenue and 240<sup>th</sup> Street Paving Project.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve the Honeysuckle Road Special Assessment District provided to the property owners at the original cost.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to set the Honeysuckle Road cost share amount at \$122,101.20 which is the original cost.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to set the Honeysuckle Road interest rate at 0% for apportionment.

UNANIMOUS VOTE. Motion Carried.

Motion by Belt, second by Shea, to approve Layton Township to hold more than 3 meetings, up to 8 per year.

UNANIMOUS VOTE. Motion Carried.

Lance Brisbois and Seth Brooks/Golden Hills appeared before the Board to present on activities with Golden Hills.

Discussion only. No action taken.

Motion by Wichman, second by Shea, to approve funding request for Golden Hills, in the amount of \$15,000 from gaming.

UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve Third Consideration of **Ordinance No. 2023-05**, an ordinance to amend Chapter 8 "Zoning Ordinance" by adding Wind Energy and Solar Energy Systems (Case#ZAT-2023-03) and to adopt Ordinance 2023-05 into law.

**POTTAWATTAMIE COUNTY, IOWA  
ORDINANCE NO. 2023-05**

**AN ORDINANCE** to amend the following Chapter 8, Pottawattamie County, Iowa Zoning Ordinance:

- General typographical and grammar error corrections.
- Repeal a definition for BOARD: The Board of Adjustment of Pottawattamie County, Iowa and replace with a definition for Adjustment Board: The Board of Adjustment of Pottawattamie County, Iowa.
- Amend by replacing all references to Board with Adjustment Board.
- Amend by replacing all references to Board of Supervisors with County Board.
- Add a definition for CONCENTRATED SOLAR ENERGY SYSTEMS: A solar energy system that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area.
- Add a definition for NON-PARTICIPATING LANDOWNER: Any landowner not under agreement with the owner or operator of a solar energy system or wind energy system.
- Add a definition for PARTICIPATING LANDOWNER: Any landowner under lease, easement or other property agreement(s) with the owner or operator of a solar energy system or wind energy system.
- Add a definition for SOLAR ENERGY SYSTEM, COMMERCIAL (CSES): A solar energy system that generates electricity from solar energy primarily for sale to an electric utility or other third-party commercial or industrial user. CSES shall include but are not limited to solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical

collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity.

- Add a definition for SOLAR ENERGY SYSTEM, NON-COMMERCIAL (SES): A solar energy system that generates electricity from solar energy primarily for use on the same site or the same land use with which the system is associated.
- Repeal a definition for WIND TURBINE GENERATOR, COMMERCIAL AND NON-COMMERCIAL and replace with a definition for WIND TURBINE GENERATOR, COMMERCIAL AND NON-COMMERCIAL (WTG): A system of components including, but not limited to, a foundation, tower, nacelle, generator, and blades that together comprise a machine that generates electricity using wind energy.
- Repeal a definition for WIND FARM, COMMERCIAL and replace with a definition for WIND ENERGY SYSTEM, COMMERCIAL (CWES): A wind energy system that generates electricity from wind energy primarily for sale to an electric utility or other third-party commercial or industrial user. CWES shall include but are not limited to WTGs, support structures, inverters/transformers, operations and maintenance buildings, meteorological towers, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity.
- Repeal a definition for WIND FARM, NON-COMMERCIAL and replace with a definition for WIND ENERGY SYSTEM, NON-COMMERCIAL (WES): A wind energy system that generates electricity from wind energy primarily for use on the same site or the same land use with which the system is associated.
- Add a definition for WIND TURBINE GENERATOR (WTG): A system of components including, but not limited to, a foundation, tower, nacelle, generator and blades that together comprise a machine that generates electricity using wind energy.
- Repeal Subsection 8.004.210 Reserved and replace with Solar Energy Systems
- Repeal Subsection 8.004.230 Wind Turbine Generator and replace with Wind Energy Systems, Commercial
- Repeal Subsection 8.004.240 Non-Commercial Wind Turbine and replace with Wind Energy Systems, Non-Commercial
- Add Section 8.004.085.18 SOLAR ENERGY SYSTEMS, NON-COMMERCIAL (SES), subject to the provisions of Section 8.040.210.
- Add Section 8.004.085.18 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES), subject to the provisions of Section 8.040.240, except in the A-4, R-1, R-2 and R-3 Districts.
- Delete Section 8.010.020.08 Wind Farms, both commercial and non-commercial subject to the requirements of 8.004.230 and 8.004.240.
- Add Section 8.010.030.21 Wind Energy Systems, Commercial, subject to the requirements of 8.004.230.
- Add Section 8.010.030.22 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.
- Delete Section 8.012.020.06 Wind Farms, both commercial and non-commercial subject to the requirements of 8.004.230 and 8.004.240.
- Add Section 8.012.030.11 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.
- Repeal Section 8.014.030.17 Wind Farms, Non-Commercial and replace with Section 8.014.030.17 Wind Energy Systems, Non-Commercial (WES), subject to the requirements of 8.004.240.
- Repeal Section 8.015.030.12 Wind Farms, Non-Commercial and replace with Section 8.015.030.12 Wind Energy Systems, Non-Commercial (WES), subject to the requirements of 8.004.240.
- Add Section 8.015.030.13 Solar Energy Systems, Commercial subject to the requirements of 8.040.210.
- Repeal Section 8.020.030.11 Wind Farms, Non-Commercial and replace with Section 8.020.030.11 Wind Energy Systems, Non-Commercial (WES), subject to the requirements of 8.004.240.
- Add Section 8.035.030.07 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.
- Add Section 8.035.030.08 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.
- Add Section 8.040.030.06 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.
- Add Section 8.040.030.07 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.
- Add Section 8.045.030.04 Solar Energy Systems, Commercial subject to the requirements of 8.040.210.
- Add Section 8.045.040.07 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.

- Add Section 8.045.040.08 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.
- Add Section 8.050.030.09 Solar Energy Systems, Commercial subject to the requirements of 8.040.210.
- Add Section 8.050.040.06 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.
- Add Section 8.050.040.07 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.
- Add Section 8.051.030.06 Solar Energy Systems, Commercial subject to the requirements of 8.040.210.
- Add Section 8.051.040.04 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.
- Add Section 8.051.040.05 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.
- Add Section 8.055.030.08 Solar Energy Systems, Commercial subject to the requirements of 8.040.210.
- Add Section 8.055.040.04 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.
- Add Section 8.055.040.05 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.
- Add Section 8.060.030.19 S D. Solar Energy Systems, Commercial subject to the requirements of 8.040.210.
- Add Section 8.060.040.04 Solar Energy Systems, Non-Commercial subject to the requirements of 8.040.210.
- Add Section 8.050.040.05 Wind Energy Systems, Non-Commercial subject to the requirements of 8.040.240.

**BE IT ORDAINED BY THE COUNTY BOARD 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 definitions, to be codified as Section 8.002.040 C.075, definition of Concentrated Solar Energy Systems:  
8.002.040 C

.075 CONCENTRATED SOLAR ENERGY SYSTEMS: A solar energy system that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area.

**SECTION 2 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new definitions, to be codified as Section 8.002.150 N.040, definition of Non-Participating Landowner:  
8.002.150 N

.040 NON-PARTICIPATING LANDOWNER: Any landowner not under agreement with the owner or operator of a solar energy system or wind energy system.

**SECTION 3 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new definitions, to be codified as Section 8.002.170 P.011, definition of Participating Landowner:  
8.002.170 P

.011 PARTICIPATING LANDOWNER: Any landowner under lease, easement or other property agreement(s) with the owner or operator of a solar energy system or wind energy system.

**SECTION 4 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new definitions, to be codified as Section 8.002.200 S.061, definition of Solar Energy System, Commercial:  
8.002.200 S

.061 SOLAR ENERGY SYSTEM, COMMERCIAL (CSES): A solar energy system that generates electricity from solar energy primarily for sale to an electric utility or other third-party commercial or industrial user. CSES shall include but are not limited to solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity.

**SECTION 5 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new definitions, to be codified as Section 8.002.200 S.062, definition of Solar Energy System, Non-Commercial:  
8.002.200 S

.062 SOLAR ENERGY SYSTEM, NON-COMMERCIAL (SES): A solar energy system that generates electricity from solar energy primarily for use on the same site or the same land use with which the system is associated.

**SECTION 6 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing a definition for Wind Turbine Generator, Commercial and Non-Commercial and replacing it thereto with the following new definitions, to be codified as Section 8.002.240 W.030, definition of Wind Energy System, Commercial:

8.002.240 W

.030 WIND TURBINE GENERATOR, COMMERCIAL AND NON-COMMERCIAL(WTG): A system of components including, but not limited to, a foundation, tower, nacelle, generator and blades that together comprise a machine that generates electricity using wind energy and connects to the electrical transmission or local distribution grid.

- .01 Blade. An element of a WTG which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- .02 Tower. The support structure, above grade, that supports the nacelle and rotor assembly.
- .03 Foundation. The Tower support structure, above and/or below grade that supports the entire weight of the Wind Turbine Generator.
- .04 Total Height. The height from grade to the highest vertical point of the swept arc. In the case of a WTG with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the WTG.
- .05 Substation. An electrical construction designed to collect and modify electrical energy produced by the WTG.

**SECTION 7 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing a definition for Wind Farm, Commercial and replacing it thereto with the following new definitions, to be codified as Section 8.002.240 W.010, definition of Wind Energy System, Commercial:

8.002.240 W

.010 WIND ENERGY SYSTEM, COMMERCIAL (CWES): A wind energy system that generates electricity from wind energy primarily for sale to an electric utility or other third-party commercial or industrial user. CWES shall include but are not limited to wind turbine generators, support structures, inverters/transformers, operations and maintenance buildings, meteorological towers, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity.

