



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(JUNE 22, 2021) (WEEK 25 OF 2021)

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

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held June 22, 2021 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 for speakers.

- 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, please limit your remarks 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 turn off all 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 June 15, 2021 meeting
4. Approval of claims
5. Board Administration – Karen James
Approval of resolution thanking and commending Gary Brown for years of service with Woodbury County

End Consent Agenda

4:40 p.m. 6. Community & Economic Development – David Gleiser
(Set time) Public hearing and approve first reading of Commercial Wind Energy Conversion Systems Ordinance Action

4:45 p.m. 7. Building Services – Kenny Schmitz
(Set time) Public hearing for 28th Street Development Project (LEC Off-site Improvements)

8. Supervisor – Mark Monson & Budget/Finance Director – Dennis Butler
Approval of Woodbury County non-profit funding request from LAMB Arts Ltd. Action

**Recess Board of Supervisors Meeting
Convene Grant Township Trustees Meeting**

9. Approval of the minutes of the June 15, 2021 Meeting Action

**Adjourn Grant Township Trustees Meeting
Convene Bennet McDonald Smithland Drainage Districts Trustees Meeting**

10. Approval of contract from RP Constructors for culvert clean out for the affected drainage districts Action

**Adjourn Bennet McDonald Smithland Drainage Districts Trustees Meeting
Continue Board of Supervisors Meeting**

11. Secondary Roads – Mark Nahra
- a. Consider award of bid for bank protection project number ER-C097(145)—58-97 and approve resolution to direct county engineer to sign contract and bond Action
 - b. Approve the plans for project number STBG-SWAP-C097(142)—FG-97 Action

12. Reports on Committee Meetings Information

13. Citizen Concerns Information

14. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- TUE., JUNE 22 2:00 p.m.** Decat Board Meeting, Western Hills AEA, Room F
- WED., JUNE 23 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- THU., JUNE 24 11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
- MON., JUNE 28 6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- MON., JULY 5 6:00 p.m.** Board of Adjustment meeting, First Floor Boardroom
- WED., JULY 7 3:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- THU., JULY 8 10:00 a.m.** COAD Meeting, The Security Institute
- 12:00 p.m.** SIMPCO Board of Directors, 1122 Pierce St.
- 4:00 p.m.** Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
- WED., JULY 14 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- 10:00 a.m.** STARComm Board Meeting, The Security Institute, WIT Campus
- 6:30 p.m.** 911 Service Board Meeting, Public Safety Center, Climbing Hill
- 8:00 p.m.** County's Mayor Association Meeting, Public Safety Center, Climbing Hill
- THU., JULY 15 4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- FRI., JULY 16 12:00 p.m.** Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
- WED., JULY 21 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., JULY 22 11:00 a.m.** Siouxland Regional Transit Systems Board Meeting, SIMPCO Office, 1122 Pierce
- MON., JULY 26 6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- TUE., JULY 27 2:00 p.m.** Decat Board Meeting, Western Hills AEA, Room F
- WED., JULY 28 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting

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.

JUNE 15, 2021, TWENTY-FOURTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, June 15, 2021 at 4:30 p.m. Board members present were Monson, Radig, Ung, Wright, and De Witt. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, Dennis Butler, Finance Director, and Patrick Gill, Auditor/Clerk to the Board.

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

1. Jeff Reinders and Ernie Colt of Sioux City addressed the Board with concerns about the joint law enforcement project.
2. Motion by Radig second by Monson to approve the agenda for June 15, 2021. Carried 5-0. Copy filed.
11. A public hearing was held at 4:35 p.m. for the sale of parcel #894721358023, 1417 Grandview Blvd. The Chairperson called on anyone wishing to be heard.

Motion by Monson second by De Witt to close the public hearing. Carried 5-0.

Motion by De Witt second by Monson to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894721358023, 1417 Grandview Blvd., to Aureliano Zavala, 1423 Grandview Blvd, Sioux City, for \$216.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION 13,189**

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

By Aureliano Zavala in the sum of Two Hundred Sixteen Dollars & 00/100 (\$216.00)-----
-----dollars.

For the following described real estate, To Wit:

Parcel #894721358023
The South One-half (S 1/2) of Lot Ten (10) and Lot Eleven (11), in Block Three (3) of Rose Hill Addition to the City of Sioux City, Woodbury County, Iowa (1417 Grandview Blvd.)

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 15th Day of June, 2021.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

Motion by Ung second by De Witt to approve the following items by consent:

3. To approve minutes of the June 8, 2021 meeting. Copy filed.
4. To approve the claims totaling \$490,827.84. Copy filed.
- 5a. To approve an application for a 6-month Special Class C Liquor License, with Outdoor Service and Sunday Sales privileges for Scarecrow Farms, effective 07/01/2021 thru 12/31/2021. Copy filed.
- 5b. To approve the amendment of ownership for Anthon Golf Course Liquor licenses. Copy filed.
6. To approve the 28E Agreement between Woodbury County, Iowa, and Woodbury Soil and Water Conservation District for funding and management of a watershed inspection and maintenance program in Woodbury County. Copy filed.
7. To receive the Juvenile Detention's May population report. Copy filed.
8. To approve the appointment of Peter Dixon, Motor Grader Operator, Secondary Roads Dept., effective 06-23-21, \$24.31/hour. Job Vacancy Posted 4-13-21. Entry Level Salary: \$24.31/hour. Copy filed.
9. To approve an agreement between Woodbury County, Iowa, and Williams & Company, P.C. for fiscal years 2021-2025. Copy filed.
10. To approve the permit to work in the right of way and an underground utility permit for Randy Hunt/Hunt Farms. Copy filed.

Carried 5-0.

- 12a. Motion by Monson second by De Witt to approve the position of Assistant County Engineer. Carried 5-0. Copy filed.
- 12b. Motion by Monson second by De Witt to approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Assistant County Engineer, Secondary Roads Dept. Wage Plan: \$97,238/year (7-1-21 Wage). Carried 5-0. Copy filed.
- 12c. Motion by De Witt second by Ung to approve and authorize the Chairperson to sign the deauthorization position Civil Engineer Intern, Secondary Roads Dept. Carried 5-0. Copy filed.

The Board recessed for a meeting of the Grant Township.

The Supervisors meeting was called back to order.

13. Motion by Radig second by De Witt to approve the contract with State of Nebraska for Woodbury County Detention bed usage. Carried 5-0. Copy filed.
- 15a. Motion by De Witt second by Radig to set a public hearing for Commercial Wind Energy Conversion Systems Ordinance for Tuesday, June 22, 2021 at 4:40 p.m. Carried 5-0. Copy filed.

Motion by De Witt second by Wright to set a public hearing for Commercial Wind Energy Conversion Systems Ordinance for Tuesday, June 29, 2021 at 4:45 p.m. Carried 5-0. Copy filed

Motion by De Witt second by Radig to set a public hearing for Commercial Wind Energy Conversion Systems Ordinance for Tuesday, July 6, 2021 at 4:45 p.m. Carried 5-0. Copy filed.

16. Motion by De Witt second by Monson to award the quote for a new 950GC front end loader to Ziegler Caterpillar for \$210,983. Carried 5-0. Copy filed.

- 17. Motion by Monson second by Ung to approve the use of CIP funds for a joint purchase of a new Record Management System (RMS) with the City of Sioux City and WCICC. Carried 5-0. Copy filed.
- 18. Motion by Ung second by Radig to approve and authorize the Chairperson to sign a Resolution approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance of \$1,800,000 General Obligation Capital Loan notes, Series 2021, and levying a tax to pay said notes; Approval of the Tax Exemption Certificate. Carried 5-0.

