



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(APRIL 3, 2018) (WEEK 14 OF 2018)

Live streaming at:
https://www.youtube.com/user/woodburycountyiowa

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Rocky L. De Witt 253-0421 rdewitt@woodburycountyiowa.gov
Marty J. Pottebaum 251-1799 mpottebaum@woodburycountyiowa.gov
Keith W. Radig 560-6542 kradig@woodburycountyiowa.gov
Jeremy J. Taylor 259-7910 jtaylor@woodburycountyiowa.gov
Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held April 3, 2018 at 4:30 p.m. in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Board.

- 1. Anyone may address the Board on any agenda item after initial discussion by the Board.
2. Speakers will approach the microphone one at a time and be recognized by the Chair.
3. Speakers will give their name, their address, and then their statement.
4. Everyone will have an opportunity to speak. Therefore, your remarks may be limited to three minutes on any one item.
5. At the beginning of the discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under the first or final agenda item "Citizen Concerns."
7. For the benefit of all in attendance, please silence cell phones and other devices while in the Board Chambers.

AGENDA

4:30 p.m. Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence

- 1. Citizen Concerns Information
2. Approval of the agenda Action

Consent Agenda

Items 3 through 9 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

- 3. Approval of the minutes of the March 27, 2018 meeting
4. Approval of claims
5. Approval of resolution thanking and commending Mona Scaletta for years of service to Woodbury County
6. Board Administration/Public Bidder – Heather Satterwhite
Approval of resolution for notice of property sale for parcel #894728115009 (aka 1015 Pierce Street) for April 17, 2018 at 4:35 p.m.

7. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring
 - c. Approval of de-authorization of county position
8. County Auditor – Patrick Gill
 - a. Approval of liquor license application for White Horse Patrol Club
 - b. Approval of beer license application for Cold Beer, Moville
9. Secondary Roads – Mark Nahra
Consideration of a permit for working in the county right of way

End Consent Agenda

- | | | |
|--------------------------------|--|----------------------|
| | 10. Presentation of resolution thanking and commending Sharon Schroeder for years of service to Woodbury County | Information |
| | 11. Communication Center – Glenn Sedivy
Approval of resolution fixing date for April 24, 2018 at 4:40 p.m. for a public hearing for an agreement for Long Lines to lease Starcomm Fiber | Action |
| 4:45 p.m.
(Set time) | 12. Community & Economic Development – David Gleiser <ol style="list-style-type: none"> a. Public Hearing and first reading to amend the text in the Land Use Summary Table of Allowed Uses (Section 3.03-4) in the Woodbury County Zoning Ordinance (2008) b. Receive recommendation from Zoning Commission and approval of resolution accepting and approving the final plat of Berg Addition, a minor subdivision | Action

Action |
| | 13. Reports on Committee Meetings | Information |
| | 14. Citizen Concerns | Information |
| | 15. Board Concerns | Information |

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- MONDAY, APRIL 2** 6:00 p.m. Board of Adjustment meeting, First Floor Boardroom
- TUESDAY, APRIL 3** 4:45 p.m. Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- WED., APRIL 4** 12:00 p.m. District Board of Health Meeting, 1014 Nebraska St.
11:30 p.m. Decat Board Meeting, NWAEA, Room 206
- THURSDAY, APRIL 5** 4:30 p.m. Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
- FRIDAY, APRIL 6** 9:00 a.m. Hungry Canyons Alliance Meeting, Atlantic, Iowa
- WED., APRIL 11** 8:05 a.m. Woodbury County Information Communication Commission, First Floor Boardroom
10:00 a.m. STARComm Board Meeting, Security Institute – WIT Campus
6:30 p.m. Woodbury County Landfill Meeting, Climbing Hill
- WED., APRIL 18** 10:00 a.m. Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
12:00 p.m. Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- THURSDAY, APRIL 19** 10:30 a.m. Department Head Meeting, LEC Conference Room
4:30 p.m. Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- TUESDAY, APRIL 24** 6:00 p.m. Zoning Commission Meeting, First Floor Boardroom
- WED., APRIL 25** 1:00 p.m. LEPC Commission Meeting, Sioux City Fire Rescue Station #4, 3109 Dearborn
- TUESDAY, MAY 1** 4:45 p.m. Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- WEDNESDAY, MAY 2** 9:00 a.m. Loess Hills Alliance Protection Committee Meeting, Pisgah, Iowa
10:30 a.m. Loess Hills Alliance Stewardship Committee Meeting, Pisgah, Iowa
12:00 p.m. District Board of Health Meeting, 1014 Nebraska St.
1:00 p.m. Loess Hills Alliance Executive Meeting, Pisgah, Iowa
- MONDAY, MAY 7** 6:00 p.m. Board of Adjustment meeting, First Floor Boardroom
- WEDNESDAY, MAY 9** 6:30 p.m. 911 Service Board Meeting, Public Safety Center, Climbing Hill

The following Boards/Commission have vacancies: Commission to Assess Damages - Category A, Category B, Category C and Category D

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

MARCH 27, 2018, THIRTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, March 27, 2018 at 3:30 p.m. Board members present were Ung, De Witt, Taylor, Pottebaum, and Radig. Staff members present were Dennis Butler, Budget/Tax Analyst, Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, Joshua Widman, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

Motion by De Witt second by Taylor to go into closed session per Iowa Code Section 21.5(j). Carried 5-0 on a roll-call vote.

Motion by Taylor second by Radig to go out of closed session per Iowa Code Section 21.5(j). Carried 5-0 on a roll-call vote.

Motion by Radig second by De Witt to approve the conditions the Board discussed in the previous executive session for the purchase of particular real estate in Woodbury County. Carried 5-0.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

1. Lin and Karen Tague, Buchanan Ave., Gary Grohs, Buchanan Ave., Deb De Forrest, Buchanan Ave., Larry Harshfield, 180th St., Ashley Johnson, 180th St., Kevin Burns, 180th St., Jean Frank, 180th St. and Jason Heger, 180th St. addressed the Board with concerns about dust on Buchanan Ave. and 180th St.

Motion by Radig second by De Witt to receive a petition and a video regrading dust control concerns on 180th St. and Buchanan Ave.

2. Motion by Taylor second by Ung to approve the agenda for March 27, 2018. Carried 5-0. Copy filed.

Motion by Pottebaum second by Ung to approve the following items by consent:

3. To approve minutes of the March 20, 2018 meeting. Copy filed.
4. To approve the claims totaling \$282,908.07. Copy filed.
5. To approve the application for a 12-month, Class C Liquor License (LC)(Commercial), with Outdoor Service and Sunday sales privileges, for the Anthon Golf Course, Anthon, IA, effective 04/01/18 through 03/31/19. Copy filed.
6. To approve contract amendment 15-DF/TC019 between Woodbury County and Economic Development Authority (IEDA) and Ag Processing Inc. (AGP). Copy filed.
7. To approve the separation of Anthony Gaul, P/T Operations Officer, Emergency Services Dept., effective 03-09-18. Resignation.; the end of probation of Shane McDermott, Motor Grader Operator, Secondary Roads Dept., effective 04-11-18, \$23.29/hour, 3%=\$.69/hr. Per CWA Secondary Roads Contract agreement, End of Probation Salary Increase.; and the reclassification of Craig Steig, Maintenance Technician, Building Services Dept., effective 04-19-18, \$20.10/hour, 5%=\$1.01/hr. Per AFSCME Courthouse Contract agreement, from Grade 4/Step 3 to Grade 4/Step 4. Copy filed.
8. To approve to participate with the City of Sioux City in the submission of the Edward J. Bryne Justice Grant (JAG) and Residential Substance Abuse Treatment (RSAT) Program application to the Governor's Office of Drug Control Policy. Copy filed.

Carried 5-0.

9. A public hearing was held at 4:35 p.m. for the sale of parcel #894814382014, 2411 Boies St. The Chairperson called on anyone wishing to be heard.

Motion by Ung second by Taylor to close the public hearing. Carried 5-0.

Motion by Taylor second by De Witt to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894814382014, 2411 Boies St., to Matthew Lafrenz, 2415 Boies St., Sioux City, IA, for \$218.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #12,707**

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

By Matthew Lafrenz in the sum of **Two Hundred Eighteen Dollars & 00/100 (\$218.00)**-----
-----dollars.

For the following described real estate, To Wit:

Parcel #894814382014

**Lots 7 & 8 in Block 14, Edgewater 2nd Addition to Sioux City and Woodbury County, Iowa
(2411 Boies Street)**

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

BE IT RESOLVED that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

BE IT RESOLVED that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

BE IT FURTHER RESOLVED that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

SO DATED this 27th Day of March, 2018.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

10a. Motion by Taylor second by De Witt to approve contract and bond for project #M-W73—73-97. Carried 5-0. Copy filed.

10b. Bid letting was held for annual corrugated metal pipe purchase for 2018, project CP-2018. The bids are as follows:

Contech, Ankeny, IA	\$86,137.43
Metal Culverts, Inc., Jefferson City, MO	\$82,766.48

Motion by Radig second by Taylor to receive the bids and award the bid to Metal Culverts, Inc. for \$82,766.48. Carried 5-0. Copy filed.

11a. Motion by Taylor second by Radig to direct the Human Resources Director to work with the county's bargaining attorney to draft language to allow the family of a member of Deputy Sheriff's CWA 7177 bargaining unit who should perish while performing work related duties to remain on county's health plan and to bring the MOU draft back the Board for final approval. Carried 5-0. Copy filed.

11b. Motion by Taylor second by De Witt to approve a MHDS Department Leader position with a salary of \$92,656.00 effective 7/1/18 for one year subject to the approval of a one county mental health entity. Motion by Ung second by De Witt to amend the motion strike \$92,656.00 and insert \$87,337.50 as recommended by the Human

Resources Director. The amended motion failed 1-4 on a roll call vote with Ung voting aye. The original motion carried 5-0 on a roll call vote. Copy filed.

Motion by Taylor second by Pottebaum to approve a Social Worker II position with a salary of \$64,126.40 effective 7/1/18 for one year subject to the approval of a one county mental health entity. Carried 5-0. Copy filed.

Motion by Taylor second by Radig to approve the appointment of Taylor and De Witt as liaisons to a one county Mental Health Authority, if approved, maintaining current staffing levels and to develop a proposed budget with a target of \$3,313,000.00 to be approved by the Board at a later date. Carried 5-0.

- 11c. Motion by Taylor second by Radig to approve an offer to the City of Sioux City to fully fund the County's contribution of \$1.5 million for the AG Expo Center project with a 50/50 split of the subsequent interest in order to move forward on the project. Carried 4-1; De Witt opposed. Copy filed.
- 11d. Motion by De Witt second by Taylor to spend \$780.00 from gaming revenue for a full-page advertisement in the KSCJ Magazine. Carried 5-0. Copy filed.
- 12. Board members gave reports on their committee meetings.
- 13. Citizen concerns.
- 14. Board concerns.

The Board adjourned the regular meeting until April 3, 2018.

Meeting sign in sheet. Copy filed.

WOODBURY COUNTY, IOWA

RESOLUTION NO. _____

A RESOLUTION THANKING AND COMMENDING

Mona Scaletta

FOR HER SERVICE TO WOODBURY COUNTY

WHEREAS, Mona Scaletta has capably served Woodbury County as an employee of the Siouxland District Health Department for 34 years from January 23, 1984 to May 11, 2018; and

WHEREAS, the service given by Mona Scaletta as a Woodbury County employee, has been characterized by her dedication to the best interests of the citizens of Woodbury County; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA that the undersigned members of this Board thanks and commends Mona Scaletta for her years of service to Woodbury County; and

BE IT FURTHER RESOLVED that it is the wish of all those signing below that the future hold only the best for this very deserving person, Mona Scaletta.

BE IT SO RESOLVED this 3rd day of April, 2018.

WOODBURY COUNTY BOARD OF SUPERVISORS

Rocky L. De Witt, Chairman

Matthew A. Ung, Member

Marty Pottebaum, Member

Keith W. Radig, Member

Jeremy J. Taylor, Member

Attest:

Patrick F. Gill, Woodbury County Auditor

RESOLUTION #

NOTICE OF PROPERTY SALE

Parcels #894728115009

WHEREAS Woodbury County, Iowa was the owner under a tax deed of a certain parcel of real estate described as:

Lot 11 Block 57 Sioux City East Addition, City of Sioux City, Woodbury County, Iowa (1015 Pierce Street)

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa as follows:

1. That a public hearing on the aforesaid proposal shall be held on the **17th Day of April, 2018 at 4:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **17th Day of April, 2018**, immediately following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$537.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 3rd Day of April, 2018.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor
and Recorder

Rocky De Witt, Chairman

REQUEST FOR MINIMUM BID

Name: Michale Bentley Date: 7/11/17
Address: 2808 Myrtle St. Phone: 259-2431

Address or approximate address/location of property interested in:
1015 Pierce St

GIS PIN # 894728115009

**This portion to be completed by Board Administration **

Legal Description:
Lot 11 Block 57 Sioux City
East Addition to City of Sioux City,
Woodbury County, Iowa

Tax Sale #/Date: 0113/2013 Parcel # 024900

Tax Deeded to Woodbury County on: 3/14/18

Current Assessed Value: Land \$24,500 Building 0 Total \$24,500

Approximate Delinquent Real Estate Taxes: \$12,472

Approximate Delinquent Special Assessment Taxes: \$116,674

*Cost of Services: \$237

Inspection to: Matthew Ong Date: 7/11/17

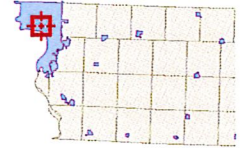
Minimum Bid Set by Supervisor: \$300

Date and Time Set for Auction: _____

* Includes: Abstractors costs; Sheriff's costs; publishing costs; and mailing costs.



