



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(APRIL 11) (WEEK 15 OF 2023)**

Live streaming at:

<https://www.youtube.com/user/woodburycountyiowa>

Agenda and Minutes available at:

www.woodburycountyiowa.gov

Daniel A. Bittinger II
389-4405

dbittinger@woodburycountyiowa.gov

Mark Nelson
540-1259

mnelson@woodburycountyiowa.gov

Keith W. Radig
560-6542

kradig@woodburycountyiowa.gov

Jeremy Taylor
259-7910

jtaylor@woodburycountyiowa.gov

Matthew A. Ung
490-7852

matthewung@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held April 11, 2023 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. Members of the public wishing to speak on an item must follow the participation rules adopted by the Board of Supervisors.

1. Please silence cell phones and other devices while in the Boardroom.
2. The Chair may recognize speakers on agenda items after initial discussion by the Board.
3. Speakers will approach the microphone one at a time and give their name and address before their statement.
4. Speakers will limit their remarks to three minutes on any one item and address their remarks to the Board.
5. At the beginning of 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. The Chair may also request delegates provide statements on behalf of multiple speakers.
6. Any concerns or questions which do not relate to a scheduled item on the agenda will be heard under the item "Citizen Concerns." Please note the Board is legally prohibited from taking action on or engaging in deliberation on concerns not listed on the agenda, and in such cases the Chair will request further discussion take place after properly noticed.
7. Public comment by electronic or telephonic means is prohibited except for a particular agenda item when approved by the Chair 24 hours before a meeting or by a majority of the board during a meeting for a subsequent meeting.

AGENDA

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

1. Approval of the agenda Action

Consent Agenda

Items 2 through 8 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.

2. Approval of the minutes of the April 4, 2023 meeting
3. Approval of claims
4. Veteran Affairs – Loni Kuhlmann
 - a. Receive the Commission of Veteran Affairs First Quarterly Report
 - b. Receive the Commission of Veteran Affairs Second Quarterly Report
5. Board Administration – Heather Van Sickle
Approval of Notice of Property Sale Resolution for Parcel #894723362005 (aka 1440 Glendale Blvd.) for Tuesday, April 25th at 4:35 p.m.

6. Deputy Commissioner of Election – Steve Hofmeyer
Receive the appointment of Shona Klingensmith as the Clerk of Wolf Creek Township
7. County Treasurer – Tina Bertrand
Approval of resolution for abatement of taxes for Yes Communities
8. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process
 - c. Approval of the Memorandum of Understanding addressing a retention payment for AFSCME Courthouse and Juvenile Detention employees

End Consent Agenda

9. County Sheriff – Chad Sheehan
Approval of request for an additional correctional officer position instead of 2080 hours of part time to be utilized for courthouse security Action
10. Planning/Zoning – Daniel Priestley
Approval of the application and authorize the Chairman to sign the Board’s scoring and recommendation letter to the Iowa Department of Natural Resources (IDNR) for the Creasey Site Confinement Feeding Operation (Korey Krieg – Applicant) Action
11. Secondary Roads – Mark Nahra
 - a. Approval of resolution for annual weed destruction order Action
 - b. Approval of the FY 2024 Woodbury County Secondary Roads Department Budget Action
 - c. Approval of the FY 2024 Woodbury County Secondary Road Department Five Year Construction Program Action
 - d. Receive bids for project number L-B(E66)—73-97 and return them to the county engineer for review Action
12. Building Services – Kenny Schmitz
Approval of 28th Street Fiber Optic Infrastructure and Law Enforcement Center Fiber Services Agreement Action
13. Board of Supervisors – Dan Bittinger
Approval for Woodbury County to apply for the grant regarding juvenile delinquency prevention through the State of Iowa Action
14. Board of Supervisors – Mark Nelson & Dan Bittinger
Approval to direct Zoning to draft an amendment to Ordinance #56 which increases wind turbine setbacks from city limits and county conservation areas Action
15. Citizen – Gayle Palmquist
Citizens concerned about CO2 pipelines Information