**SECTION 8 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing a definition for Wind Farm, Non Commercial and replacing it thereto with the following new definitions, to be codified as Section 8.002.240 W.020, definition of Wind Energy System, Non-Commercial:

8.002.240 W

.020 WIND ENERGY SYSTEM, NON-COMMERCIAL (WES): A wind energy system that generates electricity from wind energy primarily for use on the same site or the same land use with which the system is associated.

**SECTION 9a – REPEAL OF CONFLICTING ORDINANCES:** That Section 8.004.210 is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 9b - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.004.210, as follows:

8.004.210 SOLAR ENERGY SYSTEMS

- .01 PURPOSE: The purpose of this ordinance is to facilitate the construction, installation, and operation of solar energy systems in Pottawattamie County in a manner that promotes economic development, protects property values, and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, conservation lands, and other sensitive lands.

- .02 CONSTRUCTION; CONFLICT: This ordinance does not repeal, abrogate, annul, impair or interfere with any existing ordinance. If this section 8.004.210 conflicts with any other provision of the Pottawattamie County, Iowa, Zoning Ordinance, this section 8.004.210 shall control.
- .03 SOLAR ENERGY SYSTEMS, COMMERCIAL (CSES):
- A. PURPOSE: This section provides uniform and comprehensive standards for the installation and use of CSES. CSES shall include but are not limited to solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity. The intent of this section is to protect the public health, safety, and community welfare while allowing development of utility-scale solar energy resources for utility, commercial and industrial purposes.
  - B. CONDITIONAL USE: CSES shall require a conditional use permit within the A-2, A-3, R-1, C-1, C-2, C-3, I-1 and I-2 zoning districts. This use is prohibited in all other zoning districts in the County. Concentrated solar energy systems are prohibited in the County. Where CSES are part of a unified plan or aggregated project, the applicant may submit a single conditional use permit application and may sign the application in lieu of individual property owner(s). The applicant shall provide reasonable documentation evidencing the property owner(s) authorize the applicant to construct and operate a CSES on the property or to seek a conditional use permit for such purpose.
  - C. SPECIAL REQUIREMENTS: CSES are subject to the following requirements:
    1. HEIGHT: A solar panel shall be no less than two (2) feet off the ground. A solar panel shall not exceed twenty (20) feet in height above grade at maximum tilt of the solar panel.
    2. SETBACKS: CSES shall be setback from lot lines as set forth in underlying zoning district. Solar panels within a CSES shall not be located less than three hundred (300) feet from the closest exterior wall of any non-participating dwelling. There shall be no setback to any participating dwelling. There shall be no side or rear yard setback for any lot line where the CSES is located on abutting participating parcels.
    3. SUBMITTAL REQUIREMENTS: The applicant shall submit all materials contained in this section at the time of the application for a conditional use permit.
    4. PERMITTING PROCESS: The applicant shall go through the following process for conditional use permit approval:
      - a. Applicant shall meet with the Development Director and submit all required documents.
      - b. Development Director will submit all documents to the Pottawattamie County Department Approval Committee. Said Committee shall consist of the County Board and the Development Director along with the department head or the designated employee from the following departments: Conservation, County Engineer/Secondary Roads, and Sheriff. All identified departments must approve with signature that all requirements pertaining to that department are met prior to submission to the Adjustment Board.
      - c. The conditional use permit application shall be presented to the Adjustment Board for a public hearing and decision on the conditional use permit.
      - d. County Board shall consider a decommissioning plan, decommissioning agreement (including financial security), Public Roads Damage Avoidance and Mitigation Plan and related agreement. The CSES may not proceed to construction until the County Board has approved these
    5. SECURITY; FENCING: Absent contrary direction from the Iowa Utilities Board, the CSES shall be fenced with a minimum eight-foot (8') tall security fence,. "Warning/No Trespassing" signs, as well as contact information for emergency purposes, shall be posted within sight of all points of fence line or no greater than one hundred fifty feet (150') apart. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with the chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.
    6. AGRICULTURAL IMPACT MITIGATION PLAN: The applicant shall submit a plan with the conditional use permit application detailing the mitigation strategy to support agricultural use of the land. The plan will be reviewed by the Development Director and shall include, but is not limited to:



- a. Results of a soil analysis conducted and assessed by a qualified professional to determine topsoil depths, as well as identify any limitations for construction and mitigation that may require special consideration.
  - b. General list of project components and construction timeline.
  - c. Describe best practices and methods to be used during each stage of construction for protecting and preserving topsoil. Practices and methods should address, at minimum, avoidance of removal of topsoil. However, if removal of topsoil is necessary, applicant should plan for segregation, stockpiling, replacement during backfill and respreading, grading minimization, compaction prevention and decompaction of otherwise undisturbed topsoil impact by heavy equipment or storage of materials and wet weather conditions.
  - d. Describe environmental monitoring that will be used during construction to ensure adherence to the best practices contained in the plan. The monitoring should be done by an environmental professional at the expense of the developer. The monitoring results should be submitted to the County through the Planning Department every thirty (30) days during construction.
  - e. Describe the general procedures to be used for identification, avoidance and repair of any underground drainage tile lines located within the project site before, during and after construction.
7. **SOIL EROSION AND SEDIMENT CONTROL:** The applicant shall conduct all roadwork and other site development work in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation), and a national pollutant discharge elimination system (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit to the Development Director for review and comment along with an erosion and sediment control plan before the commencement of construction. The plan must include both general “best management practices” for temporary erosion and sediment control (both during and after construction) and permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment laden run-off into waterways.
8. **VEGETATION MITIGATION PLAN:**
- a. A Vegetation Mitigation Plan must be provided to the Planning and Development Department with the conditional use permit application. The Vegetation Mitigation Plan will be reviewed by the Development Director.
  - b. Ground under and around the CSES shall be planted with a perennial vegetative ground cover as identified in the Vegetation Mitigation Plan. The ground cover plan shall be developed in accordance with the following standards:
    - i. Avoid removal of topsoil to maximum extent possible during development and decommissioning unless part of a remediation effort.
    - ii. The vegetation shall be planted and maintained, per the Vegetation Mitigation Plan, for the full operational life of the CSES to prevent erosion, manage runoff and build soil. The Vegetation Mitigation Plan must include management methods and schedules for how the vegetation will be managed on an annual basis, with the particular attention given to the establishment period of approximately three (3) years. The Vegetation Mitigation Plan must include provisions for replacement of any required vegetation cover that fails to establish or dies during the life of the project.
    - iii. Plant materials for the ground cover area must not have been treated with systemic insecticides, particularly neonicotinoids.
    - iv. The application and Vegetation Mitigation Plan shall include the proposed seed mix specifications and growth guidelines to follow.
      - i. Seeding zones and their selected seed mixes should be clearly mapped on a site plan.
      - ii. Seed and/or planting mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals, such as those from a state department of natural resources, county soil and water conservation services, or natural resource conservation service.

- iii. Reporting to the County through the Planning Department on ground cover management and maintenance activities shall be on an annual basis for a minimum of five (5) years after which point reduced frequency can be requested and approved at the discretion of the Development Director.
  - iv. At the discretion of the Development Director, other practices, such as small-scale farming, beekeeping operations or grazing, may be allowed in the ground cover area as part of the conditional use permit.
- 9. **LANDSCAPING BUFFER:** To mitigate potential negative effects and reduce the visual impact of the CSES, a landscaping buffer shall be installed and maintained during the life of the CSES. Determination of screening requirements will be made by the approving authority as part of the review of the conditional use permit and will be based on adjacent or nearby surrounding land uses and topography. Where the approving authority finds that a landscaping buffer is appropriate, landscaping shall be installed within a planting area around the portions of the site specified by the approving authority in accordance with the standards as of this subsection. All applications for which this subsection applies shall submit a plan for review and approval. The landscaping buffer shall use trees, shrubs, grasses and forbs that are native to Iowa or where appropriate may include naturalized and non-invasive species or a combination thereof to provide a vegetation screen in all required areas.
- 10. **LIGHTING:** If lighting is provided for the CSES, lighting shall be shielded and downcast such that the light does not project directly onto the adjacent parcels.
- 11. **SOUND:** Sound levels caused by the CSES measured at the closest exterior wall of any non-participating residence shall not exceed forty (40) decibels (A-weighted).
- 12. **GLARE; AVIATION PROTECTION.** The CSES shall be designed and located to minimize glare towards any buildings on adjacent properties. Applicant must complete and provide with the application the results of a Solar Glare Hazard Analysis Tool or most recent version adopted by the Federal Aviation Administration (FAA). Applicant must provide evidence of notice and no response and/or non-objection from FAA and Offutt Air Force Base that the CSES will not affect commercial or military flights.
- 13. **UTILITY CONNECTIONS:** Applicant shall make reasonable efforts to place all collection lines within the CSES underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. High-voltage lines between the CSES and substations may be above ground.
- 14. **OUTDOOR STORAGE:** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the CSES shall be allowed.
- 15. **ENDANGERED SPECIES AND WETLANDS:** Applicant shall consult with the Iowa Department of Natural Resources.
- 16. **WEED CONTROL:** Applicant must present an acceptable weed/grass control plan for property outside of the fenced area for the entire CSES. The CSES operator must maintain the fence and adhere to a weed control plan. The plan must be approved by the Development Director and Conservation Department.
- 17. **WASTE:** All solid wastes, whether generated from supplies, equipment parts, packaging, operation, grazed animals, farming operation or maintenance of the CSES, shall be removed from the site and disposed of in an appropriate manner. All hazardous waste shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal requirements.
- 18. **MAINTENANCE, REPAIR OR REPLACEMENT OF A FACILITY:** Maintenance shall include, but not limited to, painting, structural repairs, and integrity of security measures. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.
- 19. **CLEANING CHEMICALS AND SOLVENTS:** During operation of the CSES, all chemicals or solvents used to clean photovoltaic panels shall be low in volatile organic compounds and the operator shall use recyclable or biodegradable products to the extent possible. Any on-site storage of chemicals or solvents shall be referenced on the site plan.
- 20. **STORM WATER MANAGEMENT.** Prior to receiving a building permit, for the purposes of pollutant removal, storm water and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation).