Overview



Legend

-  Roads
-  Corp Boundaries
-  Townships
-  Parcels

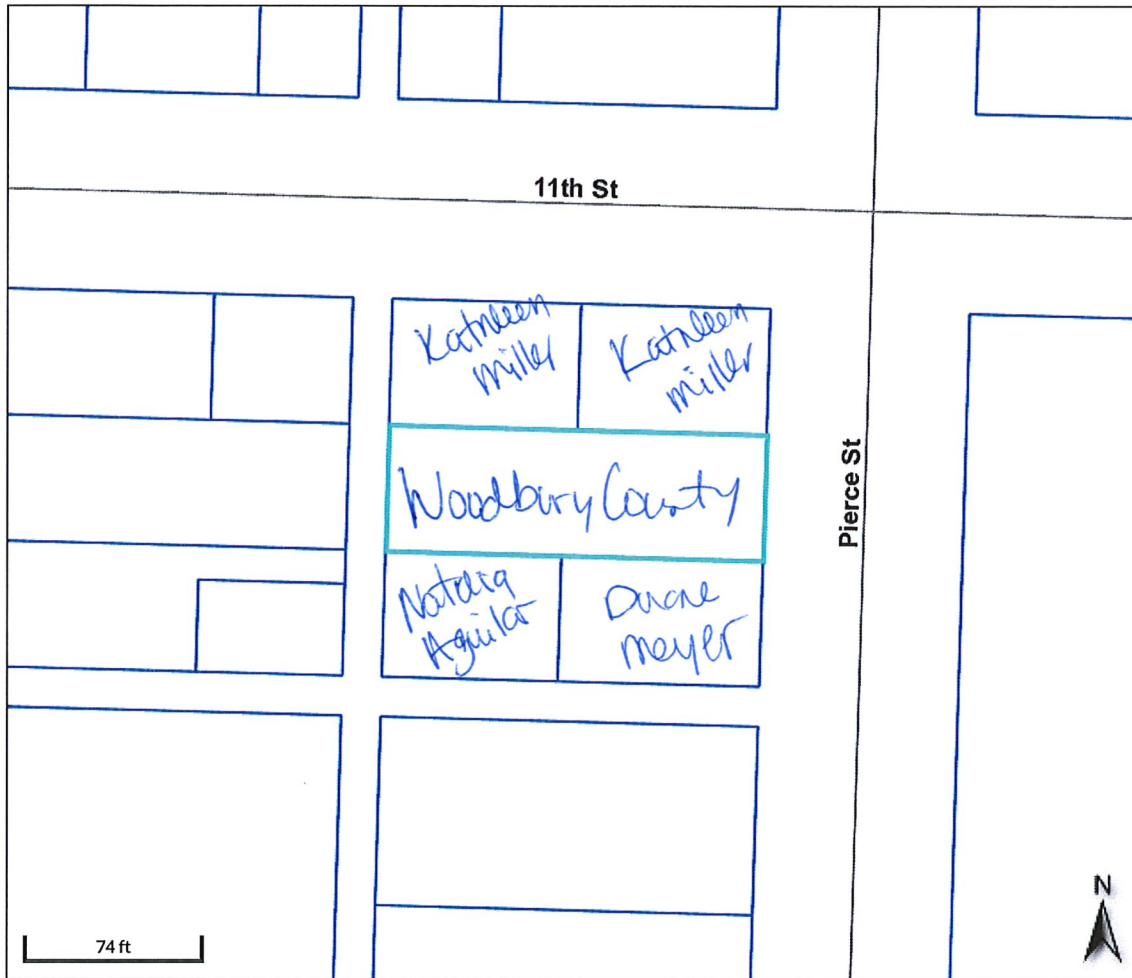
Parcel ID	894728115009	Alternate ID	24900	Owner Address	WOODBURY COUNTY COURTHOUSE
Sec/Twp/Rng	n/a	Class	C		620 DOUGLAS ST
Property Address	1015-17 PIERCE ST	Acreage	n/a		SIOUX CITY IA 51101
	SIOUX CITY				
District	087				
Brief Tax Description	SIOUX CITY EAST LOT 11 BLK 57				
	(Note: Not to be used on legal documents)				

Date created: 3/29/2018
 Last Data Uploaded: 3/28/2018 11:34:02 PM

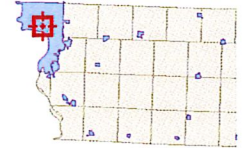
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 The Schneider Corporation



Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels

Parcel ID	894728115009	Alternate ID	24900	Owner Address	WOODBURY COUNTY COURTHOUSE
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	SIOUX CITY				

District 087
 Brief Tax Description SIOUX CITY EAST LOT 11 BLK 57
 (Note: Not to be used on legal documents)

Date created: 3/29/2018
 Last Data Uploaded: 3/28/2018 11:34:02 PM

 Developed by
 The Schneider Corporation

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: April 3, 2018

* PERSONNEL ACTION CODE:

- A - Appointment
- T - Transfer
- P - Promotion
- D - Demotion
- R - Reclassification
- E - End of Probation
- S - Separation
- O - Other

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Maron, Bryan	Building Services	3-27-18	Maintenance Worker	\$22.20/hour	8%=\$1.64/hour	R	Per AFSCME Courthouse Contract agreement, from Grade 3/Step 5 to Grade 4/Step 5 with 3 rd Class Hydronic Engineer License.
Byers, Jason	Secondary Roads	4-18-18	Motor Grader Operator	\$23.29/hour	3%=\$.69/hr	E	Per CWA Secondary Roads Contract agreement, End of Probation Salary Increase.
Folsom, Delayne	Secondary Roads	4-18-18	Motor Grader Operator	\$23.29/hour	3%=\$.69/hr	E	Per CWA Secondary Roads Contract agreement, End of Probation Salary Increase.

APPROVED BY BOARD DATE: _____

MELISSA THOMAS, HR DIRECTOR: 

WOODBURY COUNTY
HUMAN RESOURCES DEPARTMENT

TO: Board of Supervisors and the Taxpayers of Woodbury County

FROM: Melissa Thomas, Human Resources Director

SUBJECT: Memorandum of Personnel Transactions

DATE: April 3, 2018

For the April 3, 2018 meeting of the Board of Supervisors and the Taxpayers of Woodbury County the Memorandum of Personnel Transactions will include:

1. Building Services Maintenance Worker, from Grade 3/Step 5 to Grade 4/Step 5.
2. Secondary Roads (2) Motor Grader Operators, End of Probation Salary Increase.

Thank you

HUMAN RESOURCES DEPARTMENT
WOODBURY COUNTY, IOWA

DATE: April 3, 2018

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
County Sheriff	(2) Deputy Sergeants	CWA: \$33.66/hour		
	Please see attached memo.			

Chairman, Board of Supervisors



Woodbury County Sheriff's Office

LAW ENFORCEMENT CENTER
P. O. BOX 3715 SIOUX CITY, IOWA 51102

DAVID A. DREW, SHERIFF

PHONE: 712.279.6010
E-MAIL: ddrew@woodburycountyiowa.gov
FAX: 712.279.6522

29 Mar 2018

To the Woodbury County Board of Supervisors & Human Resources Department,

The Woodbury County Sheriff's Office respectfully requests discussion and action on the creation of two Sworn Deputy Sergeant positions and authorization to promote two Sworn Deputy Sheriff's to Sworn Deputy Sergeants. Woodbury County currently budgets wages for Deputy Sheriff's as acting supervisors in the absence of Deputy Sergeants working the Patrol Division. To create more oversight for our Patrol Division, the creation of two additional Deputy Sergeant positions will allow for increased supervision at no additional cost to the budget. The Sheriff's Office is not asking to backfill the two Deputy Sheriff positions that will be vacated with the two promotions to Deputy Sergeant. We request this be placed on the agenda for the Tuesday, April 3, 2018 Woodbury County Board of Supervisors meeting. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Dave Drew".

Dave Drew, Sheriff

Cc: file

HUMAN RESOURCES DEPARTMENT

#7c

WOODBURY COUNTY, IOWA

DATE: April 3, 2018

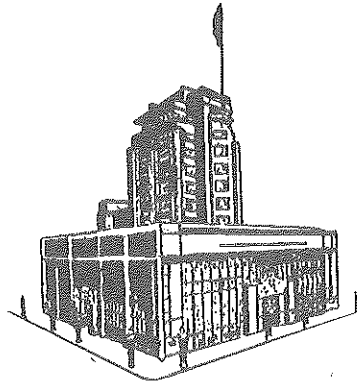
REQUEST TO DEAUTHORIZE COUNTY POSITION(S)

DEPARTMENT	POSITION	APPROVED	DISAPPROVED
County Sheriff	(2) Sheriff Deputies		

Chairman, Board of Supervisors

**Office Of The
AUDITOR/RECORDER
Of Woodbury County**

PATRICK F. GILL
Auditor/Recorder



#8a

Court House – Rooms 103
620 Douglas
Sioux City, Iowa 51101

Phone (712) 279-6702
Fax (712) 279-6629

To: Board of Supervisors

From: Patrick F. Gill, Auditor & Recorder

Date: March 27, 2018

Subject: Liquor License Application for White Horse Patrol Club

Please approve and receive for signature, an applicaton for a 12-month, Class A Liquor License (LA) (Private Club), with Sunday sales privileges, for the White Horse Patrol Club, 1689 Old Hwy 141, Sergeant Bluff, Iowa. The license will be effective 04/05/18 through 04/04/19.



State of Iowa
ALCOHOLIC
BEVERAGES DIVISION
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- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Dram Cert
- > Local Endorse
- > History

Applicant License LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

LENGTH OF LICENSE REQUESTED:
(Choose one of the following):

12 month

8 month

6 month

14 day

5 day

License Status: Submitted to Local Authority

Original issue date of license: MM/DD/YYYY

Issue date of current license: MM/DD/YYYY

License effective date: MM/DD/YYYY

License expiration date: MM/DD/YYYY

Number of days notice:

70 day notice:

Cancel date: MM/DD/YYYY

Prev

Next

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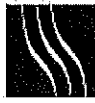


Contact Us

Iowa Alcoholic Beverages Division
1918 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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ALCOHOLIC
BEVERAGES DIVISION

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- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Dram Cert
- > Local Endorse
- > History

Privileges LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.

The navigation links on the top may also be used to move around the application.

Select one or more of the privileges you wish to have for your Class A Liquor License (LA) (Private Club). If no privileges are applicable please leave all boxes unchecked and hit the next button.

PRIVILEGES:	
<input type="checkbox"/>	Living Quarters
<input type="checkbox"/>	Outdoor Service
<input checked="" type="checkbox"/>	Sunday Sales

[Prev](#)

[Next](#)

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Iowa Alcoholic Beverages Division
1918 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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- > History

Applicant LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A):

Address of Premise:

Address Line 2:

City:

County:

Zip:

Business Phone: Cell / Home Phone:

Same Address

Mailing Address:

Mailing Address Line 2:

City: State:

Zip:

Contact Name:

Phone: Email Address:

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Contact Us

Iowa Alcoholic Beverages Division
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Toll Free 866.IowaABD (866.469.2223)
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ALCOHOLIC
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Status of Business LA0001073, White Horse Patrol Club, Sergeant Bluff



After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

Indicate how the business will be operated (Choose one of the following):

<input type="radio"/> Sole Proprietorship	<input type="radio"/> Publicly Traded Corporation
<input type="radio"/> General Partnership	<input type="radio"/> Limited Liability Company
<input type="radio"/> Limited Partnership	<input type="radio"/> Municipality
<input checked="" type="radio"/> Privately-Held Corporation	<input type="radio"/> Non-Profit Association

Corporate ID Number: Federal Employer ID#:

Federal Employer ID Applied For:

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Ownership LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
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Corporate applicant's, list all shareholders having 10% or more interest in the corporation and all officers and directors of the corporation regardless of ownership interest. Sole Proprietors shall also include their spouse even if the spouse owns 0% interest. Non-profit corporations or associations need to list officers. Partnerships and Committees not registered with the Secretary of State office will need a trade name filing from their county recorder's office.

If you want to change ownership information at renewal time please finish the renewal with the current ownership listed. When you are finished please go to the Action List and submit an Ownership Update Application along with the license renewal.

Owners:

Name	Address	Percentage	
Scott Van Eldik	109 Burdick St., Salix, IA, 51052	0.00 %	View
Wayne Peterson	3416 Weldon Ave, Sloux City, IA, 51106	0.00 %	View

1

First Name: <input type="text"/>		Last Name: <input type="text"/>	
Address: <input type="text"/>			
Address Line 2: <input type="text"/>			
City: <input type="text"/>	State: <input type="text" value="Please Select"/>		
Zip: <input type="text"/>			
Position: <input type="text"/>	SS#: <input type="text"/>	U.S. Citizen: <input type="text" value="Please Select"/>	
Date of Birth: <input type="text" value="MM/DD/YYYY"/>	% of Ownership: <input type="text"/>		
<input type="button" value="Add"/>			

Please make sure you press "Add" after each owner's information is listed above before pushing the next button.

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Criminal History LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.

The navigation links on the top may also be used to move around the application.

No	Since this license was last issued, has anyone listed in the ownership screen been convicted of a felony offense in Iowa or any other state of the United States? If yes, list on the next (Violations) screen.
No	Since the license was last issued, have any of the owners listed in the ownership screen been charged, arrested, indicted, convicted or received a deferred judgment for any violation of any state, county, city, federal or foreign law? All information shall be reported regardless of the disposition, even if dismissed or expunged. Include pending charges. DO NOT include traffic violations, except those that are alcohol related. If yes, list violations on the next (Violations) screen.
None	If no arrests, indictments, summons or convictions are applicable since the license was last issued, select 'NONE'.

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Premises Information LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
 The navigation links on the top may also be used to move around the application.

Has the premises configuration changed since last year?

Control of premises:

- Own
- Lease
- Other explain:

Premises type:
 Local Authority:

License City: City Population: 4227
 License County: Woodbury County Population: 102172

Dram Shop:

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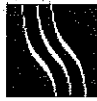


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General Premises Information LA0001073, White Horse Patrol Club, Sergeant Bluff

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
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of Bathrooms:

of Floors:

Equipped with tables and seats to accommodate a minimum of 25?

Are other liquor, wine or beer businesses accessible from the interior of your premises?

Veterans Organizations: Is your lodge or fraternal organization chartered by the Congress of the United States and open only 1 day a week? If no, please answer remaining questions.

Class A Liquor License "Club" Applicants Only: Is your club a non-profit corporation or association of individuals who own, lease or occupy a permanent building whose members pay regular dues and is not operated for a profit other than such profits as would accrue to the entire membership?

If yes, how many dues paying members do you have?

Does your premises conform to all local and state health, fire and building laws and regulation?

Is the capacity of your establishment over 200?

Do you charge a cover charge?

If yes, how often?

Infusing [click here for more information](#)

- I will be mixing and storing mixed drinks, cocktails, or infusions prior to a customer placing an order for the beverage. I will mix, store, and dispense mixed drinks, cocktails or infusions which are not for immediate consumption in compliance with the requirements and restrictions provided in Iowa Code § 123.49(2)"d"(2) and 185 Iowa Administrative Code § 4.5. I understand that a failure to comply with applicable laws and rules will result in a fine, license suspension, and/or license revocation.
- Agree Disagree
- I will NOT be mixing and storing mixed drinks, cocktails, or infusions prior to a customer placing an order for the beverage.

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Applicant Signature LA0001073, White Horse Patrol Club, Sergeant Bluff

Complete the information below and click Finish to complete the application
 Note that the license fees will only be withdrawn from accounts after the ABD approves the license.

This application must be completed by a person listed in the Ownership Section.

I hereby declare that all information contained in the Application is true and correct. I understand that misrepresentation of material facts in the Application is a crime and grounds for denial of the license or permit under Iowa law. I further understand that, as a condition of receiving a license, the licensed premises is subject to inspection during business hours by appropriate local, state and federal officials.

NOTE: The Applicant's Name must match one of the owner's names from the Ownership screen.

Owner's Signature: Date:

MM/DD/YYYY

Tentative effective date: MM/DD/YYYY

Licensees are required to submit a bi-annual report of shipment to Iowa consumers due January 10th and July 10th for the previous six months of shipment. This report can be found on the "Action List" under "Complete a Tax Report".

Amount to be transferred from your \$ 624.00 account:

Please notify your Financial Institution to allow ACH debits by our agency's ACH ID number, 142-6004553.

Funds will be pulled from your account 2 days after ABD approves the license. You are ready to submit the application for your license to sell alcoholic beverages in the State of Iowa. By providing the bank information requested and clicking on "finish" you are indicating that you are an owner or authorized user of the bank account listed and that you hereby authorize ABD to debit the account in the amount indicated above.

NAME ADDRESS CITY, STATE, ZIP	0123 01-23456789
DATE	
PAY TO THE ORDER OF	\$
BANK NAME ADDRESS CITY, STATE, ZIP	DOLLARS
FOR	
⑆0123456789⑆	⑆01234567890123⑆
⑆0123	

Bank Routing Number:

Bank Account Number:

Check Number:

Repeat Bank Routing Number:

The routing number will ALWAYS be 9 digits long. If you are unsure of your routing or account number, call your bank.

