



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(DECEMBER 3 2019) (WEEK 49 OF 2019)

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 333-1714 jtaylor@woodburycountyiowa.gov	Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov
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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held December 3, 2019 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 5 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 November 26, 2019 meeting
4. Approval of claims
5. County Treasurer – Michael Clayton
Approval of resolution for abatement of taxes for Yes Communities

End Consent Agenda

- | | |
|--|--------|
| 6. Community & Economic Development – David Gleiser
Approval of Construction Evaluation Resolution relating to Construction Permits for large animal confinement operations | Action |
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- | | |
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| 7. Board Administration – Dennis Butler
Approval of resolution to set December 17, 2019 at 4:45 p.m. for a public hearing on a General Obligation Loan Agreement and Issuance of Bonds for county road improvements | Action |
| 8. Reports on Committee Meetings | Information |
| 9. Citizen Concerns | Information |
| 10. Board Concerns | Information |

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- MON., DEC. 2** **6:00 p.m.** Board of Adjustment meeting, First Floor Boardroom
- TUE., DEC. 3** **4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- WED., DEC. 4** **9:00 a.m.** Loess Hills Alliance Stewardship Meeting, Pisgah, Iowa
- 10:30 a.m.** Loess Hills Alliance Executive Meeting,
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- 1:00 p.m.** Loess Hills Alliance Full Board meeting
- THU., DEC. 5** **10:00 a.m.** COAD Meeting, The Security Institute
- WED., DEC. 11** **8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- 10:00 a.m.** Policy Review Committee Meeting, First Floor Boardroom
- 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- 4:00 p.m.** Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
- THU., DEC. 12** **12:00 p.m.** SIMPCO Board of Directors, 1122 Pierce St.
- 6:00 p.m.** Emergency Management Commission Meeting, Lower Level, Security Institute
- WED., DEC. 18** **12:00 p.m.** Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- 10:00 a.m.** Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
- THU., DEC. 19** **4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- MON., DEC. 23** **6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- THU., DEC. 26** **11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce St.
- THU., JAN. 2, 2020** **10:00 a.m.** COAD Meeting, The Security Institute
- MON., JAN. 6,** **6:00 p.m.** Board of Adjustment meeting, First Floor Boardroom
- TUES., JAN. 7** **4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.

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.

NOVEMBER 26, 2019, FORTY-EIGHTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, November 26, 2019 at 4:30 p.m. Board members present were Ung, De Witt, Taylor, Pottebaum, and Radig. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget/Tax Analyst, Melissa Thomas, Human Resources Director, Joshua Widman, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

The regular meeting was called to order at 4:30 p.m. with the Pledge of Allegiance to the Flag and a Moment of Silence.

1. Due to the newly elected City of Oto Council member Elizabeth Swearingen declining the position and a tie for 2nd place in the City-School Regular Election, Nicholas Gotto's name was drawn by lot for the position.
2. Motion by Radig second by Ung to approve the agenda for November 26, 2019. Carried 5-0. Copy filed.

Motion by Radig second by De Witt to approve the following items by consent:
 3. To approve minutes of the November 19, 2019 meeting. Copy filed.
 4. To approve the claims totaling \$1,388,965.49. Copy filed.
 5. To approve and authorize the Chairperson to sign a Resolution approving petition for suspension of taxes for Debbie Martindale, 327 Leonard St, parcel #894730182005 .

**WOODBURY COUNTY, IOWA
RESOLUTION #12,924
RESOLUTION APPROVING PETITION FOR SUSPENSION OF TAXES**

WHEREAS, Debby Martindale, is the titleholder of property located at 327 Leonard St., Sioux City, Woodbury County, Iowa, and legally described as follows:

Parcel # 894730182005

HIGHLAND 3 LOT 7 BLK 8 & 10 FT OF VAC W 4TH ST ADJ

WHEREAS, Debby Martindale is the titleholder of the aforementioned property have petitioned the Board of Supervisors for a suspension of taxes pursuant to the 2017 Iowa Code section 427.9, and

WHEREAS, the Board of Supervisors recognizes from documents provided that the petitioner is unable to provide to the public revenue; and

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby grants the request for a suspension of taxes, and hereby directs the Woodbury County Treasurer to so record the approval of this tax suspension for this property.