- | | |
|--|-------------|
| 16. Citizen – Doyle Turner | |
| a. Approval of staff or retain legal counsel to file a Petition to Intervene with the Iowa Utilities Board (IUB) to consider Woodbury County separately and individually in regards to Eminent Domain requests by all proposed CO2 pipelines | Action |
| b. Approval of staff or retain legal counsel to file a Petition to Intervene with IUB to change the route of the proposed pipelines to go from the Missouri River to a point in the Port Neal Industrial Complex that is agreeable to all concerned parties and stop there | Action |
| c. Consider the formation of a legal team and or committee to protect the unique and valuable rights of Woodbury County and its citizens pertaining to the use of Eminent Domain for CO2 pipelines within Woodbury County | Action |
| d. Discuss attached Petition to Intervene or a subsequent petition drafted by legal counsel. | Action |
| 17. Reports on Committee Meetings | Information |
| 18. Citizen Concerns | Information |
| 19. Board Concerns | Information |

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

| | | |
|-----------------------|-------------------|--|
| WED., APRIL 12 | 7:30 a.m. | SIMPCO Executive-Finance Committee Meeting, Hybrid |
| | 8:05 a.m. | Woodbury County Information Communication Commission, First Floor Boardroom |
| | 10:00 a.m. | STARComm Board Meeting, The Security Institute, WIT Campus |
| | 10:00 a.m. | Western Iowa Tourism Region Meeting, TBA |
| | 12:00 p.m. | District Board of Health Meeting, 1014 Nebraska St. |
| THU., APRIL 13 | 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., APRIL 19 | 12:00 p.m. | Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202 |
| | 10:00 a.m. | StarComm, Security Institute, WIT |
| THU., APRIL 20 | 10:00 a.m. | Siouxland Regional Transit System Special Meeting – Zoom Only |
| | 4:30 p.m. | Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue |
| FRI., APRIL 21 | 12:00 p.m. | Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G |
| MON., APRIL 24 | 6:00 p.m. | Zoning Commission Meeting, First Floor Boardroom |
| WED., APRIL 26 | 1:00 p.m. | Annual Hazardous Materials Response Commission Meeting, The Security Institute |
| | 2:30 p.m. | Rolling Hills Community Services Region Governance Board Meeting |
| | 5:00 p.m. | Woodbury County Comprehensive Plan 2040 Open House, Basement Boardroom |
| THU., APRIL 27 | 11:00 a.m. | Siouxland Regional Transit Systems Board Meeting, SIMPCO Office, 1122 Pierce |
| MON., MAY 1 | 6:00 p.m. | Board of Adjustment meeting, First Floor Boardroom |
| WED., MAY 3 | 10:00 a.m. | Loess Hills Alliance Protection Meeting, Pisgah, Iowa |
| | 11:00 a.m. | Loess Hills Alliance Stewardship Meeting |
| | 1:00 p.m. | Loess Hills Alliance Executive Meeting |
| | 4:45 p.m. | Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave. |
| WED., MAY 10 | 7:30 a.m. | SIMPCO Executive-Finance Committee - Hybrid |
| | 8:05 a.m. | Woodbury County Information Communication Commission, First Floor Boardroom |
| | 12:00 p.m. | District Board of Health Meeting, 1014 Nebraska St. |
| | 6:30 p.m. | 911 Service Board Meeting, Public Safety Center, Climbing Hill |
| THU., MAY 11 | 12:00 p.m. | SIMPCO Board of Directors, 1122 Pierce St. |
| | 4:00 p.m. | Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park |

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.

APRIL 4, 2023, FOURTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, April 4, 2023, at 4:30 p.m. Board members present were Bittinger II, Nelson, Taylor, Ung, and Radig. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget and Finance Director, Joshua Widman, Assistant County Attorney, and Michelle Skaff, Deputy 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. Motion by Ung second by Radig to approve the agenda for April 4, 2023. Carried 5-0. Copy filed.
Motion Radig by second by Nelson to approve the following items by consent:
2. To approve minutes of the March 28, 2023 meeting. Copy filed.
3. To approve the claims totaling \$506,487.83. Copy filed.
- 4a. To approve the appointment of June Hall, 205 W Main St., Smithland, to Little Sioux Township clerk, previously held by Brad Steinhoff, until the next regular/general election. Copy filed.
- 4b. To approve the appointment of Paul Frahm, 3317 Lee Ave., Smithland, to the Little Sioux Township trustee, previously held by Scott Blakely, until the next regular/general election. Copy filed.
5. To approve an application for a 12-month, Special Class C Retail Liquor License, with Outdoor Services privileges for Scarecrow Farm, Lawton, effective 06/01/23 through 05/31/24. Copy filed.
6. To approve the appointment of Easton Voigt, Civilian Jailer, County Sheriff Dept., effective 04-10-23, \$23.33/hour. Job Vacancy Posted 2-6-23. Entry Level Salary: \$23.33/hour.; the appointment of Susan Turner, Clerk II, County Treasurer Dept., effective 04-17-23, \$18.22/hour. Job Vacancy Posted 3-1-23. Entry Level Salary: \$18.22/hour.; the reclassification of Preston Newman, Sheriff Deputy, County Sheriff Dept., effective 04-17-23, \$30.86/hour, 16%=\$4.31/hour. Per CWA Deputy Sheriff Contract agreement, from Class 2 to Class 1.; the reclassification of Brenda Sopoci, Youth Worker, Juvenile Detention Dept., effective 04-17-23, \$29.56/hour, 6.5%=\$1.81/hour. Per AFSCME Juvenile Detention Contract agreement, from Grade 1/Step 5 to Grade 1/Step 6.; and the reclassification of Dennis Butler, Budget & Finance Director, Board Administration Dept., effective 07-01-23, \$118,793.06/year, 5%=\$5,656.81/yr. Salary Increase post Cost of Living Increase. Copy filed.