Applicant's Account Number:

Repeat Account Number:

Credit cards are not accepted. Your bank information is transferred over a secure connection and is completely confidential.

BY CLICKING ON THE "FINISH" BUTTON, I AGREE TO THE TERMS AND CONDITIONS OF USING MY BANK ACCOUNT AS A PAYMENT METHOD, WHICH ARE LISTED BELOW, AND AUTHORIZE THE STATE OF IOWA TO DEBIT MY BANK ACCOUNT FOR THE LICENSING FEE LISTED ABOVE.
1 Bank Account Payments By choosing to use a bank account as your payment

Please print a copy of this page for your records before clicking the "FINISH" button.

If you are not taken to a confirmation screen after clicking on "Finish", please see the notes at the top of the applicant signature screen to find out why the application was not submitted.

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Dram Shop Liability Certificate of Insurance LA0001073, White Horse Patrol Club, Sergeant Bluff

Complete the information below and click SUBMIT to endorse this Renewal application.

POLICY INFORMATION	
Reason for re-submittal:	
This is to certify: <i>Scottsdale Insurance Company</i>	
Policy Number:	CPS2583891-01
Assured:	White Horse Patrol Club
DBA:	White Horse Patrol Club
Address:	1689 Old Highway 141
Address Line 2:	
City:	Sergeant Bluff
State:	Iowa
Zip:	51007
Policy Effective Date:	04/05/2018 MM/DD/YYYY
To: <input checked="" type="radio"/>	Expiration Date: 04/05/2019
Thru: <input type="radio"/>	MM/DD/YYYY

CHECK LIST	
<input checked="" type="checkbox"/>	Outdoor Service Endorsement
<input checked="" type="checkbox"/>	Policy Information Verified (if incorrect please contact the licensee)
Does this policy contain an annual aggregate limit provision?	Yes
If Yes, Annual aggregate limit is:	\$251,000 - \$300,000

The above-mentioned policy of insurance (hereinafter policy) contains coverage to comply with the provisions of Iowa Code section 123.92 and all regulations of the Iowa Department of Commerce, Alcoholic Beverages Division.

The policy may be canceled by the Company of the Assured giving 30 days notice in writing to the Alcoholic Beverages Division at its office, Ankeny, Iowa. The 30 days notice will commence from the date notice is actually received by the division.

Whenever requested by the division, the company agrees to furnish to the division a duplicate original of the policy and all pertinent endorsements.

Signature: Date: 03/26/2018 MM/DD/YYYY

Submit

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Local Authority Endorsement LA0001073, White Horse Patrol Club, Sergeant Bluff

Complete the information below and click SUBMIT to endorse the Renewal.

LICENSE INFORMATION

Local Authority: County of Woodbury
 Daytime Phone for Local Authority: (712) 279-6702

License Approved
 License Denied Reason For Denial: _____
 License Timely Filed Reason For Timely Filing: _____

Effective Date: 04/05/2018 Expiration Date: 04/04/2019

CHECK LIST

Fire inspection completed: Yes No
 Health inspection completed: Yes No
 Was a DCI background check run: Yes No

Fee Amount: \$624.00
Local Authority Share: \$260.00

E-MAIL

Please provide the local authority email address below. Once the application has been reviewed and approved, a copy of the license will be emailed to this address.

Local Authority E-mail Address: _____

COMMENTS

Signature: Date: _____ MM/DD/YYYY

Submit

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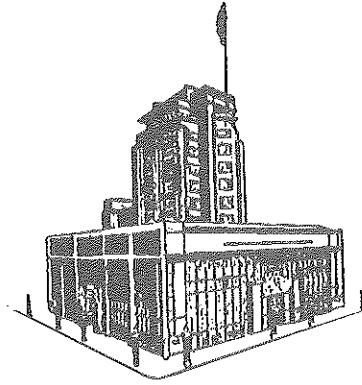
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**Office Of The
AUDITOR/RECORDER
Of Woodbury County**

PATRICK F. GILL
Auditor/Recorder



#8b

Court House – Rooms 103
620 Douglas
Sioux City, Iowa 51101

Phone (712) 279-6702
Fax (712) 279-6629

To: Board of Supervisors

From: Patrick F. Gill, Auditor & Recorder

Date: March 29, 2018

Subject: Beer License Application for Cold Beer

Please approve and receive for signature, an applicaton for a 5-day, Class B Beer License (BB) (Includes Wine Coolers), with Outdoor Service, for the Cold Beer, Fair St. #206, Merville, Iowa. The license will be effective 04/07/18 through 04/11/18.



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Applicant License **BB_V_78232, Cold Beer, Merville**

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

<p>LENGTH OF LICENSE REQUESTED: (Choose one of the following):</p> <p><input type="radio"/> 12 month</p> <p><input type="radio"/> 8 month</p> <p><input type="radio"/> 6 month</p> <p><input type="radio"/> 14 day</p> <p><input checked="" type="radio"/> 5 day</p>	<p>License Status: Submitted to Local Authority</p> <p>Original issue date of license: <input type="text"/> MM/DD/YYYY</p> <p>Issue date of current license: <input type="text"/> MM/DD/YYYY</p> <p>License effective date: <input type="text" value="04/07/2018"/> MM/DD/YYYY</p> <p>License expiration date: <input type="text"/> MM/DD/YYYY</p> <p>Number of days notice: <input type="text" value="0"/></p> <p>70 day notice: <input type="text" value="0"/></p> <p>Cancel date: <input type="text"/> MM/DD/YYYY</p>
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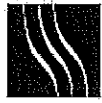


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Privileges **BB_V_78232, Cold Beer, Movice**

After completion click on the **NEXT** link to continue to the next screen, or the **BACK** link to return to the previous screen.
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Select one or more of the privileges you wish to have for your Class B Beer (BB) (Includes Wine Coolers). If no privileges are applicable please leave all boxes unchecked and hit the next button.

PRIVILEGES:	
<input type="checkbox"/>	Class B Native Wine Permit
<input type="checkbox"/>	Class C Native Wine Permit (On-Premise Native Wine)
<input type="checkbox"/>	Living Quarters
<input checked="" type="checkbox"/>	Outdoor Service
<input type="checkbox"/>	Sunday Sales

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Applicant **BB_V_78232, Cold Beer, Merville**

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A):

Address of Premise:

Address Line 2:

City:

County:

Zip:

Business Phone: Cell / Home Phone:

Same Address

Mailing Address:

Mailing Address Line 2:

City: State:

Zip:

Contact Name:

Phone: Email Address:

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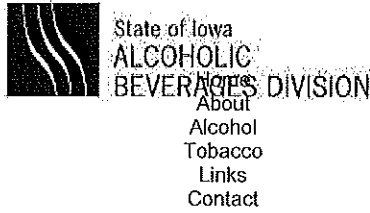


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Status of Business **BB_V_78232, Cold Beer, Movice**

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

Indicate how the business will be operated (Choose one of the following):

<input checked="" type="radio"/> Sole Proprietorship	<input type="radio"/> Publicly Traded Corporation
<input type="radio"/> General Partnership	<input type="radio"/> Limited Liability Company
<input type="radio"/> Limited Partnership	<input type="radio"/> Municipality
<input type="radio"/> Privately-Held Corporation	

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Ownership **BB_V_78232, Cold Beer, Merville**

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Corporate applicant's, list all shareholders having 10% or more interest in the corporation and all officers and directors of the corporation regardless of ownership interest. Sole Proprietors shall also include their spouse even if the spouse owns 0% interest. Non-profit corporations or associations need to list officers. Partnerships and Committees not registered with the Secretary of State office will need a trade name filing from their county recorder's office.

If you want to change ownership information at renewal time please finish the renewal with the current ownership listed. When you are finished please go to the Action List and submit an Ownership Update Application along with the license renewal.

Owners:

Name	Address	Percentage	
Brittany Peplinski	1825 S Palmetto st, Sioux City, IA, 51106	100.00 %	View

1

First Name: Last Name:

Address:

Address Line 2:

City: State:

Zip:

Position: SS#: U.S. Citizen: No Spouse:

Date of Birth: % of Ownership:

Please make sure you press "Add" after each owner's information is listed above before pushing the next button.

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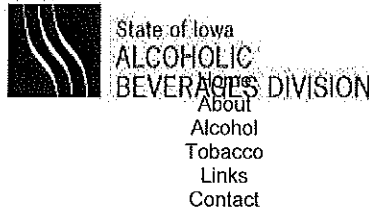


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Criminal History **BB_V_78232, Cold Beer, Movice**

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

No <input type="button" value="v"/>	Have you ever been convicted of a felony offense in Iowa or any other state of the United States? If yes, list on the next (Violations) screen.
No <input type="button" value="v"/>	Have any of the owners listed in the ownership screen ever been charged, arrested, indicted, convicted or received a deferred judgment for any violation of any state, county, city, federal or foreign law? All information shall be reported regardless of the disposition, even if dismissed or expunged. Include pending charges. DO NOT include traffic violations, except those that are alcohol related. If yes, list violations on the next (Violations) screen.
None <input type="button" value="v"/>	If no arrests, indictments, summons or convictions are applicable select "NONE".

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Iowa Alcoholic Beverages Division
1918 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.IowaABD (866.469.2223)
Local 515.281.7400

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- Applicant Signature
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- Local Endorse
- History

Premises Information **BB_V_78232, Cold Beer, Merville**

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

Control of premises:

- Own
- Lease
- Other explain:

Submit a signed copy of the lease/rental agreement for the license period or signed final sales contract or warranty deed to your local authority.

Submit a sketch to the Local Authority on 8 1/2 x 11' white paper of the proposed premises showing all areas under the control or lease of the Applicant. Include all floors where alcoholic beverages will be sold, served, consumed and stored. Indicate all entrances and exits, location of bar, back bar, and bathrooms. Please provide a separate sketch for each floor. If Applicant has Outdoor Service Area Privilege, please include in the sketch it's relationship to the licensed premises.

Boat Applicants Only: Submit a sketch to the Local Authority on 8 1/2 x 11' white paper of the proposed premises showing all areas under the control or lease of the Applicant. Include all decks where alcoholic beverages will be sold, served, consumed and stored. Indicate all entrances and exits, location of bar, back bar, bathrooms and where licenses will be displayed. Please provide a separate sketch for each deck. A separate sketch is required for each boat.

Premises type: ▼

Local Authority: ▼

License City: ▼ City Population: 1618

License County: Woodbury County Population: 102172

Dram Shop: ▼

Prev

Next

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General Premises Information **BB_V_78232,** **Cold Beer, Merville**

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen.
The navigation links on the top may also be used to move around the application.

of Bathrooms:

of Floors:

Equipped with tables and seats to accommodate a minimum of 25?

Are other liquor, wine or beer businesses accessible from the interior of your premises?

Does your premises conform to all local and state health, fire and building laws and regulation?

Is the capacity of your establishment over 200?

Do you charge a cover charge?

If yes, how often?

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Applicant Signature **BB_V_78232, Cold Beer, Merville**

Complete the information below and click Finish to complete the application
 Note that the license fees will only be withdrawn from accounts after the ABD approves the license.

This application must be completed by a person listed in the Ownership Section.

I hereby declare that all information contained in the Application is true and correct. I understand that misrepresentation of material facts in the Application is a crime and grounds for denial of the license or permit under Iowa law. I further understand that, as a condition of receiving a license, the licensed premises is subject to inspection during business hours by appropriate local, state and federal officials.

NOTE: The Applicant's Name must match one of the owner's names from the Ownership screen.

Owner's Signature: Date:
MM/DD/YYYY

Tentative effective date: MM/DD/YYYY

Licensees are required to submit a bi-annual report of shipment to Iowa consumers due January 10th and July 10th for the previous six months of shipment. This report can be found on the "Action List" under "Complete a Tax Report".

Amount to be transferred from your \$ 25.00 account:

Please notify your Financial Institution to allow ACH debits by our agency's ACH ID number, 142-6004553.

Funds will be pulled from your account 2 days after ABD approves the license. You are ready to submit the application for your license to sell alcoholic beverages in the State of Iowa. By providing the bank information requested and clicking on "finish" you are indicating that you are an owner or authorized user of the bank account listed and that you hereby authorize ABD to debit the account in the amount indicated above.

NAME ADDRESS CITY, STATE, ZIP	0123 01-23456789	
DATE		
PAY TO THE ORDER OF	\$ <input type="text"/>	
BANK NAME ADDRESS CITY, STATE, ZIP	COLLAPSE	
FOR		
<input type="text" value="NO123456789"/> <input type="text" value="01234567890123"/> <input type="text" value="0123"/>		
Bank Routing Number	Bank Account Number	Check Number

Applicant's Bank Name:

Applicant's Bank Routing Number:

Repeat Bank Routing Number:

The routing number will ALWAYS be 9 digits long. If you are unsure of your routing or account number, call your bank.

Applicant's Account Number:

Repeat Account Number:

Credit cards are not accepted. Your bank information is transferred over a secure connection and is completely confidential.

BY CLICKING ON THE "FINISH" BUTTON, I AGREE TO THE TERMS AND CONDITIONS OF USING MY BANK ACCOUNT AS A PAYMENT METHOD, WHICH ARE LISTED BELOW, AND AUTHORIZE THE STATE OF IOWA TO DEBIT MY BANK ACCOUNT FOR THE LICENSING FEE LISTED ABOVE.

1 Bank Account Payments. By choosing to use a bank account as your payment

Please print a copy of this page for your records before clicking the "FINISH" button.

[Print Notary Form](#)

[Finish](#)

If you are not taken to a confirmation screen after clicking on "Finish", please see the notes at the top of the applicant signature screen to find out why the application was not submitted.

[Prev](#)

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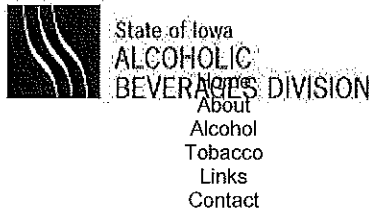


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Dram Shop Liability Certificate of Insurance **BB_V_78232, Cold Beer, Merville**

Complete the information below and click **SUBMIT** to endorse this New application.

POLICY INFORMATION	
Reason for re-submittal:	
This is to certify: <i>Illinois Union Insurance Company</i>	
Policy Number:	SEVIAF1428512A4
Assured:	Brittany Peplinski
DBA:	Cold Beer
Address:	Fair st #206
Address Line 2:	
City:	Merville <input type="text"/>
State:	Iowa <input type="text"/>
Zip:	51039
Policy Effective Date:	04/07/2018 MM/DD/YYYY
To: <input checked="" type="radio"/>	Expiration Date: 04/12/2018 MM/DD/YYYY
Thru: <input type="radio"/>	

CHECK LIST	
<input checked="" type="checkbox"/>	Outdoor Service Endorsement
<input checked="" type="checkbox"/>	Policy Information Verified (if incorrect please contact the licensee)
Does this policy contain an annual aggregate limit provision?	Yes <input type="text"/>
If Yes, Annual aggregate limit is:	\$251,000 - \$300,000 <input type="text"/>

The above-mentioned policy of insurance (hereinafter policy) contains coverage to comply with the provisions of Iowa Code section 123.92 and all regulations of the Iowa Department of Commerce, Alcoholic Beverages Division.

The policy may be canceled by the Company of the Assured giving 30 days notice in writing to the Alcoholic Beverages Division at its office, Ankeny, Iowa. The 30 days notice will commence from the date notice is actually received by the division.