SO RESOLVED this 26th day of November, 2019.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6a. To approve the reclassification of Michelle Mann, Civilian Jailer, County Sheriff, \$23.84/hour. 10%=\$2.34/hr per CWA Civilian Officers Contract agreement from Class 1 to Senior Class, effective 12-19-19. Copy filed.
- 6b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for two temporary Equipment Operators, Secondary Roads, Wage Plan: \$23.43/hour. Copy filed.

7. To approve a 12-month Cigarette/Tobacco Permit for Heritage Express, 1501 330th St, Sloan, Iowa, effective 07-01-19 through 06-30-20. Copy filed.

Carried 5-0.

- 8 Motion by Pottebaum second by Taylor to deny the expense of the 2019 equalization order to be paid from the County Auditor's Office and to send the billing to the City Assessor. Carried 5-0. Copy filed.

- 9a. Motion by Radig second by Pottebaum to approve the 2017 claims that were submitted from the Medical Examiner in the amount of \$4,428.42. Carried 5-0. Copy filed.

- 9b. Motion by Radig second by De Witt to approve the Annual Renewal Report for FY 2018-2019. Carried 5-0. Copy filed.

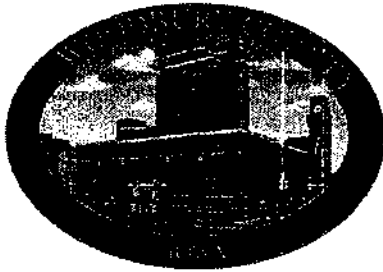
10. The Board heard reports on committee meetings.

- 11.. There were no citizen concerns.

12. Board concerns were heard.

The Board adjourned the regular meeting until December 3, 2019.

Meeting sign in sheet. Copy filed.



Michael R. Clayton
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

November 26, 2019

Board of Supervisors,

The following mobile homes owned by Yes Communities 5309 Hwy 75 N Sioux City, IA need to have taxes abated:

1970 Artcraft	Vin-AC3686	\$202.00
1977 Medallion	Vin-3250N	\$150.00

Both of these mobile homes have been abandoned by the previous owners and dismantled and removed from the mobile home park. Junking Certificates have been issued. The taxes are uncollectable or impractical to pursue.

Thank you,

Michael R. Clayton
Woodbury County Treasurer

WOODBURY COUNTY, IOWA

RESOLUTION #

RESOLUTION APPROVING ABATEMENT OF TAXES

WHEREAS, Yes Communities is the titleholder of a mobile home VIN AC3686 and VIN 3250N located in Woodbury County, Iowa and legally described as follows:

**VIN AC3686, 1970 Artcraft
VIN 3250N, 1977 Medallion**

WHEREAS, the above-stated mobile homes have taxes payable including special assessments and the mobile homes are owned by Yes Communities.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 3rd day of December, 2019.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor/Recorder

Keith Radig, Chairman

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

#6

Date: 11/19/2019 Weekly Agenda Date: 12/3/20

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

WORDING FOR AGENDA ITEM:

Construction Evaluation Resolution Relating to Construction Permits for Large Animal Confinement Operations

ACTION REQUIRED:

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

EXECUTIVE SUMMARY:

This item requests the Board of Supervisors to adopt a Construction Evaluation Resolution (CER) for construction permits for large animal confinement operations.

BACKGROUND:

If a county chooses to use the master matrix to evaluate applications for construction permits for large animal confinement operations (1000+ animal units), the Board of Supervisors must adopt a CER annually. If the Board does not, the county cannot: 1.) Submit formal recommendations to DNR concerning a particular construction permit application; 2.) Send county employees along a DNR site inspection; or 3.) Appeal the DNR's decision regarding a construction permit application to the Environmental Protection Commission. As of 2/1/19, 89 counties have passed CERs.