Carried 5-0.

7. Information was presented on Hungry Canyons Alliance Program by John Thomas. Copy filed.
- 8a. Motion by Radig second by Bittinger to receive the final staff report and the Zoning Commission's recommendation from their 3/27/23 meeting to approve the final plat of Kerr Addition, a minor subdivision to Woodbury County, Iowa. Carried 5-0. Copy filed.
- 8b. Motion by Radig second by Ung to approve and authorize the Chairperson to sign a Resolution accepting and approving the final plat of the Kerr Addition, a Minor Subdivision to Woodbury County. Carried 5-0.

**BOARD OF SUPERVISORS
RESOLUTION #13,579
ACCEPTING AND APPROVING KERR ADDTION
A MINOR SUBDIVISION
WOODBURY COUNTY, IOWA**

Whereas, the Planning and Zoning Commission and the Woodbury County Board of Supervisors have reviewed and approved the Final Plat of Kerr Addition to Woodbury County, Iowa, and whereas approval of the Final Plat of Kerr Addition to Woodbury County, Iowa has been recommended to the Woodbury County Board of Supervisors by the Planning and Zoning Commission. Now, therefore be, and it is, resolved by the Woodbury County Board of

Supervisors, that said Final Plat of Kerr Addition to Woodbury County, Iowa, as hereto attached and forming part of this Resolution be, and the same hereby is, accepted and approved.

Dated April 4, 2023
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 9. Motion by Ung second by Taylor to receive for signatures a Resolution in opposition to changes to Local Option Sales and Service Tax changes – SF 550. Carried 5-0.

**RESOLUTION IN OPPOSITION TO CHANGES TO LOCAL OPTION
SALES AND SERVICE TAX CHANGES – SF 550
RESOLUTION #13,580**

WHEREAS, the voters of Woodbury County and cities within the county have voted to enact a 1 cent Local Option Sales Tax in accordance with Iowa Code 423B, and

WHEREAS, 80% of the revenue derived from the tax is used for property tax relief and directed to replace property tax levies for road and bridge maintenance and improvements, and

WHEREAS, 20% of the revenue derived from the tax is used to support local economic development efforts, and

WHEREAS, the residents of Woodbury County have grown to rely on these revenues as a means to reduce property taxes, and

WHEREAS, the 2023 legislative session has seen the introduction of SF 550, which proposes to convert the Local Option Sales Tax efforts into a statewide sales tax and impose the new sales tax in every jurisdiction, thereby triggering the constitutional amendment to require an allocation of 3/8th of a cent to the Iowa Water and Land Legacy (IWLL) trust fund, and

WHEREAS, SF 550 proposed to backfill revenues lost due to the proposal, but Woodbury County has concerns of the Legislature’s ability to continue backfilling revenues, and

WHEREAS, many voters in counties across Iowa have voted to implement a local option sales tax, and

WHEREAS, counties where Local Option Sales Tax (LOST) have been approved also approve revenue purpose statements (RPS) directing their local government on the expenditure of LOST funds, and

WHEREAS, SF 550 also sunsets these provisions on January 1, 2025, after which no jurisdiction will have the authority to take either a LOST proposal or revenue purpose statement to a vote, essentially deleting the local government’s ability to have local option sales taxes.