**RESOLUTION #13,190
RESOLUTION APPROVING AND AUTHORIZING A FORM
OF LOAN AGREEMENT AND AUTHORIZING AND
PROVIDING FOR THE ISSUANCE OF \$1,800,000 GENERAL
OBLIGATION CAPITAL LOAN NOTES, SERIES 2021, AND
LEVYING A TAX TO PAY SAID NOTES; APPROVAL OF
THE TAX EXEMPTION CERTIFICATE**

WHEREAS, the Issuer is a political subdivision, organized and exists under and by virtue of the laws and Constitution of the State of Iowa; and

WHEREAS, the Issuer is in need of funds to pay costs of the erection, equipment, remodeling, or reconstruction of, and additions or extensions to public buildings, including the site or grounds thereof and including, but not limited to chiller for the Courthouse, essential county purpose(s), and it is deemed necessary and advisable that General Obligation Capital Loan Notes, to the amount of not to exceed \$1,094,445 be authorized for said purpose(s); and

WHEREAS, pursuant to notice published as required by Sections 331.402 and 331.443 of the Code of Iowa, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of the Notes, and the Board is therefore now authorized to proceed with the issuance of said Notes for such purpose(s); and

WHEREAS, the Issuer is in need of funds to pay costs of the erection, equipment, remodeling, or reconstruction of, and additions or extensions to public buildings, including the site or grounds thereof and including, but not limited to structural and foundation repairs, computer software for the Sheriff, computer hardware and software equipment, essential county purpose(s), and it is deemed necessary and advisable that General Obligation Capital Loan Notes, to the amount of not to exceed \$630,111 be authorized for said purpose(s); and

WHEREAS, pursuant to notice published as required by Sections 331.402 and 331.443 of the Code of Iowa, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of the Notes, and the Board is therefore now authorized to proceed with the issuance of said Notes for such purpose(s); and

WHEREAS, the County is in need of funds to pay costs of equipping emergency management services with a vehicle and turnout gear that is necessary for the operation of the county or the health and welfare of its citizens, general county purpose(s), and it is deemed necessary and advisable that General Obligation Capital Loan Notes, to the amount of not to exceed \$75,444 be authorized for said purpose(s); and

WHEREAS, the Issuer has a population in excess of 50,000, and the Notes for these purposes do not exceed \$300,000; and

WHEREAS, pursuant to notice published as required by Sections 331.402 and 331.442 of the Code of Iowa, the Board of the County has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of Notes for general county purpose(s) in the amounts as above set forth, and, no petition for referendum having been received, the Board is therefore now authorized to proceed with the issuance of said Notes for such purpose(s); and

WHEREAS, pursuant to Section 331.445 of the Code of Iowa, it is hereby found and determined that the various general obligation capital loan notes authorized as hereinabove described shall be combined for the purpose of issuance in a single issue of \$1,800,000 General Obligation Capital Loan Notes as hereinafter set forth; and

WHEREAS, the above mentioned Notes were heretofore sold and action should now be taken to issue said Notes conforming to the terms and conditions of the best bid received at the sale.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:

- "Issuer" and "County" shall mean Woodbury County, State of Iowa.
- "Loan Agreement" shall mean a Loan Agreement between the Issuer and a lender or lenders in substantially the form attached to and approved by this Resolution.
- "Note Fund" shall mean the fund created in Section 3 of this Resolution.
- "Notes" shall mean \$1,800,000 General Obligation Capital Loan Notes, Series 2021, authorized to be issued by this Resolution.
- "Paying Agent" shall mean the County Treasurer, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein as Issuer's agent to provide for the payment of principal of and interest on the Notes as the same shall become due.
- "Project" shall mean the costs of (a) the erection, equipment, remodeling, or reconstruction of, and additions or extensions to public buildings, including the site or grounds thereof and including, but not limited to chiller for the Courthouse; (b) the erection, equipment, remodeling, or reconstruction of, and additions or extensions to public buildings, including the site or grounds thereof and including, but not limited to structural and foundation repairs, computer software for the Sheriff, computer hardware and software equipment; and (c) equipping emergency management services with a vehicle and turnout gear that is necessary for the operation of the county or the health and welfare of its citizens.
- "Project Fund" shall mean the fund required to be established by this Resolution for the deposit of the proceeds of the Notes.
- "Rebate Fund" shall mean the fund so defined in and established pursuant to the Tax Exemption Certificate.
- "Registrar" shall mean the County Treasurer of Woodbury County, Iowa, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein with respect to maintaining a register of the owners of the Notes. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Notes.
- "Resolution" shall mean this resolution authorizing the Notes.
- "Tax Exemption Certificate" shall mean the Tax Exemption Certificate approved under the terms of this Resolution and to be executed by the Treasurer and delivered at the time of issuance and delivery of the Notes.
- "Treasurer" shall mean the County Treasurer or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Notes issued hereunder.

Section 2. Levy and Certification of Annual Tax; Other Funds to be Used.

a) Levy of Annual Tax. That for the purpose of providing funds to pay the principal and interest of the Notes hereinafter authorized to be issued, there is hereby levied for each future year the following direct annual tax on all of the taxable property in Woodbury County, State of Iowa, to-wit:

AMOUNT	FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION
\$373,944*	2021/2022
\$ 372,096	2022/2023
\$ 369,072	2023/2024
\$ 366,048	2024/2025
\$ 363,024	2025/2026

*Payable from available cash on hand.

(NOTE: For example the levy to be made and certified against the taxable valuations of January 1, 2021 will be collected during the fiscal year commencing July 1, 2022.)

b) Resolution to be Filed With County Auditor. A certified copy of this Resolution shall be filed with the Auditor of Woodbury County, Iowa and the Auditor is hereby instructed in and for each of the years as provided, to levy and assess the tax hereby authorized in Section 2 of this Resolution, in like manner as other taxes are levied and assessed, and such taxes so levied in and for each of the years aforesaid be collected in like manner as other taxes of the County are collected, and when collected be used for the purpose of paying principal and interest on said Notes issued in anticipation of the tax, and for no other purpose whatsoever.

c) Additional County Funds Available. Principal and interest coming due at any time when the proceeds of said tax on hand shall be insufficient to pay the same shall be promptly paid when due from current funds of the County available for that purpose and reimbursement shall be made from such special fund in the amounts thus advanced.

Section 3. Note Fund. Said tax shall be assessed and collected each year at the same time and in the same manner as, and in addition to, all other taxes in and for the County, and when collected they shall be converted into a special fund within the Debt Service Fund to be known as the "2021 GENERAL OBLIGATION CAPITAL LOAN NOTE FUND NO. 1" (the "Note Fund"), which is hereby pledged for and shall be used only for the payment of the principal of and interest on the Notes hereinafter authorized to be issued; and also there shall be apportioned to said fund its proportion of taxes received by the County from property that is centrally assessed by the State of Iowa.

Section 4. Application of Note Proceeds. Proceeds of the Notes, other than accrued interest except as may be provided below, shall be credited to the Project Fund and expended therefrom for the purposes of issuance. Any amounts on hand in the Project Fund shall be available for the payment of the principal of or interest on the Notes at any time that other funds shall be insufficient to the purpose, in which event such funds shall be repaid to the Project Fund at the earliest opportunity. Any balance on hand in the Project Fund and not immediately required for its purposes may be invested not inconsistent with limitations provided by law or this Resolution.

Section 5. Investment of Note Fund Proceeds. All moneys held in the Note Fund, provided for by Section 3 of this Resolution shall be invested in investments permitted by Chapter 12B, Code of Iowa, as amended, or deposited in financial institutions which are members of the Federal Deposit Insurance Corporation and the deposits in which are insured thereby and all such deposits exceeding the maximum amount insured from time to time by FDIC or its equivalent successor in any one financial institution shall be continuously secured in compliance with Chapter 12C of the Code of Iowa, as amended, or otherwise by a valid pledge of direct obligations of the United States

Government having an equivalent market value. All such interim investments shall mature before the date on which the moneys are required for payment of principal of or interest on the Notes as herein provided.

Section 6. Note Details, Execution and Redemption.

a) Note Details. General Obligation Capital Loan Notes of the County in the amount of \$1,800,000, shall be issued to evidence the obligations of the Issuer under the Loan Agreement pursuant to the provisions of Sections 331.402, 331.442, 331.443 and 331.445 of the Code of Iowa for the aforesaid purposes. The Notes shall be issued in one or more series and shall be secured equally and ratably from the sources provided in Section 3 of this Resolution. The Notes shall be designated "GENERAL OBLIGATION CAPITAL LOAN NOTE, SERIES 2021", be dated June 29, 2021, and bear interest from the date thereof, until payment thereof, at the office of the Paying Agent, said interest payable on December 1, 2021, and semiannually thereafter on the 1st day of June and December in each year until maturity at the rates hereinafter provided.

The Notes shall be executed by the manual or facsimile signature of the Chairperson and attested by the manual or facsimile signature of the Auditor, and impressed or printed with the seal of the County and shall be fully registered as to both principal and interest as provided in this Resolution; principal, interest and premium, if any, shall be payable at the office of the Paying Agent by mailing of a check to the registered owner of the Note. The Notes shall be in the denomination of \$1,000 or multiples thereof. The Notes shall mature and bear interest as follows:

<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity June 1st</u>
\$1,800,000	0.840%	2026*

*Term Notes

b) Redemption.

i. Optional Redemption. The Notes may be called at any time for optional redemption by the Issuer on any date, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call.

Thirty days' written notice of redemption shall be given to the registered owner of the Note. Failure to give written notice to any registered owner of the Notes or any defect therein shall not affect the validity of any proceedings for the redemption of the Notes. All Notes or portions thereof called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment. Written notice will be deemed completed upon transmission to the owner of record.