21. ADMINISTRATION AND ENFORCEMENT: Development Director and any necessary personnel may enter any property for which a conditional use permit or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance, and code. Failure to provide access shall be deemed a violation of this ordinance.
- D. SAFETY: All CSES shall provide the following at all locked entrances:
1. A visible “High Voltage” warning sign.
  2. Name(s) and phone number(s) for the electric utility provider(s).
  3. Name(s) and phone number(s) for the site operator(s).
  4. The facility’s 911 address and GPS coordinates.
  5. The site operator will coordinate with the local fire department and Emergency Management to provide training on an annual basis for the first five (5) years the CSES is complete and in operation. Said training will commence within six (6) months prior to the completion of the CSES. After that, offered on an annual basis for the life of the project. All emergency responding agencies will sign off that said training was completed or offered.
- E. REPOWERING: At the discretion of the Development Director, proposals to replace more than twenty-five percent (25%) of the panels in a CSES within a twelve (12) month period may be required to submit a plan for review and approval with all associated costs assigned to the applicant and/or the property owner(s).
- F. ROADS: The applicant, owners and their contractors shall avoid damaging public roads to the greatest practicable extent and shall be responsible for repair of damage to public roads. A Public Roads Damage Avoidance and Mitigation Plan shall be in accordance with the following standards and approved by the County Board before the applicant commences construction:
1. IDENTIFICATION OF POTENTIAL ROADS USAGE: The applicant shall identify, in consultation with the County Engineer, all state and local public roads to be used within the County to transport equipment, parts and material for construction, operation or maintenance of the CSES and related components.
  2. DOCUMENTATION OF ROAD CONDITIONS: Prior to construction, decommissioning or implementation of a repowering plan, the County Engineer or a third-party consultant selected by the County Engineer shall document the current conditions of the roads identified for use with physical and video documentation. The County Engineer or a third-party consultant selected by the County Engineer shall document road conditions again thirty (30) days after the CSES construction, decommissioning or implementation of a repowering plan is complete, or as weather permits. The requirements of this Subsection shall be at the sole cost of the applicant or owner of the CSES.
  3. ROAD PREPARATION AND DAMAGE: The applicant or owner of the CSES shall promptly cause the completion of any necessary road preparation, maintenance or repair associated with CSES construction, operation, maintenance, decommissioning or implantation of a repowering plan, as identified by the County
  4. Engineer or a third-party consultant selected by the County Engineer. All road preparation, maintenance and repair shall be at the sole cost of the applicant or owner of the CSES and to reasonable satisfaction of the County Engineer based on the applicable standards and codes.
  5. FINANCIAL SURETY: Applicant shall demonstrate appropriate financial assurance to ensure road preparation, maintenance and repair. At the direction of the County Board, the applicant or the owner of the CSES may also be required to provide a financial surety instrument or bond at the time of permitting consideration.
- G. DECOMMISSIONING AND RECLAMATION PLAN: The applicant shall submit a decommissioning and reclamation plan to the Development Director with the conditional use permit application. The Development Director shall review the plan for completeness and refer it to the Adjustment Board for review in conjunction with the conditional use permit and the County Board for final consideration and approval prior to the applicant commencing construction. The plan shall include:
1. A description of the life of the CSES; the anticipated manner which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
  2. Estimates for the total cost for decommissioning at the current value at site as determined by a licensed engineer. Decommissioning cost estimates shall take salvage and resale value into account.
  3. A description of the means to remove the CSES and restore the land to its previous use upon the end of its life, as stated in the conditional use permit or this ordinance.

4. to remove structures, debris and associated equipment on the surface and to a level of not less than six (6) feet below the surface, and the timeline/sequence in which removal is expected to occur.
  5. Provisions to restore the soil, vegetation, and disturbed earth, which shall be graded and reseeded and/or the property may be returned to agricultural use. Avoidance of topsoil is preferred. The plan shall include environmental monitoring at the cost of the developer to be used in returning the project area back to agricultural use. Environmental monitoring shall include best practices to address at minimum invasive species prevention, erosion, sediment control and debris removal.
  6. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator of the CSES and any of their successors, assigns or heirs, and that the landowner has granted permission for access and easements of the property for decommissioning.
  7. **FINANCIAL SURETY:** No later than the tenth (10th) year following the date the applicant or CSES owner completes construction, as evidenced by a certificate of completion, the applicant or CSES owner shall provide a financial surety instrument to cover the cost of decommissioning in accordance with the following:
    - a. Decommissioning funds or financial surety shall be in an amount equal to the net cost for decommissioning the site, plus a ten percent (10%) contingency.
    - b. The financial surety shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance acceptable to the County Board. Any document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.
    - c. Financial surety shall be maintained for the remaining life of the CSES.
    - d. Every five (5) years, the CSES owner or operator shall retain an independent licensed engineer to re-estimate the total cost of decommissioning and attest that the value of the financial surety instrument is appropriate. This report shall be filed with the Planning and Development department and the Auditor. The decommissioning surety shall match the re-estimated cost of decommissioning plus a ten percent (10%) contingency. Within ninety (90) days of filing the re-estimation report with the County through the Planning Department, the CSES owner or operator shall cause the fund balance of the financial surety instrument to be adjusted, if applicable.
    - e. **RELEASE OF FINANCIAL SURETY:** Financial surety shall only be released by the County Board by the recommendation from the Development Director, after inspection and confirmation that all conditions of the decommissioning plan have been met.
- H. **INDEMNIFICATION AND LIABILITY:** The applicant, owner and/or operator of the CSES shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorneys' fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the CSES.
- I. **CESSATION OF OPERATIONS:** Any CSES that has not been in operation and producing electricity for at least one hundred and eighty (180) consecutive days, unless caused by a natural catastrophic event, shall be decommissioned. The Development Director shall notify the owner to decommission and remove the CSES. Within two hundred and seventy (270) days thereafter, the owner shall either submit evidence showing that the CSES has been operating and producing electricity or that it has been fully decommissioned in compliance with this Ordinance. If the owner fails to or refuses to remove the CSES, the violation shall be referred to the County Attorney. In the case of a natural catastrophic event, a detailed restoration plan to return to operational status must be provided to the Development Director.
- J. **VIOLATIONS & PENALTIES:** Violations and penalties of this section are set forth in Chapter 1.75 of the Pottawattamie County, Iowa, Code (Violations and Penalties).
- K. **RELATED RULES AND REGULATIONS:** Each CSES shall comply with all applicable local, state and federal requirements.
- L. **SEVERABILITY:** The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.
- M. **CONDITIONAL USE PERMIT FEE(S) FOR CSES:** The conditional use permit application fee(s) will be approved and adopted by resolution of the County Board and shall be set forth in Chapter 1.50 of the Pottawattamie County, Iowa, Code (Schedule of Fees).

.04 SOLAR ENERGY SYSTEMS, NON COMMERCIAL (SES):

- A. PURPOSE: This section provides uniform and comprehensive standards for the installation and the use of SES for on-site home, farm and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of this section is to protect the public health, safety and community welfare without unduly restricting the development of SES.
- B. ACCESSORY USE: SES shall be considered an accessory use to a permitted principal or conditional use in any zoning district.
- C. SPECIAL REQUIREMENTS: SES shall be subject to the requirements included in this section:
  - 1. GROUND MOUNTED SES HEIGHT: Shall not be greater than fifteen (15) feet at maximum tilt of the solar panel(s).
  - 2. STRUCTURE MOUNTED SES HEIGHT: Shall not be greater than the allowable height of any structure within the zoning district in which the SES is to be installed.
  - 3. SETBACKS: The ground mounted SES shall maintain perimeter setbacks including side and rear yard setbacks of ten (10) feet measured at full horizontal tilt and ten (10) feet from any other building or structure on the same lot. No solar panels within the SES may be located in the required front yard setback unless at least fifty (50) feet back from the edge of the county road right-of-way or at least eighty (80) feet back from the edge of state or federal road right-of-way.
  - 4. BUILDING CODES: All county, state and federal construction codes shall be followed.
  - 5. USE: SES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- D. BUILDING PERMIT: Before a building permit is issued, the following shall be submitted to the Development Director for review:
  - 1. Site Plan Showing:
    - a. Address, email address, and phone number of the property owner;
    - b. Parcel lines;
    - c. All existing structures with heights clearly marked;
    - d. Sanitary infrastructure (i.e., septic field);
    - e. Setback measurements;
    - f. Easements present on the property, including those for utilities;
    - g. Septic field tile location;
    - h. Floodplain location, if applicable;
    - i. Topography lines (2-foot contours);
    - j. Location of all solar panels and associated equipment; and
    - k. Location of the electrical disconnect for the SES.
  - 2. Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned SES.
  - 3. Evidence that the site plan has been submitted to the local fire protection district.
  - 4. Evidence that all contact information for site has been provided to Emergency Management.
  - 5. After a review and acceptance of site plan and required information, a building permit authorizing construction shall be issued.

**SECTION 10a – REPEAL OF CONFLICTING ORDINANCES:** That Section 8.004.230 is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 10b - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.004.230, as follows:

**8.004.230 WIND ENERGY SYSTEMS, COMMERCIAL (CWES)**

- .01 PURPOSE: This ordinance provides uniform and comprehensive standards for the installation and use of CWES. CWES shall include but are not limited to WTGs, support structures, inverters/transformers, operations and maintenance buildings, meteorological towers, electrical collector systems, energy storage technologies, wiring, communications, roads, substations and other equipment necessary for the generation, storage and delivery of electricity. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of utility-scale wind energy resources for utility, commercial and industrial purposes.
- .02 CONSTRUCTION; CONFLICT: This section does not repeal, abrogate, annul, impair or interfere with any existing ordinance. If this section 8.004.230 conflicts with any other provision of the Pottawattamie County, Iowa, Zoning Ordinance, this section 8.004.230 shall control.