THEREFORE, the Woodbury County Board of Supervisors would like to express their support of the current Local Option Sales Tax. The current law best represents the interest of voters and furthers the reduction of property taxes, which is a common goal of the County and the Iowa Legislature. The Board of Supervisors unanimously supports the Iowa Water and Land Legacy (IWLL) trust fund; however, SF 550 as currently written, would not only strip the county of control over Local Option Sales Tax (LOST) revenues, but would effectively disregard the will of the Voters.

Passed and approved on this 4th day of April, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 10. Motion by Radig second by Bittinger to direct zoning to evaluate solar power in Woodbury County. Carried 5-0. Copy filed.

Doyle Turner addressed the board regarding solar power.

11. Reports on committee meetings were heard.

12. There were no citizen concerns

13. Board concerns were heard.

The Board adjourned the regular meeting until April 11, 2023.

Meeting sign in sheet. Copy filed.

QUARTERLY REPORT
 COMMISSION OF VETERAN AFFAIRS

STATE OF IOWA
 WOODBURY COUNTY

We, the undersigned, members of the Commission of Veteran Affairs, hereby certify that the following is a correct statement of the initials and amounts of assistance given to persons entitled to relief under Chapter 35 of the Code of Iowa, and for the quarter ending September 30, 2022 – 1st Quarter (July, August and September 2022).

Kathy Muench

[Signature]

[Signature]

[Signature]

[Signature]

 Members of Veteran Affairs Commission



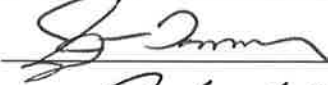
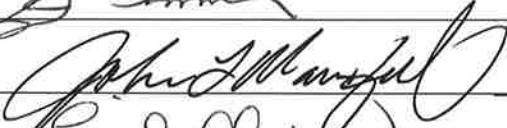

| VETERAN | ASSISTANCE AMT |
|-------------------|----------------|
| 1052 | \$1,091.75 |
| 1116 | \$1,240.00 |
| 1153 | \$720.00 |
| 1187 | \$343.21 |
| 1199 | \$274.27 |
| 1215 | \$240.00 |
| 1216 | \$1,000.00 |
| 1217 | \$1,000.00 |
| 1219 | \$1,000.00 |
| 1220 | \$240.00 |
| Outreach Supplies | \$1,016.73 |

TOTAL ASSISTANCE FY 22-23 1st QUARTER: \$ 8,165.96

QUARTERLY REPORT
COMMISSION OF VETERAN AFFAIRS

STATE OF IOWA
WOODBURY COUNTY

We, the undersigned, members of the Commission of Veteran Affairs, hereby certify that the following is a correct statement of the initials and amounts of assistance given to persons entitled to relief under Chapter 35 of the Code of Iowa, and for the quarter ending December 31, 2022 – 2nd Quarter (October, November and December 2022).






Members of Veteran Affairs Commission

| VETERAN | ASSISTANCE AMT |
|-------------------------------|----------------|
| 1153 | \$720.00 |
| Driver Appreciation Dinner | \$599.00 |

TOTAL ASSISTANCE FY 22-23 2nd QUARTER: \$ 1,319.00

RESOLUTION #
NOTICE OF PROPERTY SALE

Parcel #894723362005

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

**Lot 9 Block 13 Kelly Park Addition, City of Sioux City, Woodbury County, Iowa
(1440 Glendale Blvd.)**

NOW THEREFORE,

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

1. That a public hearing on the aforesaid proposal shall be held on the **25th Day of April, 2023 at 4:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **25th Day of April, 2023**, immediately following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$50.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 11th Day of April, 2023.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor
and Recorder

Matthew A. Ung, Chairman

REQUEST FOR MINIMUM BID

Name: Dennis Gigaroa Date: 7/12/18
Address: 1442 Glendale Blvd Phone: 333-1608
454-0701

Address or approximate address/location of property interested in:

1440 Glendale Blvd.

GIS PIN # 894723362005

*This portion to be completed by Board Administration *

Legal Description:

Lot 9 Block 13 Kelley Park Addition
Sioux City, Woodbury County, Iowa

Tax Sale #/Date: 1307 6/18/07 Parcel #: 279405

Tax Deeded to Woodbury County on: 7/3/2014

Current Assessed Value: Land \$7,400- Building 0 Total \$7,400-

Approximate Delinquent Real Estate Taxes: \$648-

Approximate Delinquent Special Assessment Taxes: \$8298-

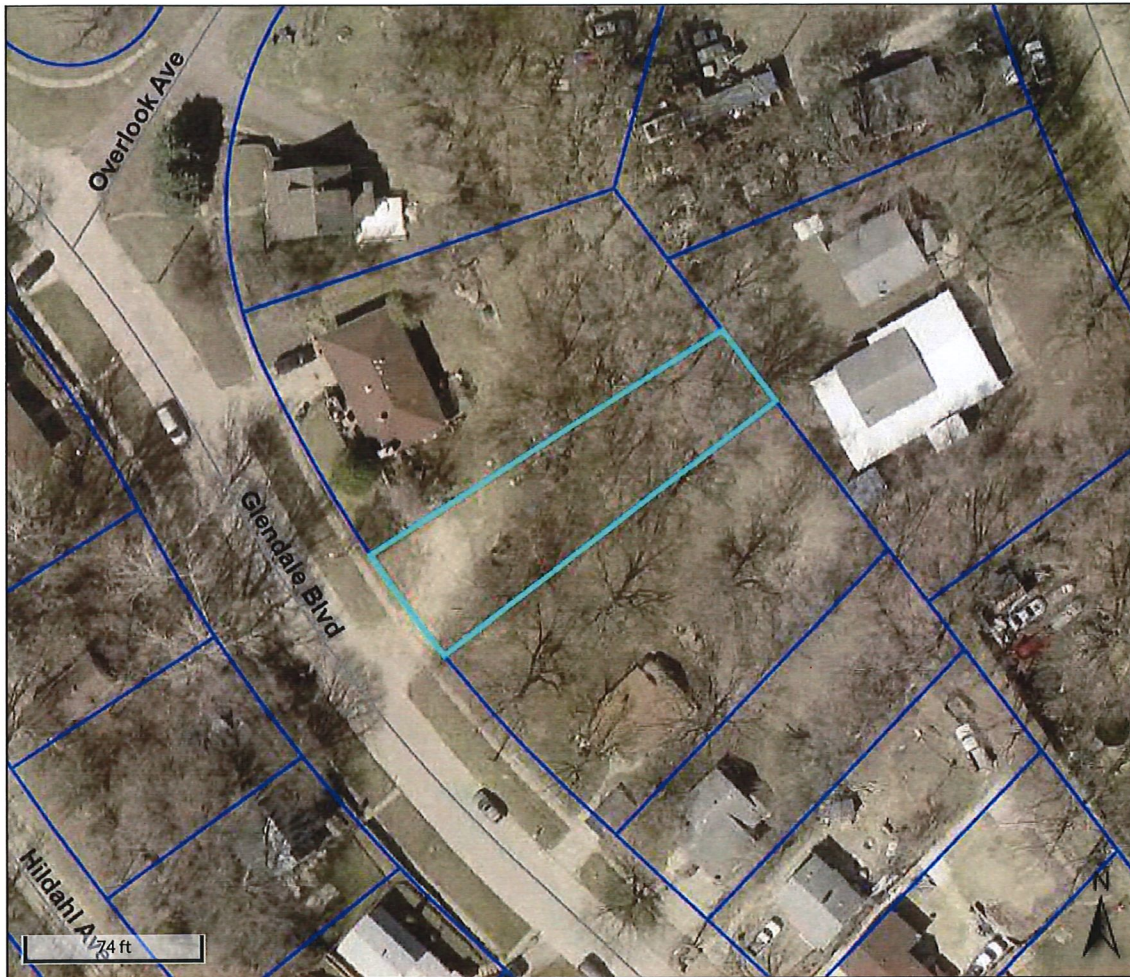
*Cost of Services: 0

Inspection to: Rocky De Witt Date: 7/12/18

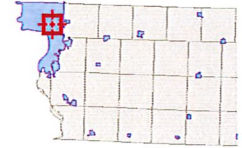
Minimum Bid Set by Supervisor: \$5000

Date and Time Set for Auction:

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



Overview



Legend

- Roads
-  Corp Boundaries
-  Townships
-  Parcels

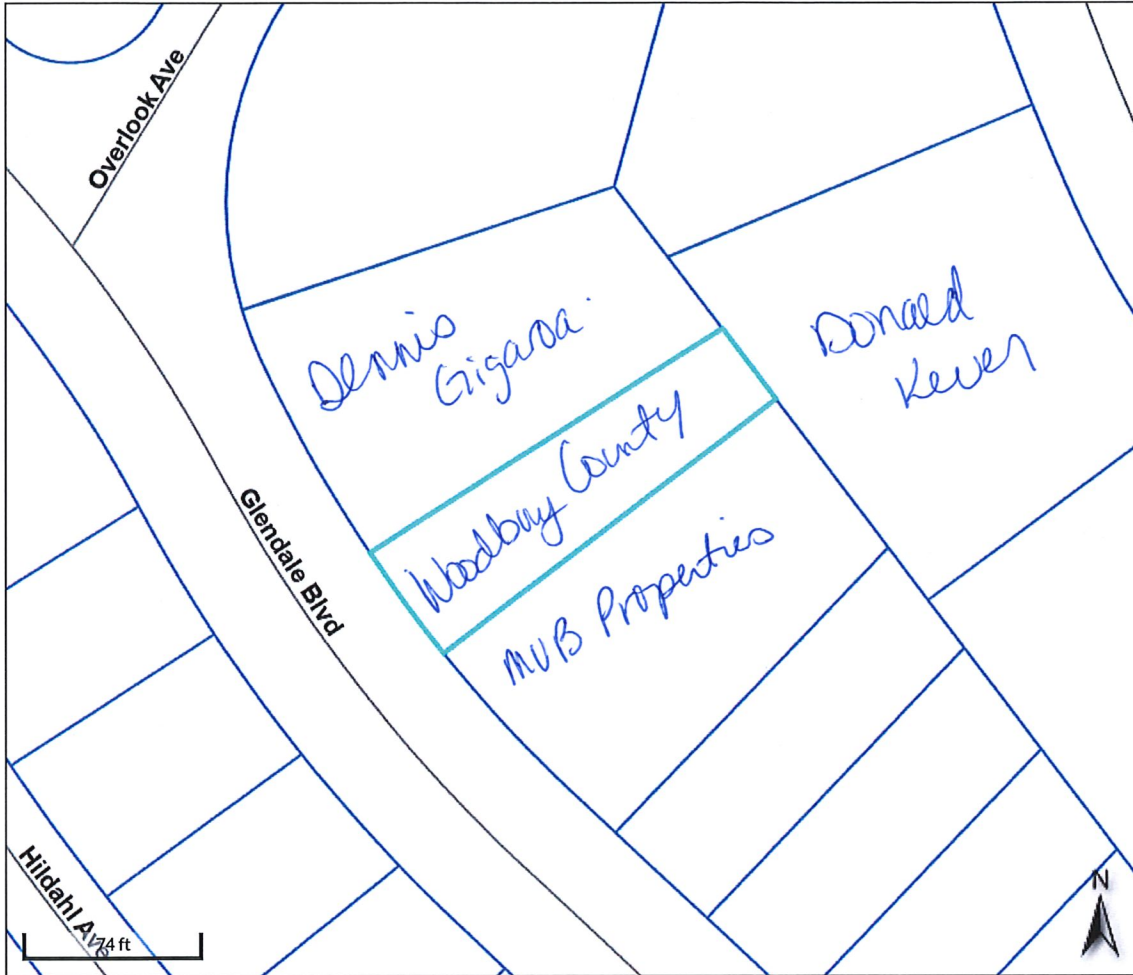
| | | | | | |
|-----------------------|--|--------------|--------|---------------|----------------------|
| Parcel ID | 894723362005 | Alternate ID | 279405 | Owner Address | WOODBURY COUNTY |
| Sec/Twp/Rng | n/a | Class | R | | 620 DOUGLAS ST |
| Property Address | 1440 GLENDALE BLVD | Acreage | n/a | | SIOUX CITY, IA 51101 |
| | SIOUX CITY | | | | |
| District | 0087 | | | | |
| Brief Tax Description | KELLY PARK LOT 9 BLK 13 | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 4/6/2023
 Last Data Uploaded: 4/5/2023 9:41:24 PM