Whenever requested by the division, the company agrees to furnish to the division a duplicate original of the policy and all pertinent endorsements.

Signature: Date: 03/28/2018 MM/DD/YYYY

Submit

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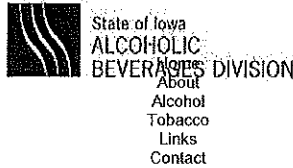
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Local Authority Endorsement **BB_V_78232, Cold Beer, Merville**

Complete the information below and click **SUBMIT** to endorse the New.

LICENSE INFORMATION

Local Authority: *County of Woodbury*

Daytime Phone for Local Authority:

License Approved
 License Denied

Reason For Denial:

Outdoor Service Area Approved
 Outdoor Service Area Denied

Effective Date:

CHECK LIST

Sketch on file
 Lease, Final Sales Contract or Warranty Deed on file
 Premise's address correct
 Notarized statement on file
 Premise zoned properly

Fire inspection completed: Yes No

Health inspection completed Yes No

Was a DCI background check run Yes No

Previous license number for this location:

Fee Amount: \$25.00
Local Authority Share: \$25.00

E-MAIL

Please provide the local authority email address below. Once the application has been reviewed and approved, a copy of the license will be emailed to this address.

Local Authority E-mail Address

COMMENTS

Signature: Date: MM/DD/YYYY

Submit

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WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

#9

Date: 03/29/2018 Weekly Agenda Date: 04/03/2018

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of a permit for working in the county right of way

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Dave Brown has applied for a permit to place a outlet for draining his parking area and driveway into the county right of way.

BACKGROUND:

Work in county ROW requires a permit approved by the Board of Supervisors per section 318.8 of the Code of Iowa.

FINANCIAL IMPACT:

No financial impact to the county.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

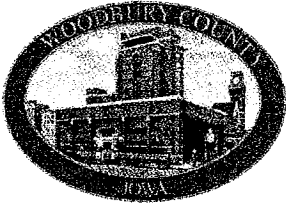
Yes No

RECOMMENDATION:

Recommend approval of the permits for Dave Brown.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the underground utility permit for Dave Brown and to direct the chair to sign the permit.



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Dave Brown Phone No.: 712-281-0297

Mailing Address: 2452 Post Neal Road

Township: Liberty Section: 17-T87N-R47W

Woodbury County, State of Iowa, and Dave Brown (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Install drain outlet between driveway and low area on property and county road ditch. Outlet to be set a minimum of 1' above ditch grade. Outlet to be corrugated metal with rodent guard & marked with a fence post.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

_____ *none - landowner to reseed all areas disturbed by work.* _____

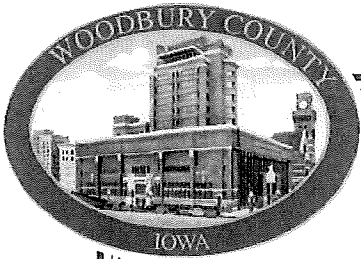
M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the 31st day of October, 2018.

Entered into this 27th day of March, 2018.

David W. Beem
Signature of Property Owner or Authorized Representative

Mah J. Nahr
Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



WOODBURY COUNTY, IOWA

RESOLUTION NO. 12,706

A RESOLUTION THANKING AND COMMENDING

Sharon Schroeder

FOR HER SERVICE TO WOODBURY COUNTY

WHEREAS, Sharon Schroeder has capably served Woodbury County as an employee of the Siouxland District Health Department for 19 years from January 11, 1999 to April 6, 2018; and

WHEREAS, the service given by Sharon Schroeder as a Woodbury County employee, has been characterized by her dedication to the best interests of the citizens of Woodbury County; and

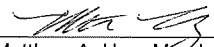
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA that the undersigned members of this Board thanks and commends Sharon Schroeder for her years of service to Woodbury County; and

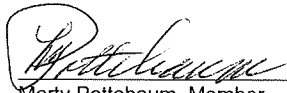
BE IT FURTHER RESOLVED that it is the wish of all those signing below that the future hold only the best for this very deserving person, Sharon Schroeder.


BE IT SO RESOLVED this 20th day of March, 2018.

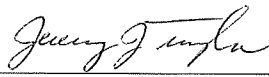
WOODBURY COUNTY BOARD OF SUPERVISORS


Rocky L. DeWitt, Chairman

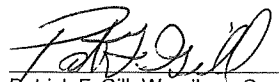

Matthew A. Ung, Member


Marty Pottebaum, Member


Keith W. Radig, Member


Jeremy J. Taylor, Member

Attest:


Patrick F. Gill, Woodbury County Auditor

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

#11

Date: 03-27-18 Weekly Agenda Date: 04-03-18

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Glenn Sedivy, Communications Director

WORDING FOR AGENDA ITEM:

Approval of resolution fixing date for a public hearing for an agreement for Long Lines to lease Starcomm Fiber

ACTION REQUIRED:

- | | | |
|--|--|---|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input checked="" type="checkbox"/> | Approve Motion <input type="checkbox"/> |
| Give Direction <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

The Starcomm Executive Board recommends to the County Supervisors to set a public hearing for April 24, 2018 at 4:40 pm for a fiber optic lease with Long Lines.

BACKGROUND:

Woodbury County (STARCOMM) currently owns and operates a fiber optic cable from 6th and Lewis to 4647 Stone Avenue (Western Iowa Tech College) radio tower in Sioux City Iowa. Long Lines wishes to enter into an initial 10 year agreement to lease 12 strands of this fiber.

FINANCIAL IMPACT:

Long Lines will lease this fiber for \$12,000.00 per year for their operations, this will be new revenue to be used within the Starcomm operating budget.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Place this on the April 24, 2018 agenda as a public hearing

ACTION REQUIRED / PROPOSED MOTION:

Place this on the April 24, 2018 agenda as a public hearing

RESOLUTION

NOTICE OF PROPERTY LEASE

WHEREAS Woodbury County, Iowa is the owner of a 144 strand fiber optic cable that extends between 6th and Lewis and 4647 Stone Avenue, Western Iowa Tech radio tower that is operated by the Siouxland Tri-State Radio Communications System (hereinafter referred to as "STARCOMM"); and

WHEREAS Long Lines desires to enter a lease with Woodbury County, Iowa and Starcomm to use 12 strands of this Starcomm fiber for their operations;

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa as follows:

1. That a public hearing on the aforesaid proposal shall be held on the **April 24, 2018 at 4:40 p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to lease fiber on the Starcomm for an initial term of ten (10) years, with the possibility of four (4) additional five (5) year renewal terms.
3. That said Board proposes to lease the real estate at a rate of \$12,000.00 annually during the initial term with the amount of the rent increasing by 10% in each of the renewal terms.
4. That this resolution, preceded by the caption "Notice of Property Lease" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 3rd Day of April, 2018.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor
and Recorder

Rocky DeWitt, Chairman

**LEASE AGREEMENT
BETWEEN
WOODBURY COUNTY
AND
LONG LINES**

AGREEMENT

THIS AGREEMENT is made on the ____ day of April 2018 by and between WOODBURY COUNTY, IOWA (the "County"), and Long Lines Metro, LLC, a Delaware limited liability company ("LONG LINES").

In consideration of the mutual covenants contained in this Agreement, the sufficiency of which is acknowledged, the parties agree as follows:

SECTION 1. IDENTITY OF THE PARTIES.

- A. WOODBURY COUNTY, located 620 Douglas Street, Suite 104, Sioux City, Iowa.
- B. LONG LINES is located at 501 Fourth Street, Sergeant Bluff, IA 51054.

SECTION 2. DEFINITIONS. The following words shall have the meanings set forth below. Words in the singular shall be held to include the plural and vice versa.

- A. "**Agreement**" means this document including the product, equipment and services referenced within this documentation.
- B. "**Designated Fiber**" shall mean the Designated Dark Fiber, between 6th and Lewis Blvd. and the WIT Security Institute Building located on the Western Iowa Tech Campus at 4647 Stone Avenue, Sioux City, Iowa 51106.
- C. "**Communications Cable**" means a cable of one or more fiber optic strands installed and owned by the County.
- D. "**Dark Fiber**" means a number of fibers, normally expressed in number of glass strands unless otherwise stated, between two specified locations that have no optronics or electronics attached to it, thus no light/communications signal ~~is~~ being transmitted thru the fiber.
- E. "**Fiber**" means a glass strand or strands which is/are protected by a color-coded buffer tube and which is/are used to transmit a communication signal along the glass strand in the form of pulses of light.
- F. "**Communications Equipment**" means facilities or equipment provided, owned or installed by the County in, around or on the Designated Fiber.
- G. "**LONG LINES**" means Long Lines L.L.C.
- H. "**Patch Panel**" means termination point for ingoing and outgoing fiber connections for communications networks.
- I. "**TSI**" means the County fiber room located in the "The Security Institute Building"

SECTION 3. PARTIES' OBLIGATIONS.

A. Woodbury County shall give LONG LINES access to and permission to use fibers number 49,50,51,52,53,54,55,56,57,58,59,60 "SLATE TUBE" of Woodbury County fiber between the 6th and Lewis Blvd fiber vault to the T.S.I., within this route. Prior notice and approval of access to the leased fibers shall

be secured pursuant to Section 3 (E). LONG LINE's use of the fibers will not be restricted except by those restrictions set out by local, state, and federal authorities.

B. Qualifications of Splicing Technicians. LONG LINES shall use certified Fiber Splicing Technicians when splicing into the County's fiber cable. Such splicing is subject to the County's inspection prior to sealing of the splice case

C. Woodbury County shall provide LONG LINES twelve (12) continuous dark fibers between the 6th and Lewis Blvd fiber vault to the T.S.I.

D. The initial term of the Agreement shall be five (5) years from April 1st, 2018 (the "Initial Term") unless terminated earlier in accordance with the Termination section of this Agreement. Upon the expiration of the Initial Term, the Agreement will automatically be renewed for additional 5 year prior to the expiration of the agreement and each successive term.

E. Annual Rent and Renewal Term, LONG LINES shall pay a base annual rent during the initial term in the amount of \$12,000.00 Dollars, The Rent shall be payable in advance in equal monthly amounts of \$1000.00 each, due on the 1st day of each month. Woodbury County will invoice Long Lines for the monthly rent. All Rent more than thirty (30) days in arrears shall bear interest at the rate of twelve percent (12%) per annum from the initial date due until paid, but this provision shall not preclude Woodbury County from employing any remedy available to Woodbury County in this Agreement upon default in the payment of the Rent.

a. First Renewal Term (years 11 through 15) Rent shall be increased by 10% over the highest amount paid during the Initial Term.

b. Second Renewal Term (years 16 through 20) Rent shall be increased by 10% over the highest amount paid during the first Renewal Term

c. Third Renewal Term (years 21 through 25) Rent shall be increased by 10% over the highest amount paid during the second Renewal Term

d. Fourth Renewal Term (years 26 through 30) Rent shall be increased by 10% over the highest amount paid during the third Renewal Term

E. Woodbury County, or Woodbury County's authorized contractor, shall perform all maintenance on the Fiber, including any Fiber repairs, Fiber restoration, and Fiber relocation that becomes necessary during the term of this Agreement. In the event of a fiber cut or other need for an emergency repair, Woodbury County will make the repair and bill the party that is responsible for the cut for the entire cost of the repair.

F. Installation of LONG LINES Equipment. If LONG LINES or a contractor operating under the direction of LONG LINES performs any splicing, accesses splice cases, or performs any other procedure that could accidentally disrupt the passage of light in the Fibers or otherwise directly impact Woodbury County's Fibers, the activity must be preplanned and approved by the Woodbury County Communications Center five (5) working days in advance and performed during established Communications Maintenance Windows (normally 8 AM - 4 PM) LONG LINES shall call Woodbury County Communications Center at 279-6960 to establish all maintenance windows. LONG LINES may modify the Designated Dark Fiber by splicing, terminating, or otherwise extending the connection within its facilities beyond the patch panel.

SECTION 4. EXCLUSION OF WARRANTIES.

WOODBURY COUNTY MAKES NO WARRANTY TO LONG LINES OR ANY OTHER ENTITY, WHETHER EXPRESS, IMPLIED OR STATUTORY, AS TO THE INSTALLATION, DESCRIPTION, QUALITY, MERCHANTABILITY, COMPLETENESS, USEFUL LIFE, FUTURE ECONOMIC VIABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE OF THE DESIGNATED FIBER, ANY FIBERS, OR THE SYSTEM, OR AS TO ANY OTHER MATTER, ALL OF WHICH WARRANTIES ARE HEREBY EXPRESSLY EXCLUDED AND DISCLAIMED.

SECTION 5. INDEMNIFICATION.

A. LONG LINES shall indemnify and hold harmless, Woodbury County, its governing body, officials, and

employees from and against any and all costs, expenses, losses, claims, damages, liabilities, settlements and judgments arising directly out of the negligence or wrongful acts or omissions of any employee of LONG LINES, while acting within the scope of the employee's office of employment in connection with the performance of this Agreement.

B. Woodbury County shall indemnify and hold harmless LONG LINES, its owners, agents and employees from and against any and all costs, expenses, losses, claims, damages, liabilities, settlement and judgments arising directly out of the negligence or wrongful acts or omissions of any employee of Woodbury County, while acting within the scope of the employee's office of employment in connection with the performance of this Agreement.

C. Nothing contained herein shall operate as a limitation on the right of either party hereto to bring an action for damages against any third party, including indirect, special or consequential damages, based on any acts or omissions of such third party as such acts or omissions may affect the construction, operation or use of the Designated Fiber.; provided, however, that each party hereto shall assign such rights or claims, execute such documents and do whatever else may be reasonably necessary to enable the other party to pursue any such action against such third party.

SECTION 6. LIMITATION OF LIABILITY. Notwithstanding any provision of this Agreement to the contrary, in no event shall either party be liable to the other party for any special, incidental, indirect, punitive or consequential damages, whether foreseeable or not, arising out of, or in connection with, transmission interruptions or problems, or any interruption or degradation of service, including, but not limited to, damage or loss of property or equipment, loss of profits or revenue, cost of capital, cost of replacement services, or claims of customers, whether occasioned by any construction, reconstruction, relocation, repair or maintenance performed by, or failed to be performed by, the other party or any other cause whatsoever, including, without limitation, breach of contract, breach of warranty, negligence, or strict liability all claims for which damages are hereby specifically waived.

SECTION 7. COUNTY'S PROPERTY. Except as provided for in Section 3(E), LONG LINES shall not, and shall not permit others, to rearrange, disconnect, remove, attempt to repair, or otherwise tamper with any of Woodbury County's property without the written consent of Woodbury County. The Parties agree that no party other than Woodbury County or a contractor under the direct supervision of Woodbury County shall be permitted to perform maintenance or splicing on the Fiber.

SECTION 8. LONG LINES EQUIPMENT. LONG LINES shall have sole responsibility for installation and operation of LONG LINES Equipment. Woodbury County shall not be responsible for the operation or maintenance of any LONG LINES Equipment. Woodbury County shall not be responsible for the transmission or reception of communications or signals by LONG LINES Equipment or for the quality of, or defects in, such transmission or reception.

SECTION 9. TERMINATION.

A. Termination for Cause. Either party may terminate this Agreement if the other party breaches a material obligation under the Agreement and fails to correct the breach within 30 days of receiving written notice of the breach from the non-breaching party.