If selection by lot within a maturity is required, the Registrar shall designate the Notes to be redeemed by random selection of the names of the registered owners of the entire annual maturity until the total amount of Notes to be called has been reached.

ii. Mandatory Payment and Redemption of Term Notes. All Term Notes are subject to mandatory redemption prior to maturity at a price equal to 100% of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

<u>Principal Amount</u>	<u>Term Note: Interest Rate</u>	<u>Maturity June 1st</u>
\$360,000	0.840%	2022
\$360,000	0.840%	2023
\$360,000	0.840%	2024

\$360,000	0.840%	2025
\$360,000	0.840%	2026*

*Final Maturity

The principal amount of Term Notes may be reduced through the earlier optional redemption, with any partial optional redemption of the Term Notes credited against future mandatory redemption requirements for such Term Notes in such order as the County shall determine.

Section 7. Registration of Notes; Appointment of Registrar; Transfer; Ownership; Delivery; and Cancellation.

a) Registration. The ownership of Notes may be transferred only by the making of an entry upon the books kept for the registration and transfer of ownership of the Notes, and in no other way. The County Treasurer is hereby appointed as Note Registrar under the terms of this Resolution. Registrar shall maintain the books of the Issuer for the registration of ownership of the Notes for the payment of principal of and interest on the Notes as provided in this Resolution. All Notes shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 331.446 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Notes and in this Resolution.

b) Transfer. The ownership of any Note may be transferred only upon the Registration Books kept for the registration and transfer of Notes and only upon surrender thereof at the office of the Registrar together with an assignment duly executed by the holder or his duly authorized attorney in fact in such form as shall be satisfactory to the Registrar, along with the address and social security number or federal employer identification number of such transferee (or, if registration is to be made in the name of multiple individuals, of all such transferees). In the event that the address of the registered owner of a Note (other than a registered owner which is the nominee of the broker or dealer in question) is that of a broker or dealer, there must be disclosed on the Registration Books the information pertaining to the registered owner required above. Upon the transfer of any such Note, a new fully registered Note, of any denomination or denominations permitted by this Resolution in aggregate principal amount equal to the unmatured and unredeemed principal amount of such transferred fully registered Note, and bearing interest at the same rate and maturing on the same date or dates shall be delivered by the Registrar.

c) Registration of Transferred Notes. In all cases of the transfer of the Notes, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Notes, in accordance with the provisions of this Resolution.

d) Ownership. As to any Note, the person in whose name the ownership of the same shall be registered on the Registration Books of the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Notes and the premium, if any, and interest thereon shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note, including the interest thereon, to the extent of the sum or sums so paid.

e) Cancellation. All Notes which have been redeemed shall not be reissued but shall be cancelled by the Registrar. All Notes which are cancelled by the Registrar shall be destroyed and a certificate of the destruction thereof shall be furnished promptly to the Issuer; provided that if the Issuer shall so direct, the Registrar shall forward the cancelled Notes to the Issuer.

f) Non-Presentation of Notes. In the event any payment check, wire, or electronic transfer of funds representing payment of principal of or interest on the Notes is returned to the Paying Agent or if any note is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal of or interest on Notes shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for such interest or payment of such Notes shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Notes who shall thereafter be

restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, such interest or Notes. The Paying Agent's obligation to hold such funds shall continue for a period equal to two years and six months following the date on which such interest or principal became due, whether at maturity, or at the date fixed for redemption thereof, or otherwise, at which time the Paying Agent shall surrender any remaining funds so held to the Issuer, whereupon any claim under this Resolution by the Owners of such interest or Notes of whatever nature shall be made upon the Issuer.

g) Registration and Transfer Fees. The Registrar may furnish to each owner, at the Issuer's expense, one note for each annual maturity. The Registrar shall furnish additional Notes in lesser denominations (but not less than the minimum denomination) to an owner who so requests.

Section 8. Reissuance of Mutilated, Destroyed, Stolen or Lost Notes. In case any outstanding Note shall become mutilated or be destroyed, stolen or lost, the Issuer shall at the request of Registrar authenticate and deliver a new Note of like tenor and amount as the Note so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Note to Registrar, upon surrender of such mutilated Note, or in lieu of and substitution for the Note destroyed, stolen or lost, upon filing with the Registrar evidence satisfactory to the Registrar and Issuer that such Note has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the Registrar and Issuer with satisfactory indemnity and complying with such other reasonable regulations as the Issuer or its agent may prescribe and paying such expenses as the Issuer may incur in connection therewith.

Section 9. Record Date. Payments of principal and interest, otherwise than upon full redemption, made in respect of any Note, shall be made to the registered holder thereof or to their designated agent as the same appear on the books of the Registrar on the 15th day of the month preceding the payment date. All such payments shall fully discharge the obligations of the Issuer in respect of such Notes to the extent of the payments so made. Upon receipt of the final payment of principal, the holder of the Note shall surrender the Note to the Paying Agent.

Section 10. Execution, Authentication and Delivery of the Notes. Upon the adoption of this Resolution, the Chairperson and Auditor shall execute the Notes by their manual or authorized signature and deliver the Notes to the Registrar, who shall authenticate the Notes and deliver the same to or upon order of the Purchaser. No Note shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless the Registrar shall duly endorse and execute on such Note a Certificate of Authentication substantially in the form of the Certificate herein set forth. Such Certificate upon any Note executed on behalf of the Issuer shall be conclusive evidence that the Note so authenticated has been duly issued under this Resolution and that the holder thereof is entitled to the benefits of this Resolution.

Section 11. Right to Name Substitute Paying Agent or Registrar. Issuer reserves the right to name a substitute, successor Registrar or Paying Agent upon giving prompt written notice to each registered noteholder.

Section 12. Form of Note. Notes shall be printed substantially in the form as follows:

"STATE OF IOWA"
 "COUNTY OF WOODBURY"
 "GENERAL OBLIGATION CAPITAL LOAN NOTE"
 "SERIES 2021"
 COUNTY PURPOSE

Rate: 0.840%
 Maturity: June 1, 2026
 Note Date: June 29, 2021
 CUSIP No.: N/A
 "Registered"
 Certificate No. 1
 Principal Amount: \$1,800,000

Woodbury County, State of Iowa, a political subdivision organized and existing under and by virtue of the Constitution and laws of the State of Iowa (the "Issuer"), for value received, promises to pay from the source and as hereinafter provided, on the maturity date indicated above, to

(Registration panel to be completed by Registrar or Printer with name of Registered Owner).

or registered assigns, the principal sum of (enter principal amount in long form) THOUSAND DOLLARS in lawful money of the United States of America, on the maturity date shown above, only upon presentation and surrender hereof at the office of the County Treasurer, Paying Agent of this issue, or its successor, with interest on the sum from the date hereof until paid at the rate per annum specified above, payable on December 1, 2021, and semiannually thereafter on the 1st day of June and December in each year as set forth in the Debt Service Schedule attached hereto and incorporated herein by this reference.

Interest and principal shall be paid to the registered holder of the Note as shown on the records of ownership maintained by the Registrar as of the 15th day of the month preceding such interest payment date. Interest shall be computed on the basis of a 360-day year of twelve 30-day months.

This Note is issued pursuant to the provisions of Sections 331.402, 331.442, 331.443 and 331.445 of the Code of Iowa, for the purpose of paying costs of (a) the erection, equipment, remodeling, or reconstruction of, and additions or extensions to public buildings, including the site or grounds thereof and including, but not limited to chiller for the Courthouse; (b) the erection, equipment, remodeling, or reconstruction of, and additions or extensions to public buildings, including the site or grounds thereof and including, but not limited to structural and foundation repairs, computer software for the Sheriff, computer hardware and software equipment; and (c) equipping emergency management services with a vehicle and turnout gear that is necessary for the operation of the county or the health and welfare of its citizens, and in order to evidence the obligations of the Issuer under a certain Loan Agreement dated the date hereof, in conformity to a Resolution of the Board of said County duly passed and approved. For a complete statement of the funds from which and the conditions under which this Note is payable, and the general covenants and provisions pursuant to which this Note is issued, reference is made to the above described Loan Agreement and Resolution.

The Notes may be called at any time for optional redemption by the Issuer on any date, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call.

Thirty days' written notice of redemption shall be given to the registered owner of the Note. Failure to give written notice to any registered owner of the Notes or any defect therein shall not affect the validity of any proceedings for the redemption of the Notes. All notes or portions thereof called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment. Written notice will be deemed completed upon transmission to the owner of record.

If selection by lot within a maturity is required, the Registrar shall designate the Notes to be redeemed by random selection of the names of the registered owners of the entire annual maturity until the total amount of Notes to be called has been reached.