FINANCIAL IMPACT:

0

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:

Approve the construction evaluation resolution as proposed.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the construction evaluation resolution as proposed.

To: Boards of Supervisors and Planning and Zoning
From: Kristi Harshbarger, ISAC General Counsel
Re: Master Matrix
Date: November 14, 2019

If a county chooses to use the master matrix to evaluate applications for construction permits for large animal confinement operations, the board of supervisors must adopt a “construction evaluation resolution” annually.

According to the DNR’s administrative rules, if the board of supervisors wants to use the master matrix between February 1, 2020 and January 31, 2021, **the board of supervisors must submit an adopted “construction evaluation resolution” to the DNR between January 1 and January 31, 2020.**

[Click here](#) or on the blue button below for a sample construction evaluation resolution.

The construction evaluation resolution should be submitted to Kelli Book through mail, email, or hand delivered:

Kelli Book
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, IA 50319-0034
kelli.book@dnr.iowa.gov

Counties will receive a confirmation email for all CERs received.

The board of supervisors can adopt the resolution at any time, as long as it is actually mailed or faxed to the DNR during January of 2020.

Pay attention to this deadline. If a county board of supervisors does not adopt a construction evaluation resolution for 2020, then the county cannot:

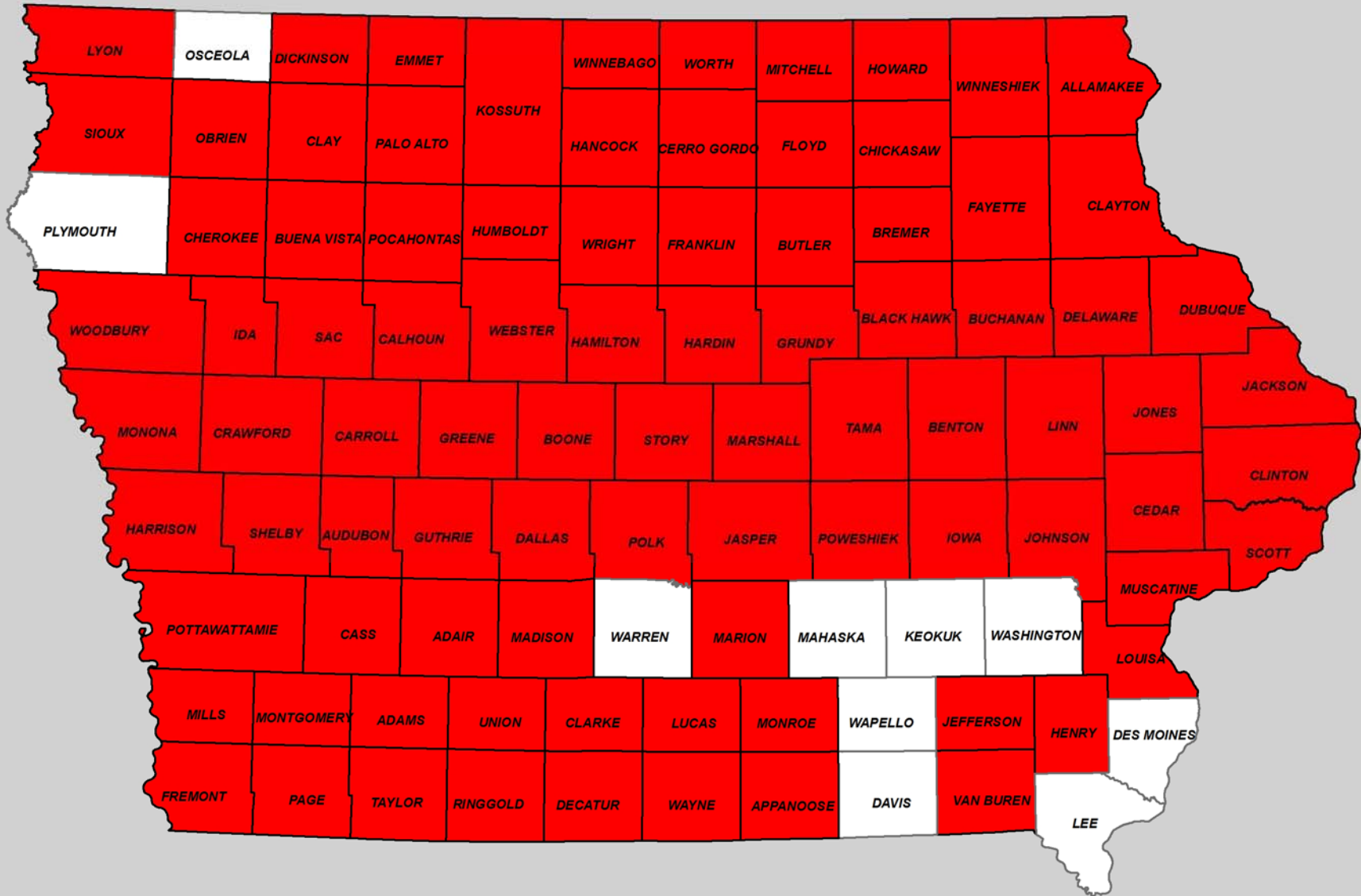
- 1) Submit a formal recommendation to the DNR concerning a particular construction permit application; the county can submit comments, but they are not given nearly as much weight by DNR as a formal recommendation would be;
- 2) Send county employee along on a DNR site inspection; or
- 3) Appeal the DNR’s decision regarding a construction permit application to the Environmental Protection Commission.