B. Termination for Change in Law. Woodbury County shall have the right to terminate this Agreement without penalty by giving 360 days' written notice to LONG LINES if one of the following events occurs: (a) Adequate funds are not appropriated or granted to allow Woodbury County to operate as required to fulfill its obligations under this Agreement; (b) Funds are de-appropriated or not allocated or if funds needed by Woodbury County at Woodbury County's Chairman's sole discretion, are insufficient for any reason; (c) Woodbury County's authorization to operate is withdrawn or there is a material change in the programs administered by Woodbury; or (d) Woodbury County's duties are substantially modified, at any time during the course of the Agreement or extensions of the Agreement.

C. Termination Without Cause. Either party may terminate this Agreement without penalty by giving 360 days written notice to the other party.

SECTION 10. CONTRACT ADMINISTRATION.

A. Amendments. This Agreement may be amended in writing from time to time by mutual consent of the parties. All amendments to this Agreement must be fully executed by the parties.

B. Third Party Beneficiaries. There are no third party beneficiaries to this Agreement. This Agreement is intended only to benefit LONG LINES and Woodbury County. This Agreement may not be assigned by LONG LINES without the written consent of Woodbury County.

C. Choice of Law and Forum. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with this Agreement without regard to the choice of law provisions of Iowa law. In the event any judicial proceeding is commenced in connection with this Agreement, the exclusive jurisdiction for the proceeding shall be brought in Woodbury County District Court for the State of Iowa, Sioux City, Iowa. This provision shall not be construed as waiving any immunity to suit or liability including without limitation sovereign immunity in State or Federal court, which may be available to LONG LINES or Woodbury County.

D. Integration. This Agreement, including all the documents incorporated by reference, represents the entire Agreement between the parties and neither party is relying on any representation that may have been made which is not included in this Agreement. The parties agree that if a Schedule, Addendum, Rider or Exhibit or other document is attached hereto by the parties, and referred to herein, then the same shall be deemed incorporated herein by reference.

E. Not a Joint Venture. Nothing in this Agreement shall be construed as creating or constituting the relationship of a partnership, joint venture, (or other association of any kind or agent/principal relationship) between the parties hereto. No party, unless otherwise specifically provided for herein, has the authority to enter into any agreement or create an obligation or liability on behalf of, in the name of, or binding upon another party to this Agreement.

F. Supersedes Former Agreements. This Agreement supersedes all prior Agreements between Woodbury County and LONG LINES for the services provided in connection with this Agreement.

G. Waiver. Any breach or default by either party shall not be waived or released other than by writing signed by the other party. Failure by either party at any time to require performance by the other party or to claim a breach of any provision of the Agreement shall not be construed as affecting any subsequent breach or the right to require performance with respect thereto or to claim a breach with respect thereto.

H. Notices. Any and all notices, designations, consents, offers, acceptances or any other communication provided for herein shall be given in writing by registered or certified mail, return receipt requested, or by receipted hand deliver, by Federal Express, courier, or other similar and reliable carrier which shall be addressed to each party as set forth as follows:

WOODBURY COUNTY Board of Supervisors
620 Douglas Street, Suite 104
Sioux City, Iowa 51101

Woodbury County-Starcomm
P.O. Box 447
Sioux City, Iowa, 51102

To LONG LINES, L.L.C.
ATTN:
501 Fourth Street
Sergeant Bluff, Iowa 51054

Each such notice shall be deemed to have been provided at the earliest of the following: (a) at the time it is actually received; or (b) in the case of overnight hand delivery courier or services such as Federal Express with guaranteed next day delivery, within one day; or (c) in the case of registered U.S. Mail, within five (5) days. From time to time, the parties may change the name and address of a party designated to receive notice. Such change of the designated person shall be in writing to the other party and as provided herein.

I. Cumulative Rights. The various rights, powers, options, elections and remedies of either party, provided in this Agreement, shall be construed as cumulative and no one of them is exclusive of the others or exclusive of any rights, remedies or priorities allowed either party by law. Nothing in this Agreement shall be construed as affecting, impairing or limiting the equitable or legal remedies to which either party may be entitled as a result of any breach of this Agreement.

J. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the invalid portion shall be severed from this Agreement. Such a determination shall not affect the validity or enforceability of any other part or provision of this Agreement.

K. Obligations beyond Agreement Term. This Agreement shall remain in full force and effect to the end of the specified term or until terminated or canceled pursuant to this Agreement. All obligations of the parties incurred or existing under this Agreement as of the date of expiration, termination or cancellation will survive the expiration, termination or cancellation of this Agreement.

L. Authorization. Each party to this Agreement represents and warrants to the other that it has the right, power and authority to enter into and perform its obligations under this Agreement and that it has taken all requisite action (corporate, statutory, or otherwise) to approve execution, delivery and performance of this Agreement. This Agreement constitutes a legal, valid and binding obligation upon the parties in accordance with its terms.

M. Successors in Interest. All the terms, provisions, and conditions of the Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, and legal representatives.

N. Counterparts and Facsimile Signatures. The parties agree that this Agreement has been or may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall together constitute one and the same instrument. The parties further agree that the signatures on this Agreement or any amendment or schedule may be manual or a facsimile signature of the person authorized to sign the appropriate document. All authorized facsimile signatures shall have the same force and effect as if manually signed.

O. Taxes: Federal, State and Local. LONG LINES will be responsible to pay any Federal, State or Local Taxes.

P. Further Assurances and Corrective Instruments. LONG LINES agrees that it will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for carrying out the expressed intention of this Agreement.

Q. Assignment and Delegation. This Agreement may not be assigned, transferred or conveyed in whole or in part without the prior written consent of the other party, which shall not be unduly withheld.

SECTION 12. EXECUTION.

IN WITNESS WHEREOF, in consideration of the mutual covenants set forth above and for other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the parties have entered into the above Agreement and have caused their duly authorized representatives to execute this Agreement.

WOODBURY COUNTY

LONG LINES

By: _____

By: _____

Printed name: Rocky DeWitt

Printed name: _____

Title: Chairman

Title: _____

Date: _____

Date: _____

Attest:

By: _____

Patrick Gill
County Auditor

Date: _____

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

#12a

Date: 3/28/18

Weekly Agenda Date: 4/3/18

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: David Gleiser, CED Director

WORDING FOR AGENDA ITEM:

Public Hearing and First Reading to Amend the Text in the Land Use Summary Table of Allowed Uses (Section 3.03-4) in the Woodbury County Zoning Ordinance (2008)

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors will hold a public hearing to discuss a proposed amendment to the Zoning Ordinance which would allow the sale of fireworks to occur in the General Commercial (GC) zoning district in unincorporated Woodbury County. Upon closing the public hearing and subject to the Board's will based on public testimony, the Board will conduct the first reading of the proposed amendment. The proposed amendment is attached.

BACKGROUND:

On 3/6/18 the Board of Supervisors requested the Community & Economic Development (CED) department, Zoning Commission (ZC) and Board of Adjustment (BOA) to develop recommendations on which zoning districts would be the most appropriate to allow the retail sales of fireworks to occur in unincorporated Woodbury County.

In Coordination with the ZC and BOA, the CED department requested input from several relevant county departments and community stakeholders (attached). Notices were published in all local newspapers to inform the public of 2 public meetings to seek public input on this issue. Those meetings were held on 3/19/18 in Merville at the community center at 6pm, and on 3/21/18 in Salix at the community center at 6pm. The stakeholder comments received and the minutes from these public meetings are attached.

In addition, the ZC held a public hearing on 3/27/18 to discuss the proposed amendment to the Land Use Summary Table in the Zoning Ordinance. The Commission voted unanimously (3-0) in favor of the amendment and to send their recommendation to the BOA (as a professional courtesy) and to the Board of Supervisors for consideration to make the formal amendment. The draft meeting minutes from the 3/27/18 ZC meeting are attached.

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Staff supports the Commission's recommendation. Subject to the Board's will based on public testimony during the public hearing, approve the First Reading to amend the text of the Woodbury County Zoning Ordinance (2008) to add the sale of Fireworks as a Principal Allowed Use in the General Commercial Zoning District in the Land Use Summary Table of Allowed Uses in Section 3.03-4, under the Retail sales, service and rentals of consumer, home and business goods.

ACTION REQUIRED / PROPOSED MOTION:

Open the public hearing, receive the staff report and Zoning Commission's recommendation, allow public input. Close the public hearing. Motion to approve the First Reading to amend the text of the Woodbury County Zoning Ordinance (2008) to add the sale of Fireworks as a Principal Allowed Use in the General Commercial Zoning District in the Land Use Summary Table of Allowed Uses in Section 3.03-4, under the Retail sales, service and rentals of consumer, home and business goods.

ORDINANCE NO. _____
WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING PORTIONS OF SECTION 3.034-4 ENTITLED *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT* OF THE WOODBURY COUNTY, IOWA ZONING ORDINANCE.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENT BE MADE:

Amendment:

On page 35: To add the following line item use language within zoning ordinance Section 3.01:4 *Land Use Summary Table of Allowed Uses in each Zoning District*:

“Fireworks (consumer, display, novelty)”. With placement of the letters “ok” within the General Commercial (GC) zoning district column of the table related to this line item use.

Adopted this _____ Day of _____, 2018

By: _____
Rocky De Witt, Chairman

_____ Dated

By: _____
Marty Pottebaum, Supervisor

_____ Dated

By: _____
Keith Radig, Supervisor

_____ Dated

By: _____
Jeremy Taylor, Chairman

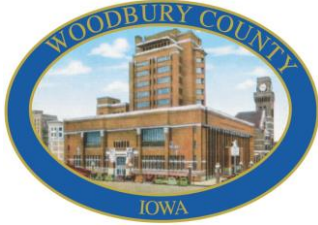
_____ Dated

By: _____
Matthew Ung, Supervisor

_____ Dated

ATTEST: _____
Patrick Gill, Auditor

1st Reading: _____
2nd Reading: _____
3rd Reading and Adoption: _____
Effective Date: _____ Upon Publication



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**

620 DOUGLAS STREET – SIOUX CITY, IA 51101

David Gleiser · Director · dgleiser@woodburycountyiowa.gov
Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

To: Woodbury County Attorney's office; Woodbury County Conservation; Woodbury County Emergency Services; Woodbury County Engineer; Woodbury County Sheriff; Siouxland District Health; Woodbury County Emergency Management; Cities of Anthon, Bronson, Correctionville, Cushing, Danbury, Hornick, Lawton, Merville, Oto, Pierson, Salix, Sergeant Bluff, Sloan, and Smithland

From: Woodbury County Department of Community and Economic Development

Date: March 8, 2018

Subject: Comment on Fireworks Zoning Districts: Please Respond by 3/15/18

We are interested in receiving your input concerning the need to add the sale of fireworks to Section 3.03-4 of the Woodbury County Zoning Ordinance (2008) and identify which zoning districts this activity could lawfully occur.

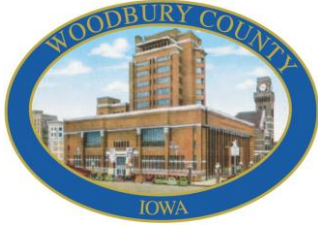
Fireworks legislation was signed into Iowa law on Tuesday, May 9th, 2017 (Iowa Code 727.2 Fireworks, 2018). Iowa law grants counties and cities the authority to limit the use of fireworks via ordinance or resolution. At the March 6th Board of Supervisors meeting, the Zoning Commission and the Board of Adjustment were requested to research and make recommendations concerning the sale of fireworks in unincorporated Woodbury County.

Currently, fireworks are not listed as an allowed or conditional use within the Woodbury County Zoning Ordinance (2008) Table of Allowed Uses in Each Zoning District (Section 3.03-4). Therefore, the Community and Economic Development requests your comments on this subject by Thursday, March 15th as we have also scheduled a series of public meetings to receive input from the public about adding the sale of fireworks as a retail use to Section 3.03-4 of the ordinance.

There will be a public meeting at the Merville Area Community Center, located at 815 Main Street, on Monday, March 19th at 6:00 PM. The next meeting will be held on Wednesday, March 21st at 6:00 PM at the Salix Community Center, located at 317 Tipton Street.

On Tuesday, March 27th at 6:00 PM, the Community & Economic Development staff will present their recommendations to the Zoning Commission on which zoning districts in unincorporated Woodbury County could lawfully allow the sale of fireworks to occur. The Zoning Commission will accept public input and discuss the recommendations before formulating their recommendations for the Board of Adjustment. On Monday, April 2nd at 6:00 PM, the Community & Economic Development staff will present the Zoning Commission's recommendations to the Board of Adjustment. The Board of Adjustment will accept public input and discuss the recommendations before formulating their recommendations for the Board of Supervisors, who will receive them during their regularly scheduled board meeting on Tuesday, April 3rd at 4:30 PM.

Send your written comments to Dan Priestley, Zoning Coordinator at dpriestley@woodburycountyiowa.gov. Please know that you are invited to attend any of the meetings mentioned above. Your participation is greatly appreciated.



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**

620 DOUGLAS STREET – SIOUX CITY, IA 51101

David Gleiser · Director · dgleiser@woodburycountyiowa.gov
Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

To: City of Anthon; City of Bronson; City of Correctionville; City of Cushing; City of Danbury; City of Hornick; City of Lawton; City of Merville; City of Oto; City of Pierson; City of Salix; City of Sergeant Bluff; City of Sioux City; City of Sloan; City of Smithland

From: Woodbury County Department of Community and Economic Development

Date: March 9, 2018

Subject: Comment on Fireworks Zoning Districts: Please Respond by 3/23/18

We are interested in receiving your input concerning the need to add the sale of fireworks to Section 3.03-4 of the Woodbury County Zoning Ordinance (2008) and identify which zoning districts this activity could lawfully occur.

Fireworks legislation was signed into Iowa law on Tuesday, May 9th, 2017 (Iowa Code 727.2 Fireworks, 2018). Iowa law grants counties and cities the authority to limit the use of fireworks via ordinance or resolution. At the March 6th Board of Supervisors meeting, the Zoning Commission and the Board of Adjustment were requested to research and make recommendations concerning the sale of fireworks in unincorporated Woodbury County.

Currently, fireworks are not listed as an allowed or conditional use within the Woodbury County Zoning Ordinance (2008) Table of Allowed Uses in Each Zoning District (Section 3.03-4). Therefore, the Community and Economic Development requests your comments on this subject by Thursday, March 23 as we have also scheduled a series of public meetings to receive input from the public about adding the sale of fireworks as a retail use to Section 3.03-4 of the ordinance.

There will be a public meeting at the Merville Area Community Center, located at 815 Main Street, on Monday, March 19th at 6:00 PM. The next meeting will be held on Wednesday, March 21st at 6:00 PM at the Salix Community Center, located at 317 Tipton Street.

On Tuesday, March 27th at 6:00 PM, the Community & Economic Development staff will present their recommendations to the Zoning Commission on which zoning districts in unincorporated Woodbury County could lawfully allow the sale of fireworks to occur. The Zoning Commission will accept public input and discuss the recommendations before formulating their recommendations for the Board of Adjustment. On Monday, April 2nd at 6:00 PM, the Community & Economic Development staff will present the Zoning Commission's recommendations to the Board of Adjustment. The Board of Adjustment will accept public input and discuss the recommendations before formulating their recommendations for the Board of Supervisors, who will receive them during their regularly scheduled board meeting on Tuesday, April 3rd at 4:30 PM.

Send your written comments to Dan Priestley, Zoning Coordinator at dpriestley@woodburycountyiowa.gov. Please know that you are invited to attend any of the meetings mentioned above. Your participation is greatly appreciated.