- .03 **CONDITIONAL USE:** CWES shall require a conditional use permit within the A-2 zoning districts. This use is prohibited in all other zoning districts in the County. Where CWES are part of a unified plan or aggregated project, the applicant may submit a single conditional use permit application and may sign the application in lieu of individual property owner(s). The applicant shall provide reasonable documentation evidencing the property owner(s) authorize the applicant to construct and operate a CWES on the property or to seek a conditional use permit for such purpose.
- .04 **HEIGHT:** The total height of a WTF in a CWES shall not exceed four hundred twelve feet (412').
- .05 **SETBACKS:** Setbacks for CWES shall be as follows:
- A. **LOT LINES; PUBLIC RIGHT-OF-WAYS:** WTGs in a CWES shall not be located less than one thousand five hundred feet (1,500') to any lot line or public right-of-way as measured from the center of the WTG base; provided, however, there shall be no side or rear yard setback for any lot line where the CWES is located on abutting participating parcels.
  - B. **DWELLINGS:** WTGs in a CWES shall not be located less than one-half (1/2) mile to the closest exterior wall of any non-participating dwelling as measured from the center of the WTG base. CWES may be setback less than one-half (1/2) mile from any participating dwelling or any dwelling for which the property owner signs a waiver agreeing to reduce the setback distance; provided, however, in no event shall a CWES be located less than one and one-tenth (1.1) times the total height to any dwelling.
  - C. **INCORPORATED MUNICIPALITIES:** WTGs in a CWES shall not be located less than three (3) miles to the corporate limits of any incorporated municipality as measured from the center of the WTG base.
  - D. **COUNCIL BLUFFS MUNICIPAL AIRPORT:** WTGs in a CWES shall not be located less than three (3) miles to any lot line of the Council Bluffs Municipal Airport as measured from the center of the WTG base.
  - E. **PARKS AND HABITAT AREAS:** WTGs in a CWES shall not be located less than three (3) miles to any lot line of a designated Pottawattamie County Conservation park or habitat area as measured from the center of the WTG base.
- .06 **SPECIAL REQUIREMENTS:** CWES are subject to the following requirements:
- A. **SUBMITTAL REQUIREMENTS:** The applicant shall submit all materials contained in this section at the time of the application for a conditional use permit.
  - B. **PERMITTING PROCESS:** The applicant shall go through the following process for conditional use permit approval:
    1. Applicant shall meet with the Development Director and submit all required documents.
    2. Development Director will submit all documents to the Pottawattamie County Department Approval Committee. Said Committee shall consist of the County Board and the Development Director along with the department head or the designated employee from the following departments: Conservation, County Engineer/Secondary Roads, and Sheriff's Department. All identified departments must approve with signature that all requirements pertaining to that department are met prior to submission to the Adjustment Board.
    3. The conditional use permit application will be presented to the Adjustment Board for a public hearing and decision on the conditional use permit.
    4. County Board shall consider a decommissioning plan, decommissioning agreement (including financial security), Public Roads Damage Avoidance and Mitigation Plan and related agreement. The CWES may not proceed to construction until the County Board has approved these plans and the Chairperson and the applicant have executed these agreements.
    5. The use(s) outlined in the application shall be established in accordance with the draft plans considered by the approving authority within five (5) years of approval. "Commencing Construction" is determined by disturbance of soil at project site that is not part of a primary farming operation. Any portion of the development plan not completed within five (5) years of approval by the approving authority shall not be installed until the development has been reauthorized by the approving authority. Reauthorization shall be subject to the regulations in effect at the time reauthorization is requested.
  - C. **SECURITY; FENCING:** CWES shall be equipped with anti-climbing devices or be of a mono-tower type with locking doors. Tower climbing apparatus shall be at least ten (10) feet above ground level. At the discretion of the approving authority, critical electrical and communications equipment may be fenced with the chain-link fence topped with barbed wire when such measures are deemed necessary to ensure public safety.

- D. **AGRICULTURAL IMPACT MITIGATION PLAN:** The applicant shall submit a plan with the conditional use permit application detailing the mitigation strategy to support agricultural use of the land. The plan will be reviewed by the Development Director and shall include, but is not limited to:
1. Results of a soil analysis conducted and assessed by a qualified professional to determine topsoil depths, as well as identify any limitations for construction and mitigation that may require special consideration.
  2. General list of project components and construction timeline.
  3. Describe best practices and methods to be used during each stage of construction for protecting and preserving topsoil. Practices and methods should address, at minimum, avoidance of removal of topsoil. However, if removal of topsoil is necessary, applicant should plan for segregation, stockpiling, replacement during backfill and resspreading, grading minimization, compaction prevention and decompaction of otherwise undisturbed topsoil impact by heavy equipment or storage of materials and wet weather conditions.
  4. Describe environmental monitoring that will be used during construction to ensure adherence to the best practices contained in the plan. The monitoring should be done by an environmental professional at the expense of the developer. The monitoring results should be submitted to the County through the Planning Department every thirty (30) days during construction.
  5. Describe the general procedures to be used for identification, avoidance and repair of any underground drainage tile lines located within the project site before, during and after construction.
- E. **SOIL EROSION AND SEDIMENT CONTROL:** The applicant shall conduct all roadwork and other site development work in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation), and a national pollutant discharge elimination system (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit to the Development Director for review and comment along with an erosion and sediment control plan before the commencement of construction. The plan must include both general “best management practices” for temporary erosion and sediment control (both during and after construction) and permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment laden run-off into waterways.
- F. **LIGHTING:** Lighting shall be shielded such that the light does not project directly onto the adjacent parcels to the extent the FAA allows. If permitted by the FAA, all CWES shall utilize an aircraft detection lighting system (ADLS).
- G. **DESIGN:** CWES color and finish shall be white, gray or another non-obtrusive, non-reflective finish. There shall be no advertising, logo, or other symbols painted on the WTG other than those required by the FAA or other governing body. Each WTG shall have a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the CWES.
- H. **SOUND:** Sound levels caused by the CWES measured at least 25 feet from the closet exterior wall of any non-participating dwelling shall not exceed forty (40) decibels (A-weighted Leq, one hour). Each application shall include a professional third-party pre-construction sound study which includes all property within at least one (1) mile of each WTG and must be able to demonstrate compliance with the noise standards in this section.
- I. **SHADOW FLICKER:** For any WTG which is within half mile of any non-participating dwelling, applicant shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties. Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year.
- J. **UTILITY CONNECTIONS:** Applicant shall make reasonable efforts to place all collection lines within the CWES underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. High-voltage lines between the CWES and substations may be above ground.
- K. **OUTDOOR STORAGE:** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the CWES shall be allowed.
- L. **ENDANGERED SPECIES AND WETLANDS:** Applicant shall consult with the Iowa Department of Natural Resources.
- M. **WEED CONTROL:** Applicant must present an acceptable weed/grass control plan for property outside of the fenced area for the entire CWES. The CWES operator must maintain the fence and adhere to a weed control plan. The plan must be approved by the Development Director, and Conservation Department.

- N. **WASTE:** All solid wastes, whether generated from supplies, equipment parts, packaging, operation, grazed animals, farming operation or maintenance of the CWES, shall be removed from the site and disposed of in an appropriate manner. All hazardous waste shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal requirements.
  - O. **MAINTENANCE, REPAIR OR REPLACEMENT OF A FACILITY:** Maintenance shall include, but not limited to, painting, structural repairs, and integrity of security measures. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.
  - P. **STORM WATER MANAGEMENT.** Prior to receiving a building permit, for the purposes of pollutant removal, storm water and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan in compliance with Chapter 10.15 of the Pottawattamie County, Iowa, Code (Grading and Excavation).
  - Q. **AVIATION PROTECTION.** Wind turbine generators shall meet all FAA requirements, including but not limited to, lighting and radar interference issues. Applicant must provide evidence of notice and no response and/or non-objection from FAA and Offutt Air Force Base that the CWES will not affect commercial or military flights.
  - R. **ADMINISTRATION AND ENFORCEMENT:** Development Director and any necessary personnel may enter any property for which a conditional use permit or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance, and code. Failure to provide access shall be deemed a violation of this ordinance.
- .07 **SAFETY:** All CWES shall provide the following at all locked entrances:
- A. A visible “High Voltage” warning sign.
  - B. Name(s) and phone number(s) for the electric utility provider(s).
  - C. Name(s) and phone number(s) for the site operator(s).
  - D. The facility’s 911 address and GPS coordinates.
  - E. The site operator will coordinate with the local fire department and Emergency Management to provide training on an annual basis for the first five (5) years the CWES is complete and in operation. Said training will commence within six (6) months prior to the completion of the CWES. After that, offered on an annual basis for the life of the project. All emergency responding agencies will sign off that said training was completed or offered.
- .08 **REPOWERING:** At the discretion of the Development Director, proposals to replace more than twenty-five percent (25%) of the WTGs in a CWES within a twelve (12) month period may be required to submit a plan for review and approval with all associated costs assigned to the applicant and/or the property owner(s). Replacement for this purpose shall mean installing new blades of the same size, generator and nacelle. Any one of those items individually shall not constitute replacement in this context.
- .09 **ROADS:** The applicant, owners and their contractors shall avoid damaging public roads to the greatest practicable extent and shall be responsible for repair of damage to public roads. A Public Roads Damage Avoidance and Mitigation Plan shall be in accordance with the following standards and approved by the County Board before the applicant commences construction:
- A. **IDENTIFICATION OF POTENTIAL ROADS USAGE:** The applicant shall identify, in consultation with the County Engineer, all state and local public roads to be used within the County to transport equipment, parts and material for construction, operation or maintenance of the CWES and related components.
  - B. **DOCUMENTATION OF ROAD CONDITIONS:** Prior to construction, decommissioning or implementation of a repowering plan, the County Engineer or a third-party consultant selected by the County Engineer shall document the current conditions of the roads identified for use with physical and video documentation. The County Engineer or a third-party consultant selected by the County Engineer shall document road conditions again thirty (30) days after the CWES construction, decommissioning or implementation of a repowering plan is complete, or as weather permits. The requirements of this Subsection shall be at the sole cost of the applicant or owner of the CWES.
  - C. **ROAD PREPARATION AND DAMAGE:** The applicant or owner of the CWES shall promptly cause the completion of any necessary road preparation, maintenance or repair associated with CWES construction, operation, maintenance, decommissioning or implantation of a repowering plan, as identified by the County Engineer or a third-party consultant selected by the County Engineer. All road preparation, maintenance and repair shall be at the sole cost of the applicant or owner of the CWES and to reasonable satisfaction of the County Engineer based on the applicable standards and codes.
  - D. **FINANCIAL SURETY:** Applicant shall demonstrate appropriate financial assurance to ensure road preparation, maintenance and repair. At the direction of the County Board, the applicant or the owner of the CWES may also be required to provide a financial surety instrument or bond at the time of permitting consideration.