The Note maturing on June 1, 2026 is subject to mandatory redemption prior to maturity by application of money on deposit in the Note Fund and shall bear interest at 0.840% per annum at a price of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

Principal Amount	Maturity June 1st
\$360,000	2022
\$360,000	2023
\$360,000	2024

\$360,000	2025
\$360,000	2026*

*Final Maturity

The principal amount of Term Notes may be reduced through the earlier optional redemption, with any partial optional redemption of the Term Notes credited against future mandatory redemption requirements for such Term Notes in such order as the County shall determine.

Ownership of this Note may be transferred only by transfer upon the books kept for such purpose by the County Treasurer, the Registrar. Such transfer on the books shall occur only upon presentation and surrender of this Note at the office of the Registrar as designated below, together with an assignment duly executed by the owner hereof or his duly authorized attorney in the form as shall be satisfactory to the Registrar. Issuer reserves the right to substitute the Registrar and Paying Agent but shall, however, promptly give notice to registered Noteholders of such change. All notes shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 331.446 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Note Resolution.

And it is hereby represented and certified that all acts, conditions and things requisite, according to the laws and Constitution of the State of Iowa, to exist, to be had, to be done, or to be performed precedent to the lawful issue of this Note, have been existent, had, done and performed as required by law; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the territory of the Issuer for the payment of the principal and interest of this Note as the same will respectively become due; that such taxes have been irrevocably pledged for the prompt payment hereof, both principal and interest; and the total indebtedness of the Issuer including this Note, does not exceed the constitutional or statutory limitations.

IN TESTIMONY WHEREOF, the Issuer by its Board, has caused this Note to be signed by the manual or facsimile signature of its Chairperson and attested by the manual or facsimile signature of its County Auditor, with the seal of the County printed or impressed hereon, and to be authenticated by the manual signature of an authorized representative of the Registrar, the County Treasurer, Woodbury County, Iowa.

Date of authentication: _____

This is one of the Notes described in the within mentioned Resolution, as registered by the County Treasurer.

COUNTY TREASURER, Registrar
Woodbury County, Iowa

By: _____

Authorized Signature

Registrar and Transfer Agent:	County Treasurer
Paying Agent:	County Treasurer

SEE REVERSE FOR CERTAIN DEFINITIONS
(Seal)
(Signature Block)

WOODBURY COUNTY, STATE OF IOWA

By: _____ (manual or facsimile signature) _____

Chairperson

ATTEST:

By: _____ (manual or facsimile signature) _____

County Auditor

(Information Required for Registration)

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto (Social Security or Tax Identification No. _____) the within Note and does hereby irrevocably constitute and appoint _____ attorney in fact to transfer the said Note on the books kept for registration of the within Note, with full power of substitution in the premises.

Dated:

(Person(s) executing this Assignment sign(s) here)

SIGNATURE)
GUARANTEED)

IMPORTANT - READ CAREFULLY

The signature(s) to this Power must correspond with the name(s) as written upon the face of the certificate(s) or note(s) in every particular without alteration or enlargement or any change whatever. Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signature to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.

Name of Transferee(s) _____

Address of Transferee(s) _____

Social Security or Tax Identification

Number of Transferee(s) _____

Transferee is a(n):

Individual* _____ Corporation _____

Partnership _____ Trust _____

*If the Note is to be registered in the names of multiple individual owners, the names of all such owners and one address and social security number must be provided.

The following abbreviations, when used in the inscription on the face of this Note, shall be construed as though written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with rights of survivorship and not as tenants in common

IA UNIF TRANS MIN ACT - Custodian

(Cust)

(Minor)

Under Iowa Uniform Transfers to Minors Act

(State)

ADDITIONAL ABBREVIATIONS MAY
ALSO BE USED THOUGH NOT IN THE ABOVE LIST

(End of form of Note)

Section 13. Loan Agreement and Closing Documents. The form of Loan Agreement in substantially the form attached to this Resolution is hereby approved and is authorized to be executed and issued on behalf of the Issuer by the Chairperson and attested by the County Auditor. The Chairperson and County Auditor are authorized and directed to execute, attest, seal and deliver for and on behalf of the County any other additional certificates,

documents, or other papers and perform all other acts, including without limitation the execution of all closing documents, as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 14. Contract Between Issuer and Purchaser. This Resolution constitutes a contract between said County and the purchaser of the Notes.

Section 15. Non-Arbitrage Covenants. The Issuer reasonably expects and covenants that no use will be made of the proceeds from the issuance and sale of the Notes issued hereunder which will cause any of the Notes to be classified as arbitrage notes within the meaning of Sections 148(a) and (b) of the Internal Revenue Code of the United States, as amended, and that throughout the term of the Notes it will comply with the requirements of statutes and regulations issued thereunder.

To the best knowledge and belief of the Issuer, there are no facts or circumstances that would materially change the foregoing statements or the conclusion that it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be arbitrage notes.

Section 16. Approval of Tax Exemption Certificate. Attached hereto is a form of Tax Exemption Certificate stating the Issuer's reasonable expectations as to the use of the proceeds of the Notes. The form of Tax Exemption Certificate is approved. The Issuer hereby agrees to comply with the provisions of the Tax Exemption Certificate and the provisions of the Tax Exemption Certificate are hereby incorporated by reference as part of this Resolution. The County Treasurer is hereby directed to make and insert all calculations and determinations necessary to complete the Tax Exemption Certificate at issuance of the Notes to certify as to the reasonable expectations and covenants of the Issuer at that date.

Section 17. Additional Covenants, Representations and Warranties of the Issuer. The Issuer certifies and covenants with the purchasers and holders of the Notes from time to time outstanding that the Issuer through its officers, (a) will make such further specific covenants, representations and assurances as may be necessary or advisable; (b) comply with all representations, covenants and assurances contained in the Tax Exemption Certificate, which Tax Exemption Certificate shall constitute a part of the contract between the Issuer and the owners of the Notes; (c) consult with Bond Counsel (as defined in the Tax Exemption Certificate); (d) pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Notes; (e) file such forms, statements and supporting documents as may be required and in a timely manner; and (f) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Issuer in such compliance.

Section 18. Amendment of Resolution to Maintain Tax Exemption. This Resolution may be amended without the consent of any owner of the Notes if, in the opinion of Bond Counsel, such amendment is necessary to maintain tax exemption with respect to the Notes under applicable Federal law or regulations.

Section 19. Repeal of Conflicting Resolutions or Ordinances. All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 20. Severability Clause. If any section, paragraph, clause or provision of this Resolution be held invalid, such invalidity shall not affect any of the remaining provisions hereof, and this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 15th day of June, 2021.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

19. The Board heard reports on committee meetings.
20. There were no citizen concerns.
21. Board concerns were heard.

June 15, 2021 Cont'd.

Page 13

The Board adjourned the regular meeting until June 22, 2021.

Meeting sign in sheet. Copy filed.

WOODBURY COUNTY, IOWA

RESOLUTION NO. _____

A RESOLUTION THANKING AND COMMENDING

Gary Brown

FOR HIS SERVICE TO WOODBURY COUNTY

WHEREAS, Gary Brown has capably served Woodbury County as an employee of the Woodbury County Emergency Services Department for 39 years from August 20, 1982 to July 6, 2021 and his volunteering service since 1980;

WHEREAS, the service given by Gary Brown as a Woodbury County employee, has been characterized by his 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 Gary Brown for his 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, Gary Brown.

BE IT SO RESOLVED this 22nd day of June, 2021.

WOODBURY COUNTY BOARD OF SUPERVISORS

Rocky L. De Witt, Chairman

Keith W. Radig, Member

Matthew A. Ung, Member

Mark A. Monson, Member

Justin D. Wright, Member

Attest:

Patrick F. Gill, Woodbury County Auditor

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

Date: 6/17/21 Weekly Agenda Date: 6/22/21

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

WORDING FOR AGENDA ITEM:

Public Hearing and 1st Reading of Commercial Wind Energy Conversion Systems Ordinance

ACTION REQUIRED:

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

EXECUTIVE SUMMARY:

The Board will hold a public hearing for a proposed ordinance to regulate commercial wind energy conversion systems in unincorporated Woodbury County and may conduct the 1st reading of said ordinance.

BACKGROUND:

County staff recognize the framework of the existing zoning ordinance does not provide enough safeguards for property owners as it relates to setback distances or any protections against damages to county roads during the construction of a commercial wind turbine or wind farm. With no ordinance addressing the site plan review and application approval process for the construction and ongoing maintenance of such systems proposed to be erected in unincorporated Woodbury County, the county is at risk of causing severe damage to its secondary roads and would have no ability to provide input on the siting and design of such structures. Members of the Community & Economic Development Department, Secondary Roads Department, and the County Attorney's office have developed the proposed ordinance in consultation with entities such as the county Planning & Zoning Commission and Board of Adjustment, ISAC, ISU Extension, the Iowa Environmental Council, and The Nature Conservancy.

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:

Open and close the public hearing. Approve the 1st reading.