Stakeholder Comments

Several stakeholder agencies were asked to make written comments concerning the need to add the sale of fireworks to Section 3.03-4. The Fire Marshal from Sioux City Fire Rescue, Mark Aesoph, stated that he has a concern for the sales of fireworks near “residential properties that abut the current city limit boundaries.” He suggested that the ordinance/policy include language such as “any parcel that abuts a city limit boundary must meet city zoning requirements” (Written Communication, March 12, 2018).

Woodbury County Engineer, Mark Nahra, P.E., stated that he would prefer to see the sales of fireworks located along paved roads. He indicated at this point we may not have enough experience to know whether the sales of fireworks will cause any road problems due to seasonally increased traffic. Nahra asserted that “I would suggest that if they are located on a gravel road, that the business be responsible for any dust control needed on roads adjacent to the site.” He suggested that the use of a conditional use permit would allow us “to make providing the dust control a requirement as part of the permit.” Nahra also asserted that the “secondary road department should not be responsible to subsidize their choice of location by providing any more than normal road maintenance in the area of business” (Written Communication, March 12, 2018).

Gary Brown, Director of Woodbury County Emergency Services, stated that “if the county is under a burn ban that the discharging of fireworks should be prohibited. In a normal year we would not have a burn ban in July or December but if we are in a drought its possible” (Written Communication, March 12, 2018).

Dan Heissel, Director of the Woodbury Conservation Board, offered the following comments on fireworks:

I do have a concern with this and would not support allowing firework in the parks for the following reasons. Safety is my number one concern. In the campground setting, you have a lot of people packed into small area and just the thought of allowing fireworks makes me cringe. Bottle rockets, roman candles, spinners, all these things that are a projectile that could do bodily harm to an innocent bystander cause me concern and would open the county up to liability in my mind. There is just too many people and activity in a campground or park for fireworks to be allowed.

In a park setting you have a lot of people of different ages utilizing a space, just as you do in a campground. These people come to the park with the thought of peace and quiet and to relax, not to have fireworks exploding let alone being hit with an errant bottle rocket or other projectile. Another liability and exposure the county doesn't need.

One final concern is for fires to county structures or lands do to dry weather and to personal campers and awnings should burning embers from aerial fireworks land on them. In a nutshell it is not a good thing for us in the parks or campgrounds.

With that in mind I respectfully request that fireworks are not allowed in the county parks or areas. (Written Communication, March 23, 2018)

Major Todd Wieck, Woodbury County Sheriff's Department, offered the following comments on fireworks enforcement:

As it relates to the enforcement of fireworks use, we would respond to calls and address situations accordingly. We would defer to the County Attorney's office as to how those matters would be handled in the courts. It has been our practice to defer to what the state code provides for direction on fines and sentencing when such issues are already defined by the code." (Verbal Communication, March 23, 2018)

At the public meeting held in Merville on March 19, 2018, a discussion was held concerning the most appropriate zoning district to consider for the sale of fireworks in unincorporated Woodbury County. Participants commented on a range of concerns including fire safety, traffic flow, appropriate roads, adequate parking, building permits, conditional uses, permanent structures, temporary structures, signs, state licensing, and agency coordination. At this meeting, the Iowa Department of Transportation (IDOT) District Transportation Planner, Dakin Schultz, indicated the use of signs in the IDOT right-of-way were a concern last year. He asserted that they must be placed on private property with safety issues in mind such as blind spots. Other issues discussed included ample room for the entrance and exit of vehicles, and the avoidance of congestion and traffic back-ups on highways. In effect, there was overall consensus for approved fireworks sales to be permitted in the General Commercial (GC) Zoning District with appropriate signage, parking spaces, and driveway entrances/exits that allow good traffic flow without congesting highway traffic (Minutes: Merville Public Meeting - Sale of Fireworks & Zoning Districts, 2018)

A second public meeting was held in Salix on March 21, 2018. The participants offered their concerns about a range of issues including the process of receiving a permit to sell fireworks through the state fire marshal's office, the county building permit process for both permanent and temporary structures, and the sale of fireworks within the GC Zoning District. The GC Zoning District was pointed out as an option as much of the principal allowed activities include retail sales, service, and business goods. It was noted that the higher populated areas including the cities might be the most popular place to sell fireworks. A participant asserted that the sale of fireworks is a commercial activity and should be valued as such on commercial zoned land. Like the Merville meeting, the general consensus was support for designating the GC Zoning District as a suitable location for allowed fireworks sales (Minutes: Salix Public Meeting - Sale of Fireworks & Zoning Districts, 2018).

Minutes - Woodbury County Public Hearing Regarding Sale of Fireworks in Unincorporated Areas March 19, 2018

The Public Hearing convened on the 19th of March 2018 at 6:00 p.m. at the Merville Area Community Center, 815 Main Street, Merville, Iowa.

Attendees Present: Jerry Sailer, Jim Fisher, Bruce Garbe, Chris Zant, Bob Brouillette, Dale Erickson, JoAnn Sadler, Dakin Schultz. Community & Economic Development staff - David Gleiser, Dan Priestley, Dawn Norton.

Dan Priestley gave background of the Fireworks law, Iowa Code 727.2, that took effect May 9, 2017, which addresses sales and use of fireworks in the State of Iowa. Currently Woodbury County has no ordinances restricting the sites where fireworks may be sold in the unincorporated areas. Approved sale dates are June 1st – July 8th and December 10- January 3rd for permanent structures; June 13th – July 8th for temporary structures.

Conditional Use Permitting was mentioned as an option for allowing sales in certain areas. David Gleiser stated any ordinance would only apply to unincorporated areas of the County and listed points to consider when determining appropriate sites such as traffic flow, roads, adequate parking, including handicap spaces. Lawton Mayor, Dale Erickson, asked about fire suppression and storage requirements for firework sale facilities. David Gleiser stated that the issue would be addressed with the State Fire Marshall in the process of obtaining a license.

Bob Brouillette asked if incorporated areas didn't have any regulations, could they be sold anywhere; David Gleiser said local incorporated area have jurisdiction of their areas. Jim Fisher stated they can't ban them, sellers would have to go through the State permitting process and be approved by the City and could be sold in certain areas.

David Gleiser pointed out permanent structures would be preferred over temporary structures because of factors such as wind, rain and possible theft. Bob Brouillette asked about signage for sites. Gleiser stated County sign requirements would apply.

JoAnn Sadler asked how sales locations were handled last year, Gleiser stated the previous Zoning Director had discretion on approving permits.

The Community & Economic Development staff recommend sales be allowed in General Commercial (GC) Zoning Districts, with the possibility to review later. Priestley stated there are 62 parcels or combined parcels in Woodbury County that are in this category. Light Industrial (LI) areas could also be considered, which would increase the total to 72 areas. Chris Zant asked if a Conditional Use Permit would be needed, and stated sales would mostly be in more populated areas. Zant mentioned the Zoning Commission had been advised to avoid CUPs during a Zoning workshop. Staff agreed it would be best to determine an appropriate Zoning district and prohibit the use elsewhere.

Bruce Garbe asked what would prevent people from setting up a temporary structure to sell fireworks without a permit. Gleiser said the Zoning Department has been, and will continue to work with local law enforcement, along with the Sheriff's Department, fire departments, EMS, Secondary Roads, DOT and DNR on issues. Violations will be complaint driven and followed

up on. Use of fireworks during designated times could be restricted under certain circumstances such as drought or no-burn bans.

Dakin Schultz from the DOT stated concern about signage. They must be placed on private property with safety issues in mind, such as blind spots. Other important issues are ample room for entrance and exit of vehicles, and avoiding congestion and traffic back-ups on highways.

There was overall agreement for approved firework sales to be permitted in General Commercial (GC) with appropriate signage, parking spaces, and driveway entrances/exits that allow good traffic flow without congesting highway traffic.

The next Public Hearing regarding firework sales will be held Wednesday, March 21st at the Salix Community Center, beginning at 6 p.m.

Meeting adjourned at 6:53 p.m.

Minutes - Woodbury County Public Hearing Regarding Sale of Fireworks in Unincorporated Areas March 21, 2018

The Public Hearing convened on the 21st of March 2018 at 6:00 p.m. at the Salix Community Center, 317 Tipton St, Salix, Iowa.

Attendees Present: Dwight Rorholm, Bob Brouillette, Stanley Johnson, Dan Lee, Kathy Brouillette, Justin Iverson, Justin Mitchell, Chris Mitchell. Community & Economic Development staff - David Gleiser, Dan Priestley, Dawn Norton.

Dan Priestley gave background of the Fireworks law, Iowa Code 727.2, that took effect May 9, 2017, which addresses sales and use of fireworks in the State of Iowa. Sales cannot be prohibited, but local and County restrictions can be applied. An on-line application must be submitted and approved by the State Fire Marshall prior to sales. Currently Woodbury County has no ordinance restricting the sites where fireworks may be sold in the unincorporated areas. The Community & Economic Development department (CED) is looking for input from stakeholders on appropriate Zoning districts to allow sales. Approved sale dates are June 1st – July 8th and December 10- January 3rd for permanent structures; June 13th – July 8th for temporary structures.

From research the CED has done, David Gleiser said most Iowa counties have designated General Commercial (GC) and Light Industrial (LI) areas for sales. There are 62 parcels or parcel combinations zoned GC in Woodbury County.

Dwight Rorholm asked what type of structures could be used for sales, and whether water and restrooms would be required. Priestley explained temporary and permanent structures. Building permits applications and set-back distances would be required for permanent structures. Sprinkler systems, adequate parking, including handicap spaces, would need to be included, based on square footing of the facility. Dan Lee asked if sites would have to be approved, Priestley and Gleiser stated yes, in unincorporated areas. Incorporated towns can decide what type of structures to allow.

Gleiser pointed out firework sale locations are not listed in any Zoning district. Most sale locations will be requested in high traffic areas, such as along I-29 and Hwy 20, making General Commercial zoned areas more desirable because issues such as roads, traffic control and accessibility would be addressed in this district already. If the County does not make a designated zoning area, the CED administrator would exercise discretion on locations.

Bob Brouillette offered that General Commercial could be approved now, and looked at again in the future to include other districts such as Light Industrial. Gleiser added if Light Industrial was included it would add approximately 20 other parcels to the count. Gleiser also added he has spoken with City of Sioux City officials, they would recommend picking one Zoning district instead of going with Conditional Use Permits.

Kathy Brouillette asked how much interest there has been on setting up sales locations. Gleiser stated there is currently one building permit application for a permanent structure off Hwy 20. Rorholm had concerns about traffic management in some General Commercial areas.

Comments from citizens in attendance agree with placement in General Commercial areas, stating business owners in those areas are paying commercial taxes and should be able to sell there.

There were some issues with signage within the City limits last year. The DOT had reported that signs in violation will be asked to be removed, or they will remove them. Regular restrictions for signs in unincorporated areas will also apply to firework sales locations.

Gleiser stated the Planning department of Sioux City would prefer locations close to fire departments, with adequate traffic flow.

Bob Brouillette asked about sales on reservations. Gleiser noted that would not be in the County's jurisdiction. Tribal land that located in Woodbury County is not in GC zoning.

Dan Lee asked if fees would go to County, Gleiser answered no, fees generated from building permits and sign permits go toward administration fees. Lee also asked about liability issues to sellers or landowners that allow use on their property. Gleiser said State Law only allows discharge on your own property, or with owner's consent. There is a provision in the seller's application process to show proof of insurance.

Gleiser pointed out the Board of Supervisors are not interested in shortening the time frame for usage, however, there may be times when usage not allowed, such as during drought or burn bans. The Conservation department may have their own restriction on where they may be discharged. Lee pointed out they shouldn't be discharged in fields where there is no access to water.

Lee asked if sales will be taxed, Gleiser answered yes. Citizen asked if there would be a building permit fee for temporary structures, Gleiser said no since the structures will only be allowed for a short period of time.

Gleiser stated staff recommends firework sales in General Commercial zoned districts. The issue could be reviewed later and possibly revised.

Gleiser explained public input is now being gathered, recommendations will be given to the Zoning Commission, then Board of Adjustment. From there recommendations will be forwarded to the Board of Supervisors, which will adopt amendments to the zoning ordinances. He expects a final ordinance by the first part of May 2018.

Meeting adjourned at 6:50 p.m.

Minutes - Woodbury County Zoning Commission Meeting March 27, 2018

The Zoning Commission (ZC) meeting convened on the 27th of March 2018 at 6:12 p.m. in the Board of Supervisors' Meeting Room Number 104 in the County Courthouse, 620 Douglas Street, Sioux City, Iowa.

ZC Members Present: Tom Bride, Barbara Parker, Christine Zellmer-Zant
ZC Members Absent: Bruce Garbe, Shawn Streck
Staff Present: David Gleiser, Dawn Norton, Dan Priestley
Public Present: James Williams, Scott Gernhart

Chairperson Zellmer-Zant called the meeting to order at 6:12 p.m.

Mr. James Williams, 1730 162nd Street, is considering installing a small wind generator on his property. There was discussion about adding wind turbines to the ordinances.

The February 26, 2017 meeting minutes were amended on page 4 to read *'Tom Bride stated there wouldn't need to be a new zoning district, but a provision to allow for small contractor yards, or a classification somewhere in between home occupation and General Commercial.'* Motion to approve minutes by Bride, second by Barb Parker. Carried 3-0.

A public hearing was held to consider a minor subdivision application and final platting by Mary Berg. The proposed Berg Addition would subdivide the 23.31 acres of Parcel #894325100001 into two lots to meet bank mortgage requirements. The property is zoned AP (Agricultural Preservation), located in the NW ¼ of Section 25, T89N, R43W (Rutland Township) of the 5th P.M., an addition to Woodbury County, Iowa. The property is not located within extraterritorial review. One letter from neighboring property owner, Kay Shever. Written comment was received from Woodbury County Engineer and local office of USDA NRCS, and Woodbury County Treasurer. None of the comments received indicated opposition to the proposed subdivision. The staff support final plat approval.

Bride asked about well and septic; Scott Gernhart stated all will stay with Lot 1. Parker asked about driveway; Gernhart stated Berg plans to continue renting out the other lot so it won't be an issue. Chris Zellmer-Zant stated the maintenance agreement shouldn't be an issue since it's in Berg's name.

The public hearing was closed. Motion to approve with no conditions by Parker, second by Bride; Carried 3-0.

Public hearing of proposed amendment to text in land use summary table of allowed areas to sell fireworks in unincorporated areas of Woodbury County. Public meetings were held in Merville and Salix. Consensus was to limit sales to General Commercial (GC) zoning. David Gleiser stated the City of Sioux City's main issue last year was related to sellers placing signs in unapproved areas. Zellmer-Zant asked what small incorporated towns are doing regarding sales; Gleiser in towns without local ordinances, local administrators will have jurisdiction. Bride asked if there were Zoning requirements as stating how close to town fireworks can be sold. Gleiser stated they none, but would recommend they not be sold in residential areas. With the recommended GC zoning, that should not be an issue. Gleiser stated the issue will move forward to the Board of Supervisors for motion, vote, and approval following 3 readings.

The public hearing was closed. Motion to approve with no conditions by Parker, second by Bride; Carried 3-0.

The Commission reviewed the draft ordinance on use, sales, and display of fireworks.

The following amendments will be made;

Section 5: Prohibition.

1. Consumer, display, or novelty fireworks retail sales is prohibited in any zones other than General commercial (GC) Zoning District and shall not be approved for sales within unincorporated Woodbury County.