- .10 DECOMMISSIONING AND RECLAMATION PLAN: The applicant shall submit a decommissioning and reclamation plan to the Development Director with the conditional use permit application. The Development Director shall review the plan for completeness and refer it to the Adjustment Board for review in conjunction with the conditional use permit and the County Board for final consideration and approval prior to the applicant commencing construction. The plan shall include:
- A. A description of the life of the CWES; the anticipated manner which the project will be decommissioned, including plans to recycle components; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
  - B. Estimates for the total cost for decommissioning at the current value at site as determined by a licensed engineer. Decommissioning cost estimates shall take salvage and resale value into account.
  - C. A description of the means to remove the CWES and restore the land to its previous use upon the end of its life, as stated in the conditional use permit or this ordinance.
  - D. Provisions to remove structures, debris and associated equipment on the surface and to a level of not less than six (6) feet below the surface, and the timeline/sequence in which removal is expected to occur.
  - E. Provisions to restore the soil, vegetation, and disturbed earth, which shall be graded and reseeded and/or the property may be returned to agricultural use. Avoidance of topsoil is preferred. The plan shall include environmental monitoring at the cost of the developer to be used in returning the project area back to agricultural use. Environmental monitoring shall include best practices to address at minimum invasive species prevention, erosion, sediment control and debris removal.
  - F. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator of the CWES and any of their successors, assigns or heirs, and that the landowner has granted permission for access and easements of the property for decommissioning.
  - G. FINANCIAL SURETY: No later than the tenth (10th) year following the date the applicant or CWES owner completes construction, as evidenced by a certificate of completion, the applicant of CWES owner shall provide a financial surety instrument to cover the cost of decommissioning in accordance with the following:
    1. Decommissioning funds or financial surety shall be in an amount equal to the net cost for decommissioning the site, plus a ten percent (10%) contingency.
    2. The financial surety shall be maintained in the form of cash, certificate of deposit, performance bond, escrow account, surety bond, letter of credit, corporate guarantee or other form of financial assurance acceptable to the County Board. Any document evidencing the maintenance of the financial surety shall include provisions for releasing the funds to the County in the event decommissioning is not completed in a timely manner.
    3. Financial surety shall be maintained for the remaining life of the CWES.
    4. Every five (5) years, the CWES owner or operator shall retain an independent licensed engineer to re-estimate the total cost of decommissioning and attest that the value of the financial surety instrument is appropriate. This report shall be filed with the Planning and Development department and the Auditor. The decommissioning surety shall match the re-estimated cost of decommissioning plus a ten percent (10%) contingency. Within ninety (90) days of filing the re-estimation report with the County through the Planning Department, the CWES owner or operator shall cause the fund balance of the financial surety instrument to be adjusted, if applicable.
    5. RELEASE OF FINANCIAL SURETY: Financial surety shall only be released by the County Board by the recommendation from the Development Director, after inspection and confirmation that all conditions of the decommissioning plan have been met.
- .11 INDEMNIFICATION AND LIABILITY: The applicant, owner and/or operator of the CWES shall defend, indemnify, and hold harmless the County and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorneys' fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the CWES
- .12 CESSATION OF OPERATIONS: Any CWES that has not been in operation and producing electricity for at least one hundred and eighty (180) consecutive days, unless caused by a natural catastrophic event, shall be decommissioned. The Development Director shall notify the owner to decommission and remove the CWES. Within two hundred and seventy (270) days thereafter, the owner shall either submit evidence showing that the CWES has been operating and producing electricity or that it has been fully decommissioned in compliance with this Ordinance. If the owner fails to or refuses to remove the CWES, the violation shall be referred to the County Attorney. In the case of a natural catastrophic event, a detailed restoration plan to return to operational status must be provided to the Development Director.

- .13 VIOLATIONS & PENALTIES: Violations and penalties of this Section are set forth in Chapter 1.75 of the Pottawattamie County, Iowa, Code (Violations and Penalties).
- .14 RELATED RULES AND REGULATIONS: Each CWES shall comply with all applicable local, state and federal requirements.
- .15 SEVERABILITY: The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.
- .16 CONDITIONAL USE PERMIT FEE(S) FOR CWES: The conditional use permit application fee(s) will be approved and adopted by resolution of the County Board and shall be set forth in Chapter 1.50 of the Pottawattamie County, Iowa, Code (Schedule of Fees).

**SECTION 11a – REPEAL OF CONFLICTING ORDINANCES:** That Section 8.004.240 is hereby repealed in its entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 11b - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding thereto the following new Section, to be codified as Section 8.004.240, as follows:

**8.004.240 WIND ENERGY SYSTEMS, NON-COMMERCIAL (WES)**

- .01 PURPOSE: This section provides uniform and comprehensive standards for the installation and the use of WES for on-site home, farm and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of this section is to protect the public health, safety and community welfare without unduly restricting the development of WES.
- .02 CONSTRUCTION; CONFLICT: This section does not repeal, abrogate, annul, impair or interfere with any existing ordinance. If this section 8.004.240 conflicts with any other provision of the Pottawattamie County, Iowa, Zoning Ordinance, this section 8.004.240 shall control.
- .03 ACCESSORY USE: WES shall be considered an accessory use to a permitted principal or conditional use in any zoning district.
- .04 SETBACKS: WES shall not be located closer than a distance equal to one and one-tenth (1.1) times the total height to a dwelling, a property line, or a utility easement. Such distance shall be defined relative to the nearest surface of the WES as measured at grade.
- .05 SPECIAL REQUIREMENTS: WES shall be subject to the requirements included in this section:
  - A. MINIMUM LOT SIZE: WES shall not be placed on a parcel of land or lot which is less than one (1) acre in size.
  - B. NO INTERFERENCE:
    - 1. WES shall not cause interference to the radio and television reception on adjoining property and in the event of any such interference the WES owner shall remedy such interference.
    - 2. WES shall not cause interference with emergency communication transmissions of the County. Applicant shall request documentation from the County Sheriff to verify the same and submit said documentation with any building permit application. Any cost associated therewith shall be at the applicant's expense.
- .06 BUILDING CODES: All county, state and federal construction codes shall be followed.
- .07 USE: WES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- .08 BUILDING PERMIT: Before a building permit is issued, the following shall be submitted to the Development Director for review Reference.
  - A. Site Plan Showing:
    - 1. Address, email address, and phone number of the property owner;
    - 3. Parcel lines;
    - 4. All existing structures with heights clearly marked;
    - 5. Sanitary infrastructure (i.e., septic field);
    - 6. Setback measurements;
    - 7. Easements present on the property, including those for utilities;
    - 8. Septic field tile location;
    - 9. Floodplain location, if applicable;
    - 10. Topography lines (2-foot contours);
    - 11. Location of all WTGs and associated equipment; and
    - 12. Location of the electrical disconnect for the WES.
  - 13. Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned WES.
  - 14. Evidence that the site plan has been submitted to the local fire protection district.
  - 15. Evidence that all contact information for site has been provided to Emergency Management.
  - 16. After a review and acceptance of site plan and required information, a building permit authorizing construction shall be issued.

**SECTION 12 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by deleting Wind Farms, both commercial and non commercial, subject to the requirements of 8.004.230 and 8.004.240 Principal Use in the A-2 (Agricultural Production) District:

- 8.010.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-2 District:
- .08 Wind Farms, both commercial and non-commercial, subject to the requirements of 8.004.230 and 8.004.240

**SECTION 13 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Wind Energy Systems, Commercial, subject to the requirements of 8.004.230 and Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the A-2 (Agricultural Production) District:

- 8.010.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class A-2 District, when authorized in accordance with the requirements of Chapter 8.096:
- .21 Wind Energy Systems, Commercial, subject to the requirements of 8.004.230.
  - .22 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 14 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by deleting Wind Farms, both commercial and non commercial, subject to the requirements of 8.004.230 and 8.004.240 Principal Use in the A-3 (Riverfront and Agricultural Production) District:

- 8.012.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-3 District:
- .06 Wind Farms, both commercial and non-commercial, subject to the requirements of 8.004.230 and 8.004.240

**SECTION 15 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Wind Energy Systems, Commercial, subject to the requirements of 8.004.230 and Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the A-3 (Riverfront and Agricultural Production) District:

- 8.012.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class A-3 District, when authorized in accordance with the requirements of Chapter 8.096:
- .11 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 16 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing Wind Farms, Non-commercial, subject to the requirements of 8.004.240 as Conditional Uses in the A-4 (Loess Hills) District and replacing it with Wind Energy Systems, Non-Commercial subject to the requirements of 8.004.230 as Conditional Uses in the A-4 (Loess Hills) District:

- 8.014.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class A-4 District, when authorized in accordance with the requirements of Chapter 8.096:
- .17 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230.