The 2nd and 3rd public hearing/ordinance readings have already been scheduled for 6/29/21 at 4:45 PM and 7/6/21 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

Motion to open the public hearing.
Motion to close the public hearing.
Motion to approve the 1st reading.

WOODBURY COUNTY, IOWA
ORDINANCE # _____

**AN ORDINANCE REGULATING COMMERCIAL
WIND ENERGY CONVERSION SYSTEMS
IN UNINCORPORATED WOODBURY COUNTY**

WHEREAS, it is deemed advisable and recommended by the Woodbury County Board of Supervisors to create and enforce an ordinance in Woodbury County addressing the site plan review and application approval process for the construction and ongoing maintenance of large-scale commercial wind energy conversion systems proposed to be erected in unincorporated Woodbury County; and

WHEREAS, the Woodbury County Board of Supervisors wish to adopt and enforce this Commercial Wind Energy Conversion Systems Ordinance to better promote the County’s comprehensive plan and its economic development goal of fully exploring alternative renewable energy sources, particularly wind generation facilities both as a contribution to the total energy needs of the country and as a new source of income for property owners; and

WHEREAS, this Commercial Wind Energy Conversion Systems Ordinance is a separate county ordinance and shall be a “stand alone” enactment authorized under County Home Rule under Iowa Code Section 331.302(1). These provisions only relate to the application for a wind energy conversion systems project with a total nameplate generating capacity of more than 100kW.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that this Commercial Wind Energy Conversions Systems Ordinance is hereby adopted within Woodbury County, Iowa and includes the following provisions:

Section 1 - Purpose

The purpose of this Ordinance is to establish guidelines for the effective and efficient use of large-scale Commercial Wind Energy Conversion Systems (C-WECS) projects by regulating and requiring a permit for the siting, design, construction, operation, and decommissioning of these wind energy conversion systems (WECS) to protect the public health, safety, and general welfare of the County’s residents and businesses. The requirements of this Ordinance shall apply to all C-WECS after the effective date of this Ordinance.

Because of the significant, long-lasting impacts on the County’s residents and infrastructure resulting from large-scale C-WECS projects, the Woodbury County Board of Supervisors believes it is in the public’s best interest that the Supervisors retain the final authority over the issuance of any permit for large-scale C-WECS projects and shall adhere to all the standards, procedures and fees as set forth in this Ordinance.

Section 2 – Jurisdiction

This Ordinance is adopted by the Woodbury County Board of Supervisors and governs all lands within the unincorporated areas of Woodbury County, Iowa. This Ordinance and its provisions shall not apply to those properties or projects occurring within the incorporated cities of Woodbury County.

Section 3 – Definitions

For use in this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Wind Energy Conversion System (WECS) shall mean any device, such as a wind charger or wind turbine, which converts the kinetic energy of wind to a form of usable electric energy.

Commercial Wind Energy Conversion Systems (C-WECS) A large-scale WECS or a group of WECS in the same location with a generating nameplate capacity of 100 kW or greater and is used for production of electric power to be interconnected into the local utility electrical grid and built to produce energy primarily for on-grid utility customers located off the property. Individual turbines are usually interconnected to a power collection system and then connected to an existing or proposed high voltage transmission system. C-WECS projects may consist of a single WECS or multiple wind turbines, and cover small areas to extended areas of many square miles.

Applicant shall mean the person or entity submitting the application under this Ordinance, which is normally expected to be the owner or operator of a WECS, or the owner of the C-WECS development project.

Components shall mean all the physical facilities comprising a WECS; including turbines (i.e. – the tower, nacelle, hub, motor, and blades), turbine foundations, transformers, crane pads, feeder lines, and any accessory buildings and equipment. Components shall include any substations that are constructed in conjunction with a C-WECS project.

Confinement Feeding Operation Building shall have the same meaning as found in Iowa Code §459.102(15).

Feeder Line shall mean any above or below-ground line that carries electrical power from one or more turbines.

Meteorological (“MET”) Tower shall mean a tower which is erected primarily to measure wind speed and directions, plus other atmospheric/weather data relevant to siting and operating a WECS. Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

Non-Participating Landowner shall mean any landowner not under agreement with the owner or operator of the WECS.

Occupied Non-Residential Building shall mean any building (other than a residence) that is regularly occupied by humans, and that is open to the public, sells goods or services, or a public, religious, or other non-profit institution.

Occupied Residence shall mean a building designed for, and occupied on a regular basis as an abode.

Operator shall mean the entity responsible for the day-to-day operation and maintenance of the WECS.

Owner shall mean the entity or entities with an interest in the WECS, including their respective successors and assigns. Owner does not mean (1) the property owner from whom a lease, easement or other property rights are acquired for locating the WECS (unless the property owner has an equity interest in the WECS; or (2) any person holding a security interest in the WECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS at the earliest practical date.

Participating Landowner shall mean a landowner under lease, easement or other property agreements with the owner or operator of the WECS.

Professional Engineer shall mean a qualified individual who is licensed in the State of Iowa as a professional engineer.

Project Area shall mean the geographic area encompassing all components of a C-WECS project.

Property Line shall mean the legal boundary between separately-owned real estate parcels, and between privately-owned parcels and publicly-owned land or public right-of-way.

Public Conservation Areas shall mean land owned by County, State or Federal agencies and managed for conservation/preservation purposes, including but not limited to Wildlife Management Areas, Conservation Areas, Parks, Preserves, Wildlife Refuges, and Waterfowl Production Areas. For purposes of this Ordinance, Public Conservation Areas also include land owned by non-profit conservation organizations and other privately-owned lands upon which permanent conservation easements have been granted to public agencies or non-profit conservation organizations. Public Conservation Areas do not include land enrolled in the Conservation Reserve Program.

Rotor Diameter shall mean the diameter of the circle described by the turbine's moving rotor blades.

Setback shall mean the minimum required distance from a certain object, structure or point to the center point of the foundation of the wind turbine at the natural ground level.

Structure shall mean anything constructed or erected on the ground or attached to the ground,

including but not limited to antennas, buildings, sheds, cabins, residences, signs, storage tanks, towers, wind turbines, and other similar objects.

Substation shall mean the apparatus that connects the electrical connection system of the WECS and increases the voltage for connection with the utility's, transmission owner's or WECS owner's transmission lines.

Tower shall mean the vertical structure that supports the electrical generator, rotor blades, or meteorological equipment.

Tower Height shall mean the total height of a turbine as measured from the ground to the tip of the blade when fully extended.

Transmission Line shall mean those electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electrical energy to customers.

Turbine shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils, blades, or similar devices to capture the wind.

Occupied Residence shall mean a building designed for, and occupied on a regular basis as an abode.

Section 4 – Applicability

It shall be unlawful to construct, erect, install, alter or locate any WECS within unincorporated Woodbury County, without first obtaining a C-WECS permit from the Woodbury County Board of Supervisors as outlined in this Ordinance.

1. No application for a C-WECS permit shall be granted without first submitting all required information, obtaining necessary permits, certifications and documentation, and paying all associated fees to the County.

Section 5 – C-WECS Permit Application Review, Amendment, and Approval Process

1. **General.** Before any construction activities related to a C-WECS project can begin in unincorporated Woodbury County, a C-WECS permit must be issued by the Woodbury County Board of Supervisors. For purposes of this paragraph, the installation of MET towers and access roads associated with a C-WECS project shall not be deemed construction activities requiring a C-WECS permit; provided that any such tower or road must be installed in compliance with all other applicable county ordinances and regulations.

- 2. Application.** The Woodbury County Community and Economic Development (CED) Department will supply a permit application form to be used by any person seeking to construct a C-WECS project. Each project shall require a separate application. The application shall contain:
- A.** The name, address, W-9 and EIN of the applicant, as well as the proposed owners or operators of the project, including the contact information (name, address, telephone and email) of their authorized representatives. The application shall designate the entity who will be the permit holder of the C-WECS permit.
 - B.** A Certified Abstractor's list of the names and addresses of all property owners (i) located within the project area, and (ii) located within 5,280 feet of any turbine in the project.
 - C.** A final development plan for the project, which shall contain aerial photographs of the entire proposed project area, showing the approximate proposed location of the turbines, private access roads, feeder lines, substations and all other components of the project. The plan shall show property lines and setback distances under Section 6, as well as all public roads and public drainage district facilities (i.e. – ditches and underground tiles) in the project area. The plan shall also identify any other turbines, communication antennae, and airports (including private airstrips) located within five (5) miles of the project area; and all lakes, permanent water courses and Public Conservation Areas within three (3) miles of the project area boundaries. In providing the above information, the plan shall use a GPS coordinate system that is compatible with the County's geographical information and data systems. The plan shall also include a mailing address for the owner of each communication antennae identified.
 - D.** Project details, including the name of the project, anticipated number, generating capacity, tower height, and rotor diameter of the turbines. The final number, generating capacity, tower height, and rotor diameter must be provided in the final development plan.
 - E.** Documentation of applicant's legal control over the private property necessary for the project, signed by the property owner. Such legal control must vest in the permit holder of the C-WECS permit at the time of its issuance.
 - F.** A description of the public roads anticipated to be used during all phases of construction, as well as for access to material storage sites and staging areas. As set forth in Section 6, before construction commences on a project, all public road and public drainage district crossings must be provided to the County Engineer, and approved for compliance with the County's Road Use and Public Drainage System Protection Agreements

- G. A permit fee equal to \$1,000.00 for each turbine in a C-WECS project, to be paid upon receipt of the final C-WECS permit application.
- H. Any FAA, FCC, or other state or federal permits or approvals that are necessary for the project. Applicant shall submit a copy of the actual permit application, or proof that the permit has been filed with the appropriate agency.
- J. A decommissioning plan pursuant to Section 7.
- K. Such additional information as the County may request due to the unique circumstances with the project. Applicants are encouraged to have on-going discussions with the County CED staff and County Engineer during preparation of the application.