2. The wholesale of consumer, display, or novelty fireworks in any zones other than Light Industrial (LI) Zoning District and shall not be approved for sales within unincorporated Woodbury County.

Gleiser mentioned anyone operating a commercial fireworks display must be certified, with liability insurance. Gleiser clarified use of fireworks on Conservation land. It will be their policy not to allow usage; also, fireworks cannot be discharged on public property, only on private property with owner's consent.

Zellmer-Zant asked who receives fees and fines collected. Gleiser stated they are set by the State and they will receive the money. Bride questioned if liability amounts should be higher, they are currently \$300,00. Gleiser will consider the issue further and consult with the County Attorney.

Motion to send to Board of Adjustment for information, then forward to Board of Supervisors with recommendations by Parker; second by Bride; carried 3-0.

No citizens wishing to be heard.

Gleiser informed commission Community & Economic Development (CED) is currently updating and posting on department website a list of permits issued daily.

Gleiser stated CED is researching wind turbines. Bride pointed out they are smaller now and possibly could be listed as an accessory structure for residential use. Bride also mentioned solar panels.

Gleiser mentioned interest for beekeeping business in the County. No current ordinance.

Motion to adjourn by Parker; second by Bride; motion carried 3-0.

Meeting adjourned 7:14 p.m.

Next meeting April 24, 2018.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

#12b

Date: 3/28/18

Weekly Agenda Date: 4/3/18

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: David Gleiser, CED Director

WORDING FOR AGENDA ITEM:

Receive Recommendation from Zoning Commission and Approval of Resolution Accepting and Approving the Final Plat of Berg Addition, a Minor Subdivision

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

This item presents the Board of Supervisors with the Zoning Commission's recommendation for approval of the Berg Addition, a minor subdivision, and seeks approval of a resolution accepting and approving the final plat.

BACKGROUND:

Mary Berg proposes to subdivide GIS Parcel 894325100001. They intend to subdivide 23.31 acres into two lots to meet banking mortgage requirements. This property is zoned Agricultural Preservation (AP). The current and proposed use of the parent parcel and its structures are permitted under Woodbury County zoning ordinances. Included as supporting material are: the completed subdivision application, respective parcel reports, comments from a neighboring property owner, Woodbury County Engineer and the USDA Natural Resources Conservation Service, and the proposed final plat.

Parcel 894325100001 is not located within a flood plain and is not within 2 miles of a city, so no extra-territorial review was required.

The 5 property owners within 1000' and listed within the certified abstractor's affidavit were notified by letter of the public hearing. As of 3/28/18, one comment from a property owner had been received. All pertinent county departments, local utility companies and regulatory agencies were provided copies of the platting and asked to provide comment. As of 3/28/18, comments from the Woodbury County Engineer and the USDA Natural Resources Conservation Service had been received. None of the comments received indicated opposition to the proposed subdivision.

On Tuesday, 3/27/18, the Zoning Commission voted unanimously in favor of the Berg Addition final plat with no conditions.

FINANCIAL IMPACT:

No financial impact as application fees offset administrative and legal publication expense.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

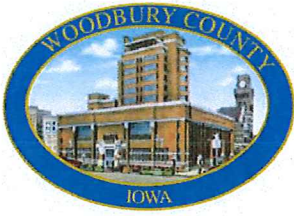
Yes No

RECOMMENDATION:

Receive the recommendation from the Zoning Commission and approve the resolution accepting and approving the final plat of the Berg Addition, minor subdivision.

ACTION REQUIRED / PROPOSED MOTION:

Motion to receive the recommendation from the Zoning Commission and approve the resolution accepting and approving the final plat of the Berg Addition, minor subdivision.



WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

David Gleiser · Director · dgleiser@woodburycountyia.gov

Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyia.gov

Dawn Norton · Sr. Clerk · dnorton@woodburycountyia.gov

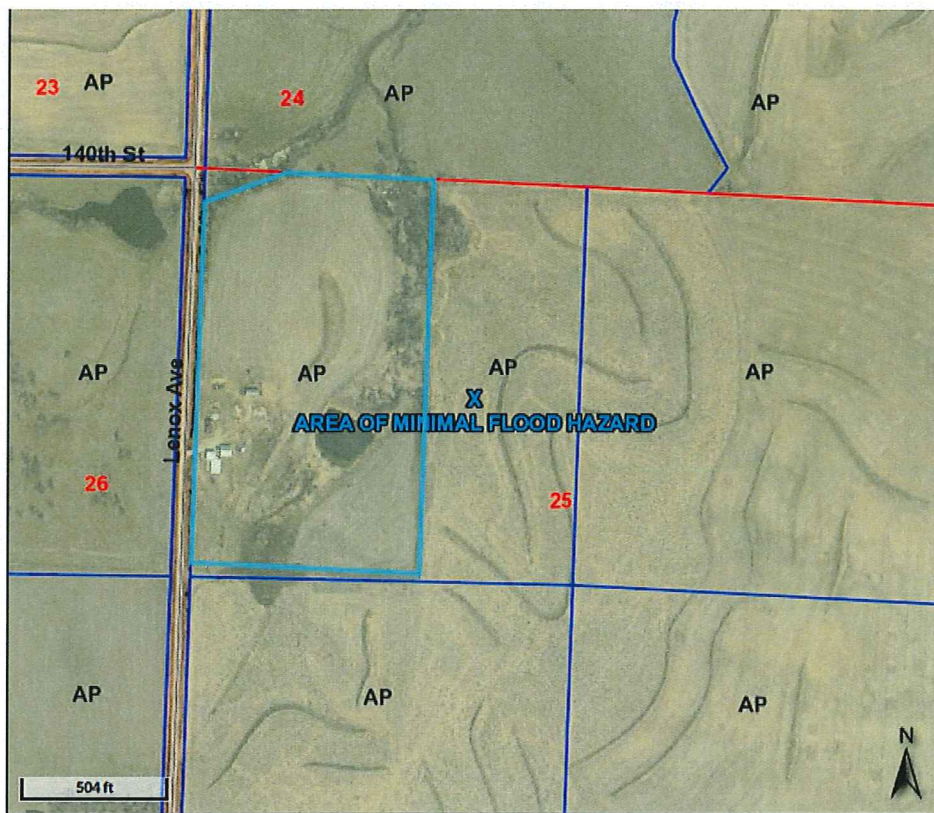
Telephone (712) 279-6609 Fax (712) 279-6530

Berg Addition

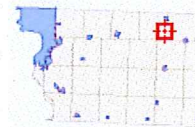
Minor Subdivision Proposal

Mary Berg, proposes to subdivide GIS Parcel: 894325100001. She intends to subdivide 23.31 acres into two lots to meet bank mortgage requirements.

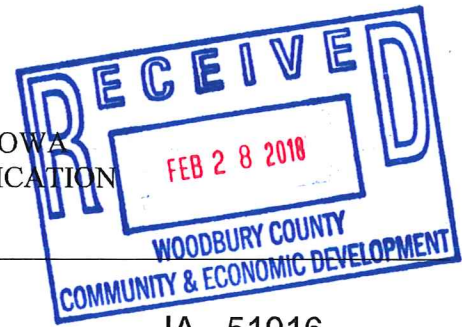
This property is zoned AP (Agricultural Preservation). The property is located in the NW $\frac{1}{4}$ of Section 25, T89N, R43W (Rutland Township) of the 5th P.M., an addition to Woodbury County, Iowa.



Overview



WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION



Applicant: Mary Berg Name of Owner

Mailing Address: 1408 Lennox Ave Correctionville IA 51016
 Street City or Town State and Zip + 4

Property Address: 1408 Lennon Ave Correctionville IA 51016
 Street City or Town State and Zip + 4

Ph/Cell #: (712)899-6778 E-mail Address: _____

To subdivide land located in the NW Quarter of Section 25

Civil Township Rutland GIS Parcel # 894325100001

Name of Subdivision: Berg Addition

Subdivision Area in Acres 23.31 Number of Lots 2

Attachments:

1. Ten (10) copies of grading plans; if required.
2. Twenty six (26) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
 - a. Legal description of proposed subdivision.
 - b. Plat showing clearly the boundaries of the subdivision.
 - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: Gregg Stroschein-True Engineering Ph/Cell: (712)870-9789 Scott (712)259-0483-Gregg

Attorney: Robert Rehan Ph/Cell: (712) 255-1146

I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

Owner's Signature: Mary L. Berg

Zoning Director: [Signature]

For Office Use Only:

Zoning District AP Flood District X Date 2-28-18 No. 6298

Application Fee 4 Lots or less (200) 2315

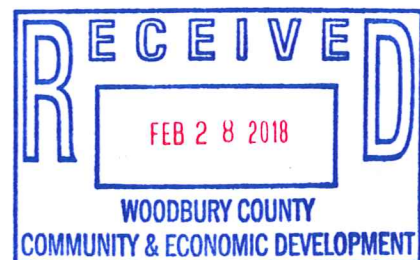
5 Lots or more (\$250 plus \$5 per lot) _____

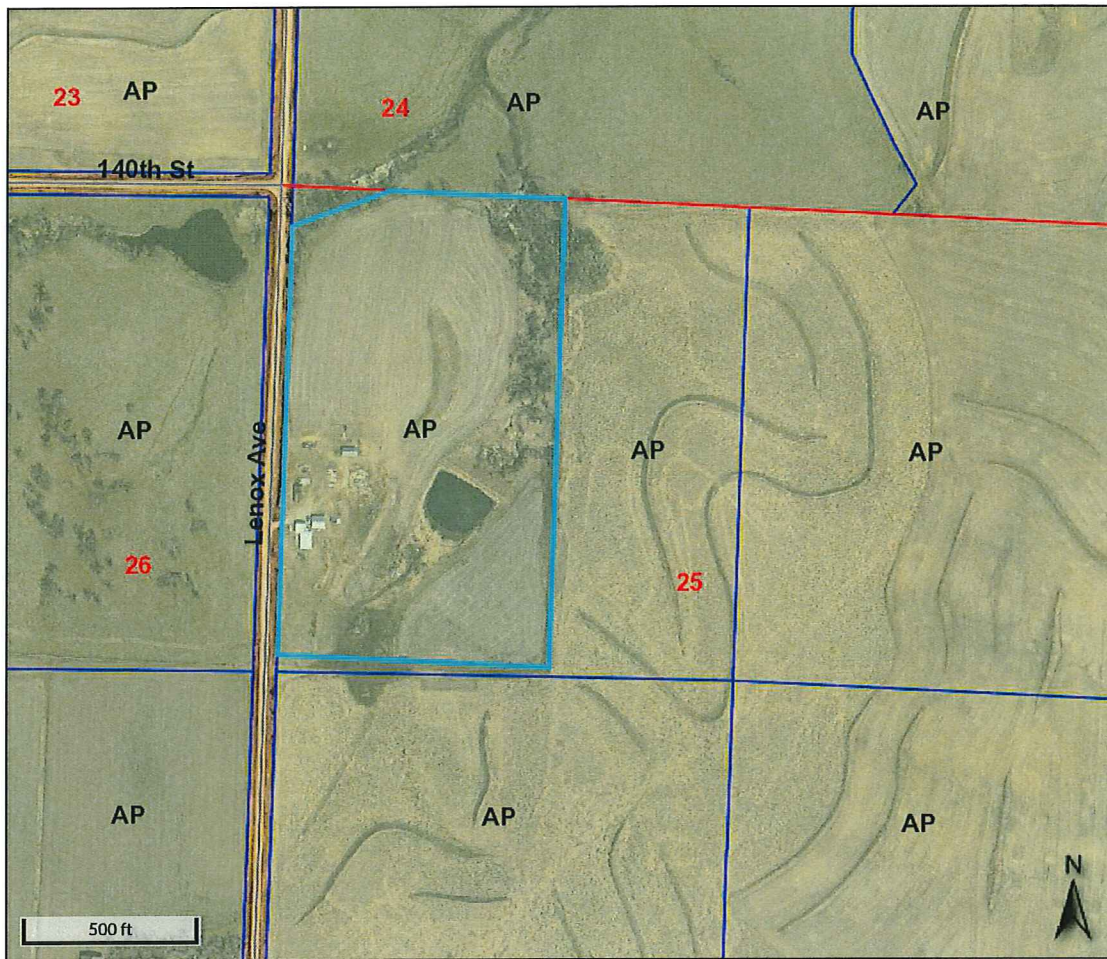
Boundary Description

A parcel of land located in part of NW 1/4 of Section 25, T89N, R43W of the 5th P.M., Woodbury County, Iowa. Said parcel being more particularly described as follows:

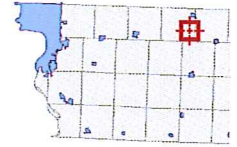
Commencing at the NW corner of Section 25; thence Southerly along the Westerly line of said Section on an assumed bearing of S00°00'00"W (with all subsequent bearings referenced therefrom) for a distance of 124.00 feet to the Point of Beginning; thence continuing S000°00'00"W along the said westerly line for a distance of 1,176.50 feet; thence S89°37'00"E for a distance of 795.10 feet; thence N00°01'30"E for a distance of 1,300.60 feet to a point on the northerly line of said Section 25; thence N89°37'27"W along the northerly line of said Section for a distance of 491.30 feet; thence S68°09'24"W for a distance of 327.90 feet to a point on the westerly line of said Section and the Point of Beginning.

Said described parcel of land contains 23.31 acres and is subject to all easements and right-of-ways of record.