**SECTION 17 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing Wind Farms, Non-commercial, subject to the requirements of 8.004.240 as Conditional Uses in the R-1 (Agricultural-Urban Transitional) District and replacing it with Wind Energy Systems, Non-Commercial subject to the requirements of 8.004.230 as Conditional Uses in the R-1 (Agricultural-Urban Transitional) District:

- 8.015.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096:
- .12 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230.

**SECTION 18 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the R-1 (Agricultural-Urban Transitional) District:

- 8.015.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096:
- .13 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 19 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by repealing Wind Farms, Non-commercial, subject to the requirements of 8.004.240 as Conditional Uses in the R-2 (Urban Transitional) District and replacing it with Wind Energy Systems, Non-Commercial subject to the requirements of 8.004.230 as Conditional Uses in the R-2 (Urban Transitional) District:

- 8.020.030 CONDITIONAL USES: The following conditional uses shall be permitted in a Class R-2 District, when authorized in accordance with the requirements of Chapter 8.096:
- .11 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230.

**SECTION 20 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210 and Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230 as Accessory Uses in the R-5 (Planned Residential) District:

- 8.035.030 ACCESSORY USES: The following accessory uses shall be permitted in a Class R-5 District:

- .07 Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210.
- .08 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.240.

**SECTION 21 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210 and Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230 as Accessory Uses in the R-6 (Mobile Home Park Residential) District:

8.040.030 ACCESSORY USES: The following accessory uses shall be permitted in a Class R-6 District:

- .06 Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210.
- .07 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.240.

**SECTION 22 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the C-1 (Highway Commercial) District:

8.045.030 CONDITIONAL USES: The following conditional uses shall be permitted in a C-1 District, when authorized in accordance with the requirements of Chapter 8.096:

- .06 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 23 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210 and Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230 as Accessory Uses in the C-1 (Highway Commercial) District:

8.045.040 ACCESSORY USES: The following accessory uses shall be permitted in a Class C-1 District:

- .06 Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210.
- .07 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.240.

**SECTION 24 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the C-2 (General Commercial) District:

8.050.030 CONDITIONAL USES: The following conditional uses shall be permitted in a C-2 District, when authorized in accordance with the requirements of Chapter 8.096:

- .06 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 25 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210 and Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230 as Accessory Uses in the C-2 (General Commercial) District:

8.050.040 ACCESSORY USES: The following accessory uses shall be permitted in a Class C-2 District:

- .06 Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210.
- .07 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.240.

**SECTION 26 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the C-3 (Commercial Recreational) District:

8.051.030 CONDITIONAL USES: The following conditional uses shall be permitted in a C-3 District, when authorized in accordance with the requirements of Chapter 8.096:

- .08 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 27 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210 and Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230 as Accessory Uses in the C-3 (Commercial Recreational) District:

8.051.040 ACCESSORY USES: The following accessory uses shall be permitted in a Class C-2 District:

- .04 Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210.
- .05 Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.240.

**SECTION 28 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Commercial, subject to the requirements of 8.004.210 as Conditional Uses in the I-1 (Limited Industrial) District:

8.055.030 CONDITIONAL USES: The following conditional uses shall be permitted in I-1 District, when authorized in accordance with the requirements of Chapter 8.096:

- .08 Solar Energy Systems, Commercial, subject to the requirements of 8.004.210.

**SECTION 29 - AMENDMENTS:** That the Pottawattamie County, Iowa, Code, be and the same is hereby amended by adding Solar Energy Systems, Non-Commercial, subject to the requirements of 8.004.210 and Wind Energy Systems, Non-Commercial, subject to the requirements of 8.004.230 as Accessory Uses in the I-1 (Limited Industrial) District:

8.055.040 ACCESSORY USES: The following accessory uses shall be permitted in a Class I-1 District:



RESOLUTION NO. 18-2024

RESOLUTION FOR THE DESTRUCTION OF NOXIOUS WEEDS

**NOTICE TO ALL PROPERTY OWNERS AND THOSE IN CONTROL THEREOF:** You are hereby notified that the Board of Supervisors of Pottawattamie County, Iowa, did on the 27th day of February, 2024, pass the following resolution:

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA,** that pursuant to the provisions of Chapter 317.14, Code of Iowa, it is hereby ordered:

- 1. That each person in possession or control of all noxious weeds thereon as defined in this Chapter, at such times each year and in such a manner as shall prevent said weeds from blooming or coming to maturity, and shall keep lands free from such growth of any other weeds, as shall render the streets and highways adjoining said land unsafe for public travel. Noxious weeds shall be controlled, cut or otherwise destroyed between April 1 and November 15, 2024, as is necessary to prevent seed production.

<u>PRIMARY NOXIOUS WEEDS:</u>	<u>SECONDARY NOXIOUS WEEDS:</u>
(1) Quack grass,	(1) Butterprint annual,
(2) Perennial sow thistle,	(2) Cocklebur annual,
(3) Canada thistle,	(3) Wild mustard annual,
(4) Bull thistle,	(4) Wild carrot biennial,
(5) European morning glory or field bindweed,	(5) Buckhorn,
(6) Horse nettle,	(6) Sheep sorrel,
(7) Leafy spurge,	(7) Sour dock perennial,
(8) Perennial pepper-grass,	(8) Smooth dock,
(9) Russian knapweed,	(9) Poison hemlock,
(10) Buckthorn,	(10) Multiflora rose,
(11) All species of thistles belonging in the genera of Cirsium and Carduus.	(12) Puncture vine,
(12) Palmer amaranth,	(13) Teasel biennial
	(14) Shattercane

- 2. That each owner and each person in possession or control of any land in Pottawattamie County, Iowa, infested with any Primary and Secondary Noxious Weed, and all other species of thistles belonging to the genera of Cirsium and Carduus, shall adopt or enter into a program of weed destruction, and treatment of control, described by the Weed Commissioner, which in five years may be expected to destroy and will immediately keep under control such infestation of said noxious weeds.
- 3. That all weeds other than noxious weeds on all county trunk and local county roads between the fence line thereof, shall be destroyed and controlled by the adjoining property owner, to prevent seed production.
- 4. That if the owners or persons in possession or control of any land in Pottawattamie County fails to comply with the foregoing order, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the land and their owners thereof.
- 5. That the County Auditor be and is hereby directed to cause notice of this making and entering of the foregoing order shall be given by one publication in each of the official newspapers of the County.

DATED THIS 27th DAY OF February 2024.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div></div> <div>Susan Miller, Chairperson</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>
<div></div> <div>Scott Belt</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>
<div></div> <div>Tim Wichman</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>
<div></div> <div>Brian Shea</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>
<div></div> <div>Jeff Jorgensen</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>	<div></div> <div>○</div>

ATTEST: \_\_\_\_\_

Melvyn J. Houser, County Auditor

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

Motion by Shea, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 19-2024** entitled: Resolution for 2220 Bond Series 2020A Debt Fund to 1620 Bond Series 2020A Capital Fund.  
**RESOLUTION NO. 19-2024**

**RESOLUTION FOR TRANSFER FROM 2220 BOND SERIES 2020A DEBT FUND TO 1620 BOND SERIES 2020A CAPITAL FUND**

**WHEREAS**, it is desired to transfer money from the 2220 Bond Series 2020A Debt Fund to 1620 Bond Series 2020A Capital Fund; and

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

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

**SECTION 1:** The sum of \$232,515.90 is ordered to be transferred from 2220 Bond Series 2020A Debt Fund to the 1620 Bond Series 2020A Capital Fund;

**SECTION 2:** The Auditor is directed to correct his/her book accordingly and to notify the Treasurer of these operating transfers.

**Dated this 27th Day of February, 2024.**

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
_____ Susan Miller, Chairperson	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Scott Belt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Tim Wichman	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Brian Shea	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Jeff Jorgensen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ATTEST: _____				

Melvyn Houser, County Auditor

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

Jana Lemrick/Director, Human Resources; Jim Garbina and Kim Gidley/FNIC Group appeared before the Board to discuss and update on FY24/25 employee health insurance.  
Discussion only. No action taken.

**4. COMMITTEE APPOINTMENTS**

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

**5. RECEIVED/FILED**

- A. Out of State Travel Notification(s):
  - 1) Medical Examiner – Out of State Travel Notification for Cody Pane.
  - 2) Auditor – Out of State Travel Notification for Melvyn Houser.
  - 3) Veteran Service – Out of State Travel Notifications for Paul Rosenberg and Sam Pettit.
- B. Salary Action(s):
  - 1) Sheriff – Payroll status changes for Kurt Ferguson, Richard Hiatt, and Eric Hempel.
  - 2) Conservation – Payroll status changes for Robert Hladik and Natalie Shaw.
  - 3) WIC – Payroll status change for Kristine Wood.

6. PUBLIC COMMENTS

The following individuals appeared before the Board:  
Tim Kealy

7. CLOSED SESSION

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

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

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

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

8. BUDGET STUDY SESSION

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:20 P. M

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: March 5, 2024

PUBLISH: X



March 5, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. February 27, 2024, Minutes as read.
- B. Thriving Families Alliance – Employment of Gabby Sargent as a Part Time Administrative Assistant.
- C. Communications – Employment of Meghan McClain and Madison Farley as Telecommunicators.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Motion by Shea, second by Belt, to open Public Hearing for Honeysuckle Road Special Assessment District.

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

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

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

Motion by Shea, second by Jorgensen, to approve and authorize the Board to sign Resolution No. 21-2024 to Establish Honeysuckle Road Special Assessment District.