3. **County Staff Review.** Completed C-WECS permit applications shall be filed with the CED Department. The CED staff shall promptly provide a copy of the application to the County Engineer, County Finance Controller, County Emergency Management Director, and any other relevant county staff for review. Upon determination by the CED Director that the requirements of this Ordinance have been satisfied, the completed C-WECS permit application and any/all necessary supporting documentation shall be presented to the Woodbury County Board of Supervisors for approval. If the CED Director determines that the application lacks the required information provided in Section 5, the CED Director shall then provide the applicant’s authorized representative written Notice of the deficiency. The applicant may refile an amended application once the deficiencies have been resolved.
4. **Public Hearing Required.** Upon completion of the County’s review of the application, the County shall schedule a public hearing to be held no later than thirty (30) days after the County has deemed the application complete. Representatives of the C-WECS permit holder who are familiar with all aspects of the project must be present at the public hearing.
5. **Notice of Public Hearing.** In accordance with Iowa Code Chapter 21, the CED Department shall provide a notice of the filing in substantially the following form for each public hearing:

PUBLIC NOTICE

Notice is hereby given that (name of applicant) has filed a completed application with Woodbury County to build a commercial windfarm to be located in (list Township names and section numbers). The windfarm is projected to have _____ individual turbines that are being reviewed by the County. The Woodbury County Board of Supervisors shall hold a Public Hearing on this application in the Woodbury County Courthouse, Board of Supervisors Meeting Room, located in the basement of 620 Douglas Street, Sioux City, IA 51101, on: (Day, Month, Year) at (Time).

The Notice of Filing shall be:

- A. Published by the CED Department once for two consecutive weeks in one or more newspapers, as defined in Iowa Code Section 618.3, published in and having general

circulation in Woodbury County, which has been identified as the following currently existing newspaper: Sioux City Journal; and

- B. Mailed by the CED Department to each landowner identified in the application pursuant to paragraph 2. B. and to each city located within one (1) mile of the project area; and
- C. Mailed by the CED Department to the owners of the Public Conservation Areas and all communication and other antenna identified in the application.
- D. All costs of mailing and publication shall be paid by applicant to the CED Department in advance.

6. **Approval by Board of Supervisors.** In considering whether to approve an application for a C-WECS permit, the Board of Supervisors shall proceed according to the following format:

- A. Within thirty (30) days following the C-WECS permit application being deemed complete, the Supervisors shall review it for completeness and compliance with this Ordinance.
- B. The Supervisors shall establish findings of fact based upon information contained in the application, the staff report and information gathered at the public hearings.
- C. The Supervisors shall consider such reasonable requirements or conditions to the C-WECS permit as will ensure the development will satisfy the requirements of this Ordinance.
- D. If the Supervisors conclude that all such criteria have been met, the application may be approved by Resolution.
- E. Without limiting the foregoing, the Supervisors may attach to a C-WECS permit conditions it deems necessary to protect the health, safety, and general welfare of the public; and, if the applicant is agreeable to such conditions, the Supervisors may approve the application by Resolution.
- F. The Resolution shall direct the CED Director to issue an approved C-WECS permit.

7. **Modifications.** The location of components may be modified from the final development plan when necessary to address exigencies encountered during construction, subject to the following limitations:

- A. Any such modification shall remain subject to all setbacks and other requirements set forth in this Ordinance and the Ancillary Agreements in Section 8; and

- B. The location of turbines and project substations can only be modified from the final development plan with approval of the CED Director if the proposed relocation is 300 feet or less; or, for such modifications exceeding 300 feet, with the approval of the Board of Supervisors. Approval of a turbine or project substation modification by the CED Director or the Board of Supervisors shall be deemed an approved amendment to the final development plan and automatically amend the C-WECS permit; and
- C. Within 30 days from the completion of the project, the C-WECS permit holder shall revise the final development plan to show the exact “as-built” coordinates for all components, including any modifications. Failure to timely provide such coordinates shall be a material violation of this Ordinance.

Section 6 – Siting and Design Standards

- 1. **Setbacks.** All turbines and project substations shall observe the following setbacks:

[Note – all measurements shall be from the center point of the tower (or from the nearest above-ground non-fence structure at a substation site) to the nearest point on any occupied residence, occupied non-residential building, or confinement feeding operation building; or to the nearest property line of any other protected area.]

A.

<u>Protected Area</u>	<u>Set Back Requirement</u>
Adjacent Property Lines	110% of total height
Occupied Residence	600 feet or 110% of total height (whichever is greater)
Unoccupied Non-Residential Building	110% of total height
Confinement Feeding Operation Building	110% of total height
Public Road Right-of-Way	600 feet or 110% of total height (whichever is greater)
Public Drainage District Right-of-Way	
Open Ditch	300 feet
Tile (centerline)	100 feet
Public Conservation Area	600 feet or 110% of total height (whichever is greater)
Cemetery	600 feet
City Limits	600 feet
Airports (public and private)	FAA consultation and determination required

B. Public and Private Airport Setbacks.

- 1. The following landing areas shall be considered for purposes of this Ordinance airports if, prior to the initial filing date of the Notice, are in operation or to which a sponsor has a valid Certificate of Site Approval as set forth in Iowa Administrative Code Rules 761-720.4 and 761-720.5:
 - A. A public-use airport as defined in Iowa Code Sections 329.1(1) and Iowa Administrative Code Rule 761-720.2; or
 - B. A private-use airport as defined in Iowa Code Section 329.1(1) and Iowa Administrative Code Rule 761-720.2 that had: (i) obtained all necessary local,

state, and federal approvals to construct and operate as a private-use airport; and
(ii) received an airport identification assignment from the Federal Aviation Administration (“FAA”) pursuant to Federal Aviation Regulations Part 157.

2. The setback distance for airports shall be governed by the rules and regulations of the Federal Aviation Administration (“FAA”) and/or any laws or rules of the State of Iowa that are applicable. An applicant shall not construct a turbine in violation thereof.

2. **Setback Waivers.** Property owners and municipalities may request a waiver from the setbacks as established in this Ordinance, except for the following protected areas: airports, cemeteries, public conservation areas, and public road rights-of-way.

PROVIDED, a waiver shall not alter any other non-waived setback requirement.

To effectuate such a waiver, the applicant must provide the CED Department with a recordable instrument signed by all owner(s) (or the controlling governmental entity) of the affected protected area that specifically identifies the nature and extent of the waiver. All waivers must be approved by the Board of Supervisors for compliance with this Ordinance; and upon such approval, shall be recorded in the office of the Woodbury County Recorder by the applicant.

3. **Color and finish.** All turbines and towers that are part of a C-WECS shall be white or grey. Finishes shall be matte or non-reflective.
4. **Lighting.** Lighting, including lighting intensity and frequency of strobes, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights are not permitted.
5. **Signage.** All turbine sites shall be required to have individual 911 rural address signs at each access road. All other signs except those required for safety and directional purposes (or otherwise authorized by the County) shall be prohibited in the project area.

Section 7 – Discontinuance/Decommissioning

A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the CED Director outlining the steps and schedule for returning the WECS to service. Discontinued use does not apply to the pre-construction or construction period and shall be measured from the initial commercial energy production and operation of the C-WECS project. All C-WECS and accessory facilities shall be removed to a depth of four (4) feet below ground level within one (1) year of discontinuation of use.