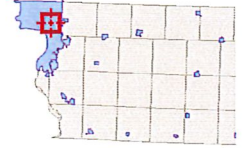
Developed by  **Schneider**
 GEOSPATIAL



Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

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

| | | | | | |
|-----------------------|--|--------------|--------|---------------|----------------------|
| Parcel ID | 894723362005 | Alternate ID | 279405 | Owner Address | WOODBURY COUNTY |
| Sec/Twp/Rng | n/a | Class | R | | 620 DOUGLAS ST |
| Property Address | 1440 GLENDALE BLVD | Acreage | n/a | | SIOUX CITY, IA 51101 |
| | SIOUX CITY | | | | |
| District | 0087 | | | | |
| Brief Tax Description | KELLY PARK LOT 9 BLK 13 | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 4/6/2023
 Last Data Uploaded: 4/5/2023 9:41:24 PM

Developed by Schneider
 GEOSPATIAL

NOTICE OF APPOINTMENT TO FILL A VACANCY

TO: Patrick F. Gill, Woodbury County Auditor/Recorder & Commissioner of Elections

From: Wolf Creek Township School/City/Township/
Extension/Soil & Water
Secretary/Clerk
4/6/23 Date

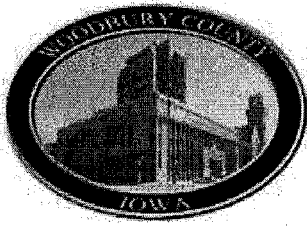
This is to notify you and the Board of Supervisors of Woodbury County that the following person has been appointed until the next regular/general election:

For the office of Clerk
Name Shona Klingensmith
Address 3334 195th St.
City/Zip Arthon, IA 51004
Date of appointment 4/6/23

This appointment is to fill the office previously held by:

Jeannie Krueger
(Name of previous official)

RETURN TO: Patrick F. Gill
Woodbury County Commissioner of Elections
620 Douglas St, Rm 103
Sioux City, IA 51101



Tina M. Bertrand
Woodbury County Treasurer
822 Douglas St Ste 102
Sioux City IA 51101
712-279-6495

April 6, 2023

Dear Board of Supervisors,

We have received paperwork for a 1975 Rosewood mobile home with the vin number of S2451P owned by Jeremiah Thompson. It was located at 5309 Hwy 75 North #383 in Sioux City. The mobile home was abandoned. Yes Communities got a court order and filed an affidavit for removal of a valueless mobile home and got a junking certificate issued to them. There are \$224.00 in back taxes that need to be abated.

These taxes are uncollectable or impractical to pursue.

Thank you,

Janet L. Trimpe
Woodbury County Tax Deputy

WOODBURY COUNTY, IOWA

RESOLUTION #

RESOLUTION APPROVING ABATEMENT OF TAXES

WHEREAS, Yes Communities is the titleholder of a mobile home VIN #S2451P located in Woodbury County, Iowa and legally described as follows:

VIN #S2451P 1975 Rosewood

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Yes Communities.

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

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

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

SO RESOLVED this 11th day of April, 2023.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor/Recorder

Matthew Ung, Chairman

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: April 11, 2023

*** PERSONNEL ACTION CODE:**

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

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

| NAME | DEPARTMENT | EFFECTIVE DATE | JOB TITLE | SALARY REQUESTED | % INCREASE | * | REMARKS |
|----------------------|------------------|----------------|----------------------------------|------------------|------------|---|--|
| Klein, Anthony | County Sheriff | 4-03-23 | P/T Courthouse Safety & Security | | | S | Resignation. |
| Huynh Duong, Thuy Vy | County Treasurer | 4-20-23 | Clerk II | \$18.22/hour | | A | Job Vacancy Posted 2-1-23. Entry Level Salary: \$18.22/hour. |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

APPROVED BY BOARD DATE: _____

MELISSA THOMAS, HR DIRECTOR:

Melissa Thomas

HUMAN RESOURCES DEPARTMENT

WOODBURY COUNTY, IOWA

DATE: April 11, 2023

AUTHORIZATION TO INITIATE HIRING PROCESS

| DEPARTMENT | POSITION | ENTRY LEVEL | APPROVED | DISAPPROVED |
|-------------------|-----------------|----------------------|-----------------|--------------------|
| County Sheriff | Civilian Jailer | CWA: \$23.33/hour | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Chairman, Board of Supervisors



Woodbury County Sheriff's Office

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

Chad Sheehan, SHERIFF

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

March 31st, 2023

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

The Woodbury County Sheriff's Office respectfully requests discussion and action on the authorization to begin the hiring process for one (1) Correctional Officer position, effective April 12th, 2023. We request this be placed on the agenda for