RESOLUTION NO. 21-2024

TO ESTABLISH THE HONEYSUCKLE ROAD SPECIAL ASSESSMENT DISTRICT

WHEREAS Thirteen of the twenty-five (52%) properties adjoining Honeysuckle Road have petitioned Pottawattamie County to form a Special Assessment District, and

WHEREAS the Special Assessment District is described on the petition as “Honeysuckle Road” located on the North line of Section 7 Garner Township, starting at 185<sup>th</sup> Street and continuing East approximately 3500 feet (0.66 miles) to the end of the public road at the West end of the dam, and

WHEREAS the proposed improvements to be made are to construct an asphalt stabilized base, tack coat and a seal coat surfacing, and

WHEREAS the County Engineer estimated cost of the improvement district to be \$223,253; provided a plat of the proposed district to show the road to be improved, the parcels included in the proposed district and ownership of such lands, and

WHEREAS a Public Hearing was held on August 22, 2023 as required by Section 311.11 of the 2023 Code of Iowa and continued until the Final Hearing on March 5, 2024 to receive and consider public comment, and

WHEREAS the Board of Supervisors have determined the County will contribute \$101,133 towards the improvement as cost share and the apportionment to the petitioners shall be \$122,120 over 10 years at zero percent interest as a special assessment.

NOW THEREFORE BE IT RESOLVED by the Pottawattamie County Board of Supervisors in session this 5<sup>th</sup> day of March 2024 does hereby establish the Honeysuckle Road Special Assessment District for the proposed improvements of Honeysuckle Road, 3500 feet in length, located in Section 7 Garner Township. The Special Assessment District’s landowners address, property tax description, PIN, and apportionments are as follows:

OWNER	ADDRESS	PROPERTY DESCRIPTION	PIN	TOTAL APPORTIONMENT	ANNUAL PAYMENT
ADKINS, BRANDON J	18606 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 6-75-43 S554.78' OF W208.71' E1/2 SW SE	754306400007	\$3,130.80	\$313.08
ADKINS, DOUGLAS L- PATRICIA A	18763 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 NW NE NE EXC E190' N170'	754307200002	\$3,130.80	\$313.08
ADKINS, DOUGLAS R - JENNIFER L	18861 HONEYSUCKLE RD, COUNCIL	LAKE TWP 7-75-43 NE NE NE	754307200004	\$5,218.00	\$521.80

	BLUFFS, IA 51503				
BOECKEN, JERRY T- MARLENE V	18599 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 NW NE	754307200001	\$5,218.00	\$521.80
BROWN, SAUNDRA GAYLE	22080 MUDHOLLOW RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 6-75-43 PT S1/2 SE COMM SE COR TH W1763.68' N600.99' E1441.12' SE566.83' S116' TO POB	754306400008	\$1,043.60	\$104.36
CASSON, DANIEL J- JENNIFER G	21291 LAKE HILL LN, COUNCIL BLUFFS, IA 51503	GARNER TWP 5-75- 43 PT SW1/4 COMM 1007.92'N & 305.63'NE SW COR TH ELY324.63' NLY230' SE927.11' SLY155'SW640.77' NW1088.14'TO POB (PARCEL C)	754305300004	\$10,436.00	\$1,043.60
CASSON, DANIEL J- JENNIFER G	21291 LAKE HILL LN, COUNCIL BLUFFS, IA 51503	GARNER TWP 5-75- 43 PT SW1/4 COMM SW COR TH N1007.92' NE305.63' SE1088.14' SW557' W552.48' TO POB(PARCEL B)	754305300005	\$1,043.60	\$104.36
DECKER, DUANE C- SHERRY L	18860 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 6-75-43 PT SE1/4 COMM 1149.3'W & 238.77'S OF E1/4 COR TH SLY833.29 SE278.18' E45.22'SE853.23' W1441.12'S71.21' W208.71'N793.16' E821.2' N1075.77' TO POB	754306400006	\$10,436.00	\$1,043.60
FERREL, WARREN J- CELIA C TRUST	16107 LAFAYETTE AVE, OMAHA, NE 68118	LAKE TWP 6-75-43 W1/2 SW SE	754306400005	\$1,043.60	\$104.36
JAGER, AUSTIN L-JAMIE J	18394 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 6-75-43 PT SE SW COMM 737.50'N OF SE COR TH W330' S737.50' W326.78' N1300.03' E655.62' S562.67' OT POB (PARCEL B)	754306300009	\$7,305.20	\$730.52
JOHNSON, BLANCHARD E JR - ELIZABETH M	5703 MERLIN LN, COUNCIL BLUFFS, IA 51501	LAKE TWP 6-75-43 SW SE SW	754306300006	\$9,392.40	\$939.24
KEALY, TIMOTHY E	18489 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 SW NE	754307200006	\$1,043.60	\$104.36
KEALY, TIMOTHY E- NANCY J	18489 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 PT NE NW COMM N1/4 COR S895.05' W203.32' N348.68' NELY305.70' N282.41' E60' TO POB	754307100009	\$5,218.00	\$521.80

LEICK, ANDREW M - DANICA A	7021 S 103RD CIRCLE LAVISTA, NE 68128	GARNER TWP 5-75-43 PT SW1/4 COMM 329.97'E NW COR TH E1270.02' S487.03' W896.88' NW674.38' TO POB(PARCEL F)	754305300001	\$1,043.60	\$104.36
NEWMAN, TAMID TRUST	18853 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 E190' N170' NW NE NE	754307200003	\$5,218.00	\$521.80
NIBBE, KEVIN G	18847 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 S1/2 NE NE	754307200005	\$10,436.00	\$1,043.60
REID, RONALD E-JAMIE S	1217 JENNINGS AVE, COUNCIL BLUFFS, IA 51503	LAKE TWP 6-75-43 PT NE SE COMM NE COR TH S325' SW1349.5' W45.22' NW278.18' NLY1072.06' E1149.3'TO POB	754306400004	\$1,043.60	\$104.36
RYBIN, JOSHUA	225 S 35TH ST, COUNCIL BLUFFS, IA 51501	LAKE TWP 6-75-43 PT E1/2 SE COMM 116'N SE COR TH NW1420.06' W45.22' NE1349.54' S2192.57' TO POB	754306400009	\$10,436.00	\$1,043.60
SCHLICKBERND, MICHAEL-JERI TRUST	21436 LAKE HILL LN, COUNCIL BLUFFS, IA 51503	GARNER TWP 5-75-43 PT SW1/4 COMM NW COR TH E329.97' SE674.43' ELY896.88' SWLY412.23' WLY558.14' W474.02' SLY616.75' WLY324.63' SW305.63' N1617.64' TO POB (PARCEL E)	754305300002	\$10,436.00	\$1,043.60
SCHWARTE, GARY A-MAXINE M	18456 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 6-75-43 PT SE SW COMM SE COR TH N737.50' W330' S737.50' E330' TO POB (PARCEL C)	754306300011	\$5,218.00	\$521.80
SEVEN K INC	18489 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 PT E1/2 NW COMM NW COR OF NE NW TH S2638.79' E327.65' N2639.04' W328.35' TO POB (PARCEL 22072)	754307100010	\$1,043.60	\$104.36
SEVEN K INC	18489 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 PT E1/2 NW COMM 328.35'E OF NW COR OF NE NW TH E328.35' S2639.29' W327.65' N2639.04' TO POB (PARCEL 22073)	754307100011	\$1,043.60	\$104.36
SEVEN K INC	18489 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 PT E1/2 NW COMM 327.66'W OF THE CTR OF SECT 7 TH N2639.54' W328.35' S2639.29' E327.65' TO POB (PARCEL 22074)	754307100012	\$1,043.60	\$104.36
SEVEN K INC	18489 HONEYSUCKLE RD, COUNCIL BLUFFS, IA 51503	LAKE TWP 7-75-43 PT E1/2 NW COMM CTR OF SECT 7 TH W327.66' N2639.54' E268.35' S282.79' SW304.95' S348.68' E203.32' S1744.75'	754307100013	\$1,043.60	\$104.36

		TO POB (PARCEL 22075)			
STEFFES, MICHAEL A	21375 LAKE HILL LN, COUNCIL BLUFFS, IA 51503	GARNER TWP 5-75-43 PT SW1/4 COMM NW COR SE SW TH S48.18' SW245.28' NW927.11' N98.81' NW287.94'E474.02' SE558.14'SLY482.64' TO POB(PARCEL D)	754305300003	\$10,436.00	\$1,043.60

ROLL CALL VOTE

	AYE	NAY	ABSTAIN	ABSENT
<div>Susan Miller, Chairperson</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Scott Belt</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Tim Wichman</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Brian Shea</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div>Jeff Jorgensen</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ATTEST: <div>Melvyn Houser, County Auditor</div>				

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

Motion by Belt, second by Jorgensen, to approve and authorize Chairperson to sign Right of Way Contract with Gerald Casey in the amount of \$4,093.90.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve and award the tied L-2022-(Dumfries)- - 73-78 and L-2022 (240<sup>th</sup>) – 73-78 projects to Peterson Contractors, Inc.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to award bid to Cormaci Construction Inc. for construction of Jail Maintenance Building.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Jorgensen, to approve and authorize Board Chairperson to sign Agreement with MAPA to obtain digital map products (aerial photography) and to approve the first installment of \$151,650.00 (a total amount of \$348,900).  
UNANIMOUS VOTE. Motion Carried.

3. OTHER BUSINESS

Motion by Shea, second by Jorgensen, to approve modification of Environmental Education Coordinator job description and associated pay grade from 520 to 521.  
UNANIMOUS VOTE. Motion Carried.

Motion by Jorgensen, second by Belt, to approve modification of Tax and Deed Specialist job description.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve job description Part-Time WIC Program Travel Nutrition Educator.  
UNANIMOUS VOTE. Motion Carried.

4. COMMITTEE APPOINTMENTS

Board discussed Committee meetings from the past week.

Discussion only. No action taken.

5. RECEIVED/FILED

- A. Salary Action(s):
- 1) Communication – Payroll status changes for Alicia Cotton and Hayley Lee.
  - 2) Buildings and Grounds – Payroll status changes for Jeffrey Walker and Andrew Smith.
  - 3) SWI Juvenile Detention – Payroll status change for Anthony Williams.
  - 4) Emergency Management – Payroll status change for Scott Manz.
  - 5) Conservation – Employment of Jolene Yoder as a Natural Areas Management Intern, Crew Lead.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSION

Motion by Wichman, second by Jorgensen, to go into Closed Session pursuant to Iowa Code 20.17.(3) for discussion and/or decision on labor negotiations/collective bargaining matters.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

Motion by Wichman, second by Shea, to go out of Closed Session.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

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

Motion by Wichman, second by Shea, to go out of Closed Session.  
Roll Call Vote: AYES: Miller, Belt, Wichman, Shea, Jorgensen. Motion Carried.