1. Each project shall have decommissioning plan approved by the Board of Supervisors. Such plan shall contain:

- A. A description of the project components, sequence and description of the activities and cost estimates required to remove same in compliance with this Section.
- B. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner's lease or easement.
- C. Cash, an irrevocable letter of credit, or a performance bond running in favor of the County in an amount no less than the total estimated net removal/restoration costs as determined by said report. Said security must be in place at the time the project is completed, and must remain in effect until decommissioning is completed. No such security shall be cancelable without notice to the Board of Supervisors. Each year, the C-WECS permit holder shall provide proof that such security is in effect at the same time as the annual report to the County Assessor is made for purposes of the real estate tax assessment.
- D. The report prepared under c.) above shall be updated and provided to the Supervisors (i) at least every five (5) years, and (ii) upon any proposed transfer of the C-WECS permit. Should any update indicate a change in the decommissioning costs, the security required under c.) above shall be adjusted accordingly.
- E. No transfer/assignment of the C-WECS permit shall be effective without a corresponding transfer/assignment of the obligations and financial security required under the decommissioning plan, as approved by the Board of Supervisors.

Section 8 – Ancillary Agreements/Procedures

Issuance of a C-WECS permit is strictly conditioned on the applicant executing and adhering to the following:

1. **Roads.** Applicants shall adhere to the Woodbury County Road Use and Repair Agreement, and in doing so, shall identify all roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authorities prior to construction.
2. **Existing Road Conditions.** Applicants shall conduct a pre-construction survey, in coordination with the impacted local road authorities to determine existing conditions of roads identified pursuant to Section 8.1. The survey shall include photographs or video and written documentation of the condition of the identified road facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the County Engineer during all phases of construction.

3. **Drainage System.** Applicants shall adhere to the Woodbury County Public Drainage System Protection Agreement, and in doing so, shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of WECS (where required).
4. **Post Completion Survey.** Applicants and the County Engineer will meet upon completion of the project and agree as to the necessary action needed to return roads to the existing road conditions as identified in Section 8.1 and 8.2.
5. **Required Financial Security.** Applicants shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the identified roads, bridges, and associated infrastructure to preconstruction conditions. Financial security in a manner reviewed by the County Financial Controller and the County Engineer, and approved by the Board of Supervisors, shall be submitted covering 130% of the costs of all required improvements. This requirement may be waived or modified by the Board of Supervisors upon recommendation from the County Engineer.
6. **Safety.** All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Supervisors. Wind turbines and meteorological towers shall not be climbable up to fifteen (15) feet above ground level. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and C-WECS entrances. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
7. **Guyed Towers.** For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
8. **Emergency Response Plan.** An Emergency Response Plan (ER Plan) provided by applicant shall be reviewed by the County's Director of Emergency Management and the Director of Emergency Services, and shall be approved by the Board of Supervisors. Said ER Plan shall contain response procedures to be followed in the event of a fire, collapse, personal injury, or other emergency at a project. The ER Plan shall contain 24-hour emergency contact information for the project
9. **Electrical Codes and Standards.** All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
10. **Uniform Building Code.** All WECS shall comply with the State Building Code adopted by the State of Iowa.

Section 9 – Effect and Transferability of C-WECS Permit

1. No construction activities on a project may begin until a C-WECS permit has been issued, except as permitted in Section 5.1.
2. Any material violation of any provision of this Ordinance that remains uncured after thirty (30) days' written notice from the County to the permit holder shall be grounds for revocation of the C-WECS permit.
3. If construction on the project has not begun within eighteen (18) months from the issuance date of the approved C-WECS permit, the C-WECS permit shall be automatically revoked without further action by the County. In such event, no work on the project may take place unless and until a new C-WECS permit is issued, and any portion of the project then completed shall be deemed a discontinued use.
4. Only the holder of the C-WECS permit shall own the project, and such holder shall be the entity responsible for observing all requirements of this Ordinance. The permit holder shall be responsible to maintain all components of the C-WECS project in good repair, and in compliance with this Ordinance and the Ancillary Agreements listed in Section 8.
5. No C-WECS permit shall be transferred or assigned, voluntarily or involuntarily, without the written approval of the Woodbury County Board of Supervisors, which consent may be withheld unless and until the Board is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the permit holder under this Ordinance and the Ancillary Agreements listed in Section 8. Requests for approval of a C-WECS permit transfer shall be directed to the CED Director.

Section 10 – Miscellaneous

1. **Condemnation Waiver.** Issuance of a C-WECS permit shall be conditioned on the permit holder's enforceable promise, supported by the consideration of the issuance of the C-WECS permit, that the permit holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project.
2. In any action brought by the County against the permit holder of a C-WECS permit to enforce the provisions of this Ordinance, the County shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.

Section 11 – Severability Clause

If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 12 – Repealer

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 13 – Date of Effect

This Ordinance shall become effective upon its passage by the Board at three meetings and published as required by Iowa Code §331.302(8).

Adopted and passed by the Woodbury County Board of Supervisors on this ____ day of _____ 2021.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

ATTEST:

Rocky De Witt, Chairman

Patrick Gill, Woodbury County Auditor

Matthew Ung, Vice Chairman

Mark Monson

Keith Radig

Justin Wright

Adoption Timeline

- _____ : Public Hearing and 1st Reading
- _____ : Public Hearing and 2nd Reading
- _____ : Public Hearing, 3rd Reading, and Ordinance Adoption
- _____ : Published/Effective Date

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

Date: 6/16/2021 Weekly Agenda Date: 6/22/2021

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Kenny Schmitz

WORDING FOR AGENDA ITEM:

28th Street Development Project (LEC Off-site Improvements)- Public Hearing

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Conduct public hearing on the 28th Street Development Project- Set Time 4:45 PM CST

BACKGROUND:

Plan's, specifications, & form of contract have been agreed upon by Woodbury County & the City of Sioux City as required in the 28E agreement between parties.

FINANCIAL IMPACT:

Pre-bid Estimate \$3,630,000.00

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:

Conduct public hearing and solicit input from interested parties for or against the public improvement project.

ACTION REQUIRED / PROPOSED MOTION:

Conduct public hearing (4:45pm set-time)- 28th Street Development Project (LEC Off-Site Improvements)

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

Date: 6/3/2021 Weekly Agenda Date: 6/22/2021

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark Monson & Dennis Butler

WORDING FOR AGENDA ITEM:

Approval of Woodbury County non-profit funding request from LAMB Arts Ltd.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

LAMB Theatre and School is requesting \$1,000,000 from Woodbury County to restore the historic building located at 625 Douglas.

BACKGROUND:

To further their fund raising efforts they need to show city and county support as some of their grants will require a match in order to apply. The restoration would return the building into it's original purpose from 1909 as a place of entertainment and community. There will be 3 performance spaces, dance rehearsal space, shops for scenic construction, and space for costumes and classroom.

FINANCIAL IMPACT:

Requested amount of \$1,000,000.

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:

Discussion and approval of funding request from LAMB Arts Ltd.

ACTION REQUIRED / PROPOSED MOTION:

Approval of funding request from LAMB Arts Ltd.

Woodbury County Nonprofit Funding Request

Organization Name: LAMB Arts LTD aka LAMB Theatre and School

Are you a registered nonprofit? YES

Organization Mailing Address: 3244 Jackson Sioux City, IA. 51104 (*we have been forwarding our business mail to our home since March 2020*)

Program or Project Name: **625 DOUGLAS PROJECT:** FROM ITS BEGINNING AS SIOUX CITY'S FIRST AUDITORIUM TO A STATE -OF -THE -ART THEATRICAL VENUE FOR ALL OF SIOUXLAND

Contact Person: Diana Wooley

Title: Executive Director

Telephone: 712-251-3014 /712-255-9536

Email: diana.wooley@gmail.com

Dollar Amount Requested: \$1,000,000 County Fiscal Year:

Total Program/Project Cost: \$17,400,000

Will County funding be leveraged with matching funds from another source?

Some of the grants that we will be requesting require what they call a "match" from both the City and the County in order to apply.

Summary of Funding Request and Project Goals and Objectives:

In order to further our fundraising efforts with other funding sources, we need to show city and county support through their financial assistance.

The goals of this project are three-fold:

Restore. This project will restore this historic building to its rightful place as a cornerstone of our Downtown History. Returning it to its original purpose in 1909 as a place of entertainment and community: joining the exciting Renaissance that Downtown Sioux City is experiencing.

Reimagine. This project will completely reimagine the interior of the building. It will be home to three performance spaces with state of the art scenic and lighting capabilities and will contain a large comfortable lobby for gathering before and after shows. There will be additional spaces including a dance rehearsal space, shops for scenic construction, costumes and properties and classrooms for our students in The LAMB School as well as a Cabaret Bar –where you can relax with a beverage while enjoying a wide variety of entertainment.

Reveal. This project announces to the region that Sioux City is, indeed, a major cultural and artistic hub of, not only the state, but of the Greater Siouxland Region. This project will reveal the power of the arts to entertain, to gain understanding of ourselves, to explore our human condition and to come together as a community.