In addition, if the county chooses to use the master matrix, then applicants must meet stricter environmental standards than they would have to meet otherwise.

If you have any questions about this memo, you can call Kristi Harshbarger at ISAC, 515.244.7181 or Kelli Book at the DNR, at 515.725.9572.

Status of Construction Evaluation Resolutions by County

February 1, 2019



Counties that have passed a Construction Evaluation Resolution

no
 yes

0 15 30 60 90 120 Miles



RESOLUTION # _____

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

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

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

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2020 and January 31, 2021 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

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

Chair, Board of Supervisors

Date: _____

ATTEST:

County Auditor

Date: _____

SET DATE FOR HEARING ON
GENERAL OBLIGATION LOAN
AGREEMENT AND BONDS

(County Road Improvements)

424093-20

Sioux City, Iowa

December 3, 2019

The Board of Supervisors of Woodbury County, Iowa, met on December 3, 2019, at _____ __.m., at the Woodbury County Courthouse, Sioux City, Iowa. The Chairperson presided and the roll was called showing the following members of the Board present and absent:

Present: _____

Absent: _____.

Supervisor _____ introduced the resolution hereinafter next set out, setting a date for a hearing on a general obligation loan agreement related to financing improvements to county roads, bridges and culverts, and moved its adoption, seconded by Supervisor _____; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the resolution and the roll being called, the following named Supervisors voted:

Ayes: _____

Nays: _____.

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION NO. _____

Resolution to fix a date for a public hearing on a General Obligation Loan Agreement and issuance of Bonds for County Road Improvements

WHEREAS, counties in the State of Iowa are authorized by Sections 331.402, 331.441 and 331.443 of the Code of Iowa to enter into loan agreements and issue general obligation bonds for the purpose of undertaking capital projects for the construction, reconstruction, improvement, repair or equipping of bridges, roads and culverts, if such capital projects assist in economic development which creates jobs and wealth; and

WHEREAS, the Board of Supervisors (the “Board”) of Woodbury County, Iowa (the “County”) has established the Grow Woodbury County Urban Renewal Area (the “Urban Renewal Area”), based on a finding of the need for economic development in the County and has amended the urban renewal plan for the Urban Renewal Area to designate an urban renewal project consisting of improvements to all County roads, bridges and culverts in order to assist economic development; and