8. BUDGET STUDY SESSION

9. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12.42 P. M.

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: March 12, 2024  
PUBLISH: X

**March 12, 2024**

**MET IN REGULAR SESSION**

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

**PLEDGE OF ALLEGIANCE**

**1. CONSENT AGENDA**

After discussion was held by the Board, a Motion was made by Shea, and seconded by Jorgensen, to add a Secondary Employment Policy Study Session to the agenda and to approve Consent Agenda:

- A. March 5, 2024, Minutes as read.
- B. Renewal of Class C Liquor License, granting privileges of Class C Liquor License (LC)/Outdoor Services for B Enterprises L.L.C. d/b/a Quail Run Golf Course, Neola.
- C. Renewal of Class C Liquor License, granting privileges of Class C Liquor License (LC)/Outdoor Services for Grand Mac LLC d/b/a Grand Mac LLC, Council Bluffs.
- D. Renewal of Special Class C Retail Native Wine License, granting privileges of Special Class C Retail Native Wine License/Outdoor Services for Prairie Crossing Vineyard and Winery, LLC d/b/a Prairie Crossing Vineyard and Winery, LLC, Council Bluffs.
- E. Renewal of Special Class C Retail Liquor License, granting privileges of Special Class C Liquor License/Living Quarter, Outdoor Service for The Westfair Association d/b/a Westfair, Council Bluffs.

UNANIMOUS VOTE. Motion Carried.

**2. SCHEDULED SESSIONS**

Motion by Shea, second by Belt, to open Public Hearing on discussion regarding Compensation Board's recommendations for elected officials for FY 2024/25.

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

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

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

Motion by Shea, second by Belt, to approve and authorize Board to amend the **Resolution No. 22-2024** regarding Compensation Board recommendation for elected officials for FY 2024/25 reducing by 1/3 of Compensation Boards recommendation and reducing Supervisors to 1%.

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

Chairperson Miller postponed **Resolution No. 22-2024** until next week's agenda. Further discussion will be held in Budget Study Session.

Motion by Shea, second by Belt, to approve the setting of public hearing on Pottawattamie County's Proposed Property Tax Levy for Fiscal Year Ending June 30, 2025, for the 2nd day of April 2024, at 10:00, A.M.; and approve publication request.

UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve and authorize the Board to sign **Resolution No. 23-2024**; entitled: Resolution Repealing Temporary Moratorium on Wind and Solar Energy Conversion Systems within Pottawattamie County, Iowa.

**RESOLUTION NO. 23 - 2024**

**RESOLUTION REPEALING TEMPORARY MORATORIUM ON  
WIND AND SOLAR ENERGY CONVERSION SYSTEMS WITHIN POTTAWATTAMIE  
COUNTY, IOWA**

**WHEREAS**, pursuant to Resolution No. 71- 2023, the Board of Supervisors of Pottawattamie County, Iowa (the "Board") imposed a temporary moratorium prohibiting the Director of Planning and Development and the Zoning Board of Adjustment from accepting or otherwise acting on any application to develop a wind or solar energy conversion system pending the Board's review and amendment of the Pottawattamie County, Iowa, Zoning Ordinance (the "Ordinance") to regulate wind and solar energy conversion systems; and

**WHEREAS**, the Board completed its review and adopted amendments to the Ordinance to include provisions regulating wind and solar energy conversion systems.

**NOW THEREFORE, BE IT RESOLVED**, the Board hereby approves this resolution and repeals the temporary moratorium imposed by Resolution No. 71 - 2023. The Director of Planning and Development and the Zoning Board of Adjustment may now accept or otherwise act on applications to develop wind or solar energy conversion systems.

**Dated this 12th day of March, 2024.**

**ROLL CALL VOTE**

	AYE	NAY	ABSTAIN	ABSENT
<div><div></div><div>Susan Miller, Chairperson</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Scott Belt</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Tim Wichman</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Brian Shea</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>
<div><div></div><div>Jeff Jorgensen</div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>	<div><div></div><div></div></div>

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

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

Motion by Belt, second by Shea, to approve and authorize the Chairperson to sign the Contract and Bond with Peterson Contractors Inc. in the amount of \$ 2,236,617.94 for the Dumfries and 240<sup>th</sup> Street Paving. UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve and authorize Board Chairperson to sign agreement with vendor SpyGlass for audit of county Voice/Data/Internet contracts. UNANIMOUS VOTE. Motion Carried.

**3. OTHER BUSINESS**

Kristen Bracker/Attorney, Lea Voss/Treasurer and Dick Wade/Attorney, City of Council Bluffs appeared before the Board to discuss Parcel No. 744402429008. Motion Postponed. No Action Taken

Motion by Wichman, second by Shea, to authorize the Chair to sign the forgiveness portion of the small-town forgivable note for Underwood. UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve the renewal of County Employee’s Health Insurance for FY 24/25 with an increase of 3.66% with no changes to vision and dental. UNANIMOUS VOTE. Motion Carried.

**4. COMMITTEE APPOINTMENTS**

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

**5. RECEIVED/FILED**

- A. Report(s):
  - 1) Recorder Fee Book for February 2024.
  - 2) Sheriff Report of Fees Disbursed and Collected for January 2024.
- B. Salary Action(s):
  - 1) Mental Health – Payroll status change for Shelly Hovey.
  - 2) Sheriff – Payroll status change for Jeremy Petersen and Lucas Budrow.
  - 3) Communications – Payroll status change for Jesus Navarrete.
- C. Out of State Travel Notification(s):

1) Sheriff – Out of State Travel Notifications for Jim Doty and Anthony Kava.

6. PUBLIC COMMENTS

No Public Comments.

7. CLOSED SESSION

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

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

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

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

8. SECONDARY EMPLOYMENT POLICY STUDY SESSION. Discussion only.

9. BUDGET STUDY SESSION

10. ADJOURN

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 1:00 P. M

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: March 19, 2024  
PUBLISH: X



March 19, 2024

MET IN REGULAR SESSION

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

PLEDGE OF ALLEGIANCE

1. CONSENT AGENDA

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

- A. March 12, 2024, Minutes as read.
- B. Auditor – Employment of Charles Swope as a Tax & Deed Specialist II.

UNANIMOUS VOTE. Motion Carried.

2. SCHEDULED SESSIONS

Mark Shoemaker/Director, Conservation and Eric Hough/President, Conservation Board appeared before the Board to announce the Retirement of Mark Shoemaker, effective August 30, 2024.  
Discussion only. No action taken.

Motion by Belt, second by Jorgensen, to approve and authorize Board to sign **Resolution No. 22-2024**, regarding Compensation Boards recommendation for elected officials for FY 2024/25. **Resolution No. 22-2024** is laid out as follows:

RESOLUTION NO. 22-2024

WHEREAS the Pottawattamie County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907; and  
WHEREAS, the Pottawattamie County Compensation Board met on the 7th day of December 2023, and recommended a 12% increase for the County Sheriff and County Attorney, and a 10% increase for all other County elected officials, for the fiscal year beginning July 1, 2024.  
THEREFORE, BE IT RESOLVED that the Pottawattamie County Board of Supervisors hereby reduces the Compensation Board’s recommended increases by half of the original recommendations, resulting in a 6% salary increase for the County Sheriff and County Attorney, and a 5% salary increase for Pottawattamie County elected officials including the Auditor, Recorder and Treasurer for the fiscal year beginning July 1, 2024. The Supervisors will have no increase in salary for the fiscal year beginning July 1, 2024. Said increases shall be as follows:

Elected Official	Approved Salary for FY 2024/2025
Attorney	\$ 167,811.00
Auditor	\$ 102,362.00
Recorder	\$ 102,362.00
Sheriff	\$ 160,590.00
Supervisors	\$ 52,955.00
Treasurer	\$ 102,362.00

Dated this 19<sup>th</sup> day of March 2024

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<div></div> <div>Susan Miller, Chair</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div></div> <div>Scott Belt</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div></div> <div>Tim Wichman</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div></div> <div>Brian Shea</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<div></div> <div>Jeff Jorgensen</div>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

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

Motion by Shea, second by Belt, to approve and authorize Board to sign Agreement with Harrison County for L34 resurfacing project FM-C043(97) - - 55-43.  
UNANIMOUS VOTE. Motion Carried.

Motion by Shea, second by Jorgensen, to approve setting time and date for public hearing on an amendment for the FY 2023/24 Budget for April 9th, at 10:00 AM.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Belt, to approve setting time and date for public hearing on the General Obligation Capital Loan Notes, Series 2020A for April 9th, at 10:00 AM.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve setting time and date for public hearing on the General Obligation Capital Loan Notes, Series 2021A for April 9, at 10:00 AM.  
UNANIMOUS VOTE. Motion Carried.

Motion by Wichman, second by Shea, to approve setting time and date for public hearing on the General Obligation Capital Loan Notes, Series 2022 for April 9, at 10:00 AM.  
UNANIMOUS VOTE. Motion Carried.

**3. COMMITTEE APPOINTMENTS**

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

**4. RECEIVED/FILED**

- A. Salary Action(s):
  - 1) Jail – Payroll status change for Tanya Adkins.

**5. PUBLIC COMMENTS**

No Public Comments.

**6. STUDY SESSION**

Discussion only on Secondary Employment Policy.

**7. BUDGET STUDY SESSION**

**8. ADJOURN**

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

UNANIMOUS VOTE. Motion Carried.

THE BOARD ADJOURNED SUBJECT TO CALL AT 12:13 P. M

\_\_\_\_\_  
Susan Miller, Chair

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

APPROVED: March 26, 2024  
PUBLISH: X