Describe the Public Purposes that will be served by this funding:

As stated above, we view this project as a source of pride for Siouxland. It will greatly enhance the corner in which it sits opposite the beautiful Woodbury County Courthouse and City Hall, adding to the historic fabric of the area. It's known fact that a restoration like this will attract even more people to our downtown and the dollars spent will enhance the quality of life in Woodbury County. This will be a wonderful expansion of the renaissance downtown Sioux City is currently experiencing. LAMB's 41-year longevity and track record points towards to success as we have developed contacts with actors, directors and playwrights throughout the country which we will be able to bring into this building to enhance and nourish our community. Creating this theatrical center will rival performance centers anywhere in the Midwest.

We also anticipate that this building will be used by our citizens for many purposes: going to theatre and cabaret performances, attending classes, working with the area colleges and the Sioux City School District's internship programs, formal and informal meetings, weddings, graduations, and other special occasions.

Provide an itemized program/project budget showing how funding will be expended

(attached)

SOURCE AND USE



USE OF FUNDS

Purchase of Land & Building

350,000

Construction Costs

11,540,000

Contingency

1,154,000

Furniture and Fixtures

335,596

Financing & Soft Costs

1,800,000

Endowment

1,500,000

Developer Fee

775,000

Total Use of Fund \$17,454,596

SOURCE OF FUNDS AS OF MAY 2021

Fundraising with the Gilchrist Foundation

1,850,500

Brownfield Tax Credit

800,000

MRHD

100,000

State Historic Tax Credit

3,300,000

Margaret Ann Martin Everist Foundation

75,000

Bluestem Fund

500,000

Pledges Committed

375,000

Funds raised: 7,000,500

JUNE 15, 2021 — MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS AS TRUSTEES FOR THE GRANT TOWNSHIP IN WOODBURY COUNTY

The Board of Supervisors met on Tuesday, June 15, 2021, acting as Trustees for Grant Township in Woodbury County. Board members present were De Witt, Radig, Wright, Monson, and Ung.

A public hearing was held at 4:45 p.m. for proposed budget. The Chairperson called on anyone wishing to be heard.

Motion by De Witt second by Monson to close the public hearing. Carried 5-0.

Motion by De Witt second by to Radig adopt the Grant Township budget a proposed levy. Carried 5-0. Copy filed.

Motion by Monson second by Radig to approve and authorize the Chairperson to sign a Resolution of the Woodbury county Board of Supervisors Sitting as Grant Township Trustees to Designate members to Sign Documents for Grant Township. Carried 5-0.

RESOLUTION #13,191

RESOLUTION OF THE WOODBURY COUNTY BOARD OF SUPERVISORS SITTING AS GRANT TOWNSHIP TRUSTEES TO DESIGNATE MEMBERS TO SIGN DOCUMENTS FOR GRANT TOWNSHIP

WHEREAS, Grant Township is a township located in Woodbury County, Iowa and governed by Iowa Code Chapter 359; and

WHEREAS, by law, Grant Township is allocated three elected township trustees that conduct the business of the township; and

WHEREAS, all the previously elected and/or appointed trustees of Grant Township have resigned from office; and

WHEREAS, no one came forward to agree to be appointed as a trustee for Grant Township; and

WHEREAS, Grant Township cannot independently conduct business without trustees;

WHEREAS, when the offices of three trustees of a township are vacant, Iowa Code Section 69.8(5)(b.) allows the Board of Supervisors by resolution to agree to exercise the duties and powers assigned by law to the township trustees until the next general election.

WHEREAS, on May 25, 2021, pursuant to Section 69.8, the Woodbury County Board of Supervisors agreed by resolution to exercise the duties and powers assigned by law to the township trustees of Grant Township until the next general election in 2022.

WHEREAS, Grant Township's financial institution has requested a resolution designating members of the Board of Supervisors as signatories for the township and Supervisors Rocky De Witt and Matthew Ung are willing to be so designated.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA SITTING AS GRANT TOWNSHIP TRUSTEES that Rocky De Witt and Matthew Ung are hereby designated and authorized to execute any documents and be signatories on any Township accounts necessary to carry out the duties of Grant Township Trustees.

WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

Motion by De Witt second by Ung to approve claims. Carried 5-0. Copy filed.

Motion by De Witt second by Ung to require two signatures on any checks issued for payment of claims. Carried 5-0. Copy filed.

Beth Swearingen, Oto Fire, addressed the trustees with concerns for Oto Fire budgetary needs.

The Grant Township meeting was adjourned.

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

Date: 6/17/2021 Weekly Agenda Date: 6/22/2021

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

WORDING FOR AGENDA ITEM:

Bennet McDonald Smithland drainage districts: Consider approval of contract for culvert cleaning for the affected drainage districts

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

A proposal from RP Constructors is being presented to the Board acting as trustees for county drainage for cleaning small under embankment culverts and tiles.

BACKGROUND:

The Corps of Engineers has found that the county was not in compliance on video review of culverts and tile running through and under the protection structures on the Bennet McDonald Smithland drainage district. This work was completed recently by RP Constructors. It was determined that several need cleaning due to the buildup of sediment in the culverts. A quote is presented.

FINANCIAL IMPACT:

Drainage district work is paid for by direct levies against properties within each drainage district.

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:

I recommend that the trustees approve the quote from RP Constructors for culvert clean out.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the quote from RP Constructors for culvert clean out.

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

Date: 6/18/2021 Weekly Agenda Date: 6/22/2021

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

WORDING FOR AGENDA ITEM:

Consider award of bid for bank protection project number ER-C097(145)--58-97 and approve resolution to direct county engineer to sign contract and bond

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input 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:

The county received bids through Iowa DOT for a bank repair project on County Route D12/110th Street east of IA Hwy 140.

BACKGROUND:

Woodbury County was awarded Emergency Relief Funds from FHWA to repair and reinforce the road embankment adjacent to the West Fork of the Little Sioux River. Bids were received and a recommendation is made for award. Due to fast changing material costs and in cooperation with DOT Office of Contracts, we asked to accelerate contract signing as shown in the resolution.

FINANCIAL IMPACT:

The bank protection project is paid for with FHWA ER funds matched with Woodbury County farm to market funds.

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 that the board award the bid for project ER-C097(145)--58-97 to the low bidder and direct the county engineer to sign the contracts once property paperwork is presented by the contractor.

ACTION REQUIRED / PROPOSED MOTION:

Motion that the board award the bid for project ER-C097(145)--58-97 to the low bidder and direct the county engineer to sign the contracts once approved and signed contract and bond are presented for signature.

BID AWARD AND DESIGNATION AND AUTHORIZATION OF
COUNTY ENGINEER FOR ELECTRONIC SIGNATURE OF CONTRACT AND
BOND

RESOLUTION NO. _____

WHEREAS, the Board of Supervisors has received bids for the project captioned herein,
and,

WHEREAS, the board has considered the bids and concurs with the Iowa DOT and the
County Engineer's recommendation to award the contract to the lowest responsible bidder,
and:

WHEREAS, time is of the essence in locking in material prices in a rapidly changing cost
environment currently being experienced by contractors and road agencies across the state,
the Board is directing the County Engineer to electronically sign the contracts and bonds for
the following project upon presentation of completed documents meeting contract
requirements for the following project:

ER-CO97(145)—58-97
Bank Protection and Repair, County route D12/110th Street

NOW, THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors
hereby awards the bid and directs the County Engineer is directed to electronically sign the
contracts and bonds for the above captioned project upon presentation of final contract
documents.

Passed and approved this 22nd day of June, 2021.

Rocky DeWitt, Chairperson
Woodbury County Board of Supervisors

Attest:

Patrick Gill
Woodbury County Auditor

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

Date: 6/17/2021 Weekly Agenda Date: 6/22/2021

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

WORDING FOR AGENDA ITEM:

Consider approval of plans for project number STBG-SWAP-C097(142)--FG-97

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Plans have been completed for a project which will replace the pavement on K64/Moville Blacktop through the town of Hornick up to Old 141 near Holly Spring.

BACKGROUND:

The project begins at the intersection of K64 and IA Hwy 141 and replaces the center 22' of pavement to 300th Street, then right on 300th St. to Old 141 near Holly Spring. The portion from 300th Street straight north to Old 141 is not included in this project. The 300th Street portion of the project is not classified as farm to market and will require local funds to pay the local match.

FINANCIAL IMPACT:

The projects are paid for with federal aid replacement funds (SWAP), local Woodbury County funds, and Woodbury County Farm to Market road funds .

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:

I recommend that the Board approve the plans for project number STBG-SWAP-C097(142)--FG-97 .

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the plans for project number STBG-SWAP-C097(142)--FG-97 .