WHEREAS, the Board proposes to enter into a loan agreement (the “Loan Agreement”) and issue general obligation bonds (the “Bonds”) in a principal amount not to exceed \$10,000,000, pursuant to the provisions of Sections 331.402, 331.441 and 331.443 of the Code of Iowa, for the essential county purpose of financing the reconstruction and improvement of all County roads, bridges and culverts; and

WHEREAS, it is necessary to fix a date of meeting of the Board at which it is proposed to hold a hearing and take action to enter into the Loan Agreement and express intent to issue the Bonds, and to give notice thereof as required by law;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Woodbury County, Iowa, as follows:

Section 1. This Board shall meet on the 17th day of December, 2019, at the Woodbury County Courthouse, Sioux City, Iowa, at _____ .m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement and issue the Bonds.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement and the Bonds, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once and not less than 4 nor more than 20 days before the meeting, in a legal newspaper of general circulation in the County, in substantially the following form:

NOTICE OF PROPOSED HEARING ON LOAN AGREEMENT AND ISSUANCE OF
BONDS
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000

(General Obligation County Road Improvements)

The Board of Supervisors of Woodbury County, Iowa, will meet on the 17th day of December, 2019, at the Woodbury County Courthouse, Sioux City, Iowa, at _____ .m., for the purpose of holding a hearing and taking action to enter into a loan agreement (the “Loan Agreement”) and issue General Obligation Bonds (the “Bonds”) in a principal amount not to exceed \$10,000,000 for the essential county purpose of making improvements to County roads, bridges and culverts.

The Loan Agreement is proposed to be entered into and the Bonds are proposed to be issued pursuant to authority contained in Sections 331.402, 331.441 and 331.403 of the Code of Iowa. The Loan Agreement and the Bonds will constitute general obligations of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement and to issue the Bonds. After receiving objections, the County may determine to enter into the Loan Agreement and issue the Bonds, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Woodbury County, Iowa.

Pat Gill
County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved December 3, 2019.

Chairperson, Board of Supervisors

Attest:

County Auditor

STATE OF IOWA

SS:

WOODBURY COUNTY

I, the undersigned, County Auditor of Woodbury County, do hereby certify that attached hereto is a true and correct copy of the proceedings of the Board of Supervisors relating to fixing a date for hearing on the Board's proposal to take action in connection with a loan agreement and issuance of general obligation bonds, as referred to therein.

WITNESS MY HAND this _____ day of _____, 2019.

County Auditor

STATE OF IOWA

SS:

WOODBURY COUNTY

I, the undersigned, County Auditor of Woodbury County, do hereby certify that pursuant to the resolution of the Board of Supervisors fixing a date of meeting at which it is proposed to take action to enter into a loan agreement and issue bonds, the notice, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published on the date and in the newspaper specified in such affidavit, which newspaper is of general circulation in the County.

WITNESS MY HAND this _____ day of _____, 2019.

County Auditor

(Attach here the publisher's original affidavit with clipping of the notice, as published.)

November 26, 2019

Dennis Butler
Woodbury County Courthouse
620 Douglas
Sioux City, Iowa 51101

Re: Set Hearing on General Obligation County Road Loan Agreement and Bonds
Our file: 424093-20

Dear Dennis:

I have prepared proceedings that may be used by the Board of Supervisors on December 3 to set December 17, 2019, as the date for a hearing on a General Obligation Loan Agreement and Bonds related to financing improvements to County roads, bridges and culverts.

The documents enclosed include the following items:

1. Resolution fixing the date, time and place for the hearing on the Loan Agreement and Bonds. The notice is set out in the resolution. Please insert the time of the hearing in the resolution and in the notice.
2. Certificate attesting the transcript.
3. Certificate with respect to publication of the notice, to which must be attached the publisher's affidavit of publication with clipping of the notice as published.

The notice must be published not less than four nor more than twenty days before December 17, 2019 in at least one of your official County newspapers. As soon as the notice appears in the newspaper, please have a clipping emailed to me.

Please return one fully executed copy of these proceedings to our office.

If you have any questions, please contact me.

Very truly yours,

Robert E. Josten

Cc by email: Nate Summers