Overview



Legend

- Roads
-  Corp Boundaries
-  Townships
-  Parcels
- County Zoning
-  AE
-  AE-PD
-  AP
-  AP-PD
-  GC
-  GC-PD
-  GI
-  GI-PD
-  HC
-  HC-PD
-  LI-PD
-  LI
-  NR-PD
-  SR
-  SR-PD
-  WR

Parcel ID	894325100001	Alternate ID	851686	Owner Address	BERG MARY HELEN
Sec/Twp/Rng	25-89-43	Class	A		1408 LENNOX AVE
Property Address	1408 LENNOX AVE	Acreage	22.41		CORRECTIONVILLE IA 51016
	CORRECTIONVILLE				
District	RUKP				
Brief Tax Description	N1300.6' W795.1' EX A TRITCT IN NW CORNER 304.4' X 124' NW NW 25-89-43				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/1/2018
 Last Data Uploaded: 2/28/2018 7:05:57 PM

 Developed by
 The Schneider Corporation

Beacon™ Woodbury County, IA / Sioux City

Summary

Parcel ID 894325100001
 Alternate ID 851686
 Property Address 1408 LENOX AVE
 CORRECTIONVILLE IA 51016
 Sec/Twp/Rng 25-89-43
 Brief Tax Description N1300.6' W795.1' EX A TRI TCT IN NW CORNER 304.4' X 124' NW NW 25-89-43
 (Note: Not to be used on legal documents)
 Deed Book/Page 753-6456 (6/29/2017)
 Contract Book/Page
 Gross Acres 22.41
 Net Acres 22.41
 Adjusted CSR Pts 1129.04
 Class A - Agriculture; AD - Ag Dwelling
 (Note: This is for tax purposes only. Not to be used for zoning.)
 District 022 RUTLAND KINGSLEY PIERSN COMM
 School District KINGSLEY-PIERSON
 Neighborhood N/A
 Main Area Square Feet N/A



Owner

Deed Holder
 Berg Mary Helen
 1408 Lennox Ave
 Correctionville IA 51016

Contract Holder

Mailing Address

Land

Lot Area 22.41 Acres ; 976,180 SF

Residential Dwellings

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1955
 Condition Normal
 Grade what's this? 4+10
 Roof MH / Gable
 Flooring CARPET/WOOD
 Foundation Conc
 Exterior Material WOOD
 Interior Material Plas
 Brick or Stone Veneer
 Total Gross Living Area 1,284 SF
 Attic Type None;
 Number of Rooms 4 above; 1 below
 Number of Bedrooms 2 above; 0 below
 Basement Area Type Full
 Basement Area 1,284
 Basement Finished Area
 Plumbing 1 Base Plumbing (Full ; 1 Half Bath;
 Appliances
 Central Air Yes
 Heat Yes
 Fireplaces
 Porches 1S Frame Enclosed (56 SF);
 Decks Wood Deck-Med (324 SF);
 Additions
 Garages 1,224 SF (34F W x 36F L) - Det Frame (Built 1998);
 700 SF - Att Frame (Built 2003);
 Main Area Square Feet 1284

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Machine or Utility Building		20	32	1920	1
	Machine or Utility Building		0	0	2009	1

Sales

Date	Seller	Buyer	Recording	NUTC	Type	Multi Parcel	Amount
8/29/1997			382/885	NORMAL ARMS-LENGTH TRANSACTION	Deed		\$100,000.00

+

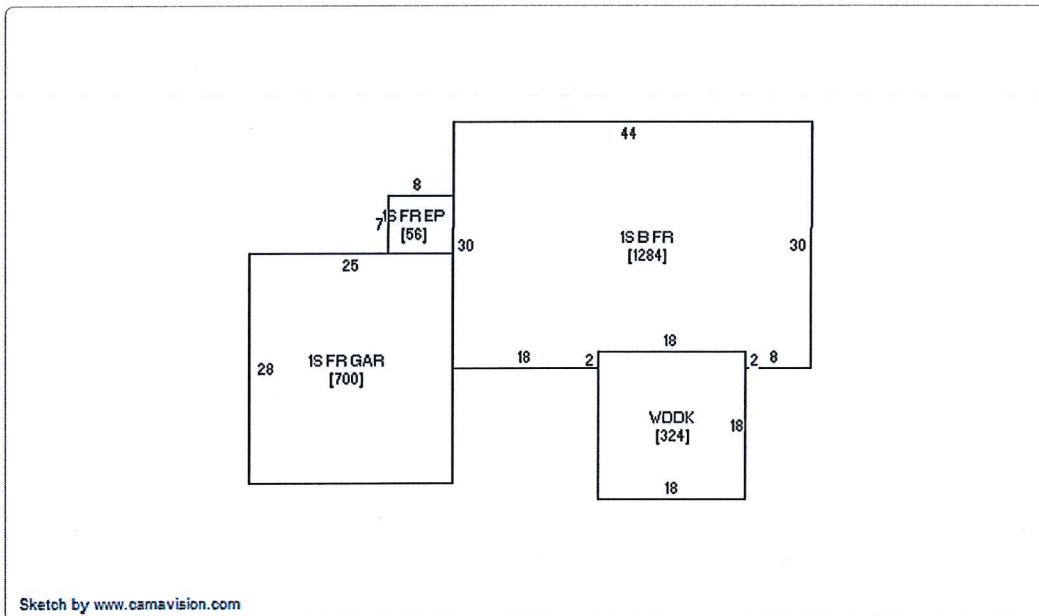
Valuation

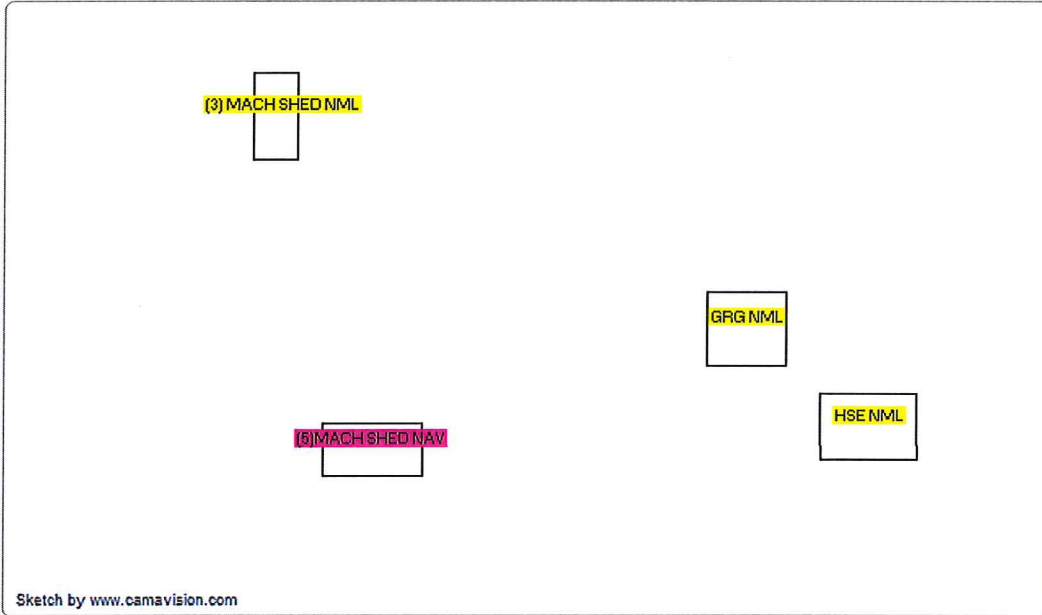
Classification	2017 Agriculture / Ag Dwelling	2016 Agriculture / Ag Dwelling	2015 Agricultural	2014 Agricultural	2013 Agricultural
+ Assessed Land Value	\$39,320	\$40,760	\$40,760	\$40,760	\$53,770
+ Assessed Building Value	\$770	\$990	\$990	\$1,330	\$10,700
+ Assessed Dwelling Value	\$82,670	\$77,160	\$77,160	\$72,110	\$72,360
+ Exempt Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$122,760	\$118,910	\$118,910	\$114,200	\$136,830
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$122,760	\$118,910	\$118,910	\$114,200	\$136,830

Photos



Sketches





No data available for the following modules: Commercial Buildings, Yard Extras, Permits, 2017 Valuation (Sioux City), Valuation History (Sioux City), Iowa Land Records.

The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.

Last Data Upload: 2/28/2018, 6:05:57 PM



March 21, 2018

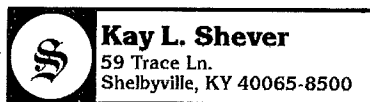
To: Dan Priestley, Zoning Coordinator —

From: Kay L. Shever

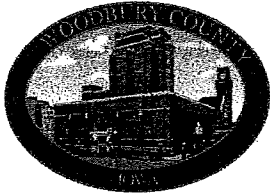
This Proposed intent to subdivide 23.31 acres into 2 lots —

Should NOT EVER in any way — affect OR interfere with any piece of my land —

- ① Pasture
- ② Fencing
- ③ Water
- ④ Taxes
- ⑤ Drive Ways
- ⑥ Fields
- ⑦ Work — Maintenance of my land
- ⑧ Etc.



Kay L. Shever
502-437-5437



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nahra, County Engineer

Date: March 19, 2018

Subject: Berg Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced conditional use permit application forwarded with your memo dated March 1, 2018.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. Lot 1 has an existing driveway. No other driveways will work along the Lot 1 frontage, so this one is grandfathered. A driveway location near the north end of Lot 2 has been approved, but has not been permitted. The landowner will need to contact our department to fill out a permit and paperwork on the driveway prior to construction of access to lot 2.
- I have no other concerns or issues with this minor subdivision application.

If there are any more questions or issues that arise later, please contact this office.

Cc: File

Daniel Priestley

From: Miller, Kathleen - NRCS, Sergeant Bluff, IA <Kathleen.Miller@ia.nacdnet.net>
Sent: Thursday, March 1, 2018 3:14 PM
To: Daniel Priestley
Subject: RE: Proposed Minor Subdivision Berg Addition

Hello Dan!

There is a maintenance agreement on that property but it's still in Mary Berg's name so there isn't any concerns. If she sells off the piece with the maintenance agreement it will follow the property.

Thanks for checking, Dan.

Kathy Miller
USDA-NRCS/Woodbury SWCD
204 First St Ste C1
Sergeant Bluff, IA 51054
Phone: 712-943-6727 ext. 301
[*kathleen.miller@ia.nacdnet.net*](mailto:kathleen.miller@ia.nacdnet.net)

From: Daniel Priestley [mailto:dpriestley@woodburycountyiowa.gov]
Sent: Thursday, March 1, 2018 11:40 AM
To: Miller, Kathleen - NRCS, Sergeant Bluff, IA <Kathleen.Miller@ia.nacdnet.net>
Subject: Proposed Minor Subdivision Berg Addition

Kathleen,

This message is concerning a proposed minor subdivision in Woodbury County. We are interested if your organization has comments about the proposal. Attached, you will find preliminary plats submitted by Mary Berg who proposes to subdivide GIS Parcel: 894325100001. She intends to subdivide 23.31 acres into two lots. She will retain ownership of both lots.

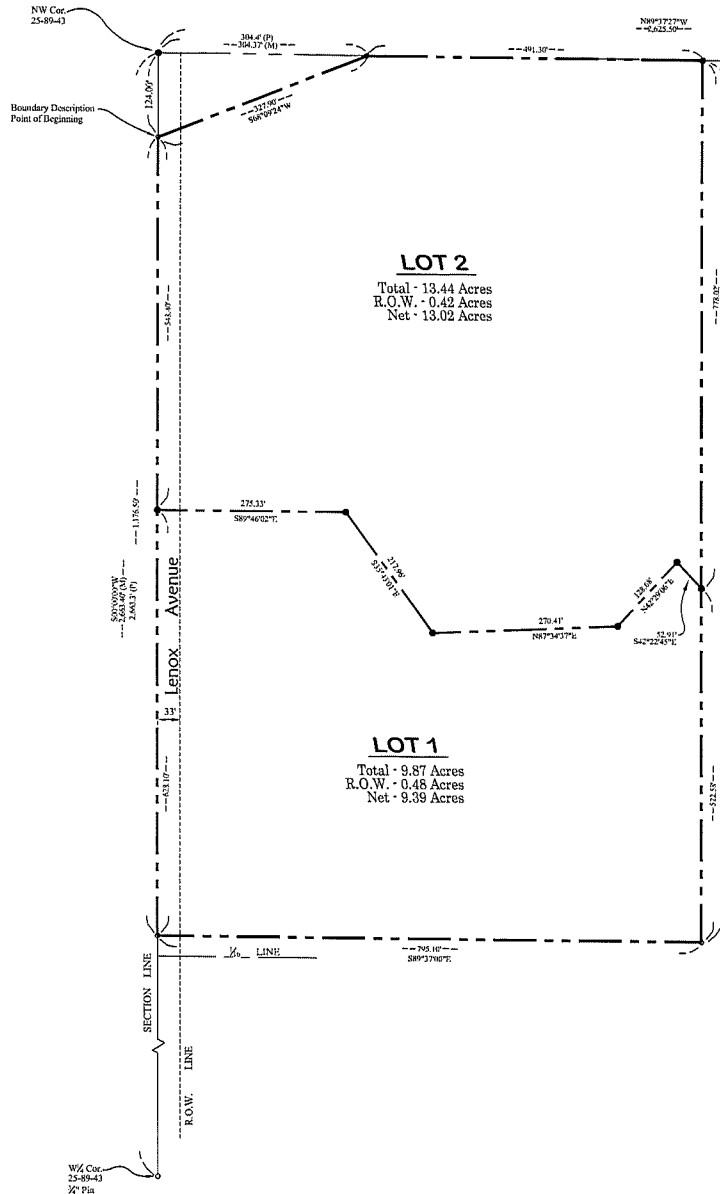
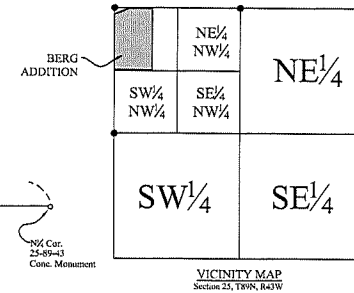
This property is zoned AP (Agricultural Preservation). The property is located in the NW ¼ of Section 25, T89N, R43W (Rutland Township) of the 5th P.M., an addition to Woodbury County, Iowa. Also attached, are reports for your review

Please let us know if you have any concerns about this proposed minor subdivision by replying to this message. We would appreciate hearing from you before Friday, March 23, 2018 before 10:00 AM.

Thank you,
Dan Priestley

Dan Priestley, Zoning Coordinator
Community & Economic Development
Woodbury County Courthouse
620 Douglas Street, 6th Floor
Sioux City, IA 51101
Office: (712) 279-6609

**FINAL PLAT
OF
BERG ADDITION**
A MINOR SUBDIVISION
IN NW 1/4 OF SECTION 25, T89N, R43W OF THE 5TH P.M.,
AN ADDITION TO WOODBURY COUNTY, IOWA



Recording Note:
Total Parcel Previously Surveyed & Plat
Filed in Roll 97, Image 460.



LEGEND
○ 1/2" ROUND IRON PIN,
UNLESS OTHERWISE INDICATED
● SET 5/8" REBAR W/ CAP #10992

OWNERS/SUBDIVIDERS:
MARY BERG
1408 LENOX AVENUE
CORRECTIONVILLE, IA 51016

ENGINEER & SURVEYOR:
SCOTT L. GERNHART, P.E.
GREGG A. STROSCHEIN, PLS
TRUE ENGINEERING & LAND SURVEYING, LLC
725 CAROL DRIVE
MOVILLE, IOWA 51039

ZONING: AP, AG PRESERVATION

BUILDING SETBACK LINES:
FRONT = 10'
REAR = 5'
SIDE = 20'

STATISTICAL DATA:
TOTAL AREA OF SUBDIVISION = 23.31 ACRES
TOTAL RIGHT-OF-WAY = 0.90 ACRES

NOTES:
ALL BEARINGS AND DISTANCES ARE
MEASURED UNLESS OTHERWISE
INDICATED.

Boundary Description

A parcel of land located in part of NW 1/4 of Section 25, T89N, R43W of the 5th P.M., Woodbury County, Iowa. Said parcel being more particularly described as follows:

Commencing at the NW corner of Section 25; thence Southerly along the Westerly line of said Section on an assumed bearing of S00°00'00"W (with all subsequent bearings referenced therefrom) for a distance of 124.00 feet to the Point of Beginning; thence continuing S00°00'00"W along the said westerly line for a distance of 1,176.50 feet; thence S89°37'00"E for a distance of 795.10 feet; thence N00°01'30"E for a distance of 1,300.60 feet to a point on the northerly line of said Section 25; thence N89°37'27"W along the northerly line of said Section for a distance of 491.30 feet; thence S68°09'24"W for a distance of 327.90 feet to a point on the westerly line of said Section and the Point of Beginning.

Said described parcel of land contains 23.31 acres and is subject to all easements and right-of-ways of record.

Certification

I, Gregg A. Stroschein, a duly Licensed Land Surveyor under the laws of the State of Iowa, do hereby certify that there are contained in said description, the lots described in the subdivision as platted; that the lots, blocks, streets and easements are of the dimensions, numbers, names and locations as shown on said plat; and that iron stakes are set at each corner of every lot of said subdivision as indicated hereon.

Gregg A. Stroschein PLS #10992
License renewal date: 12-31-19

Date _____
Pages covered by seal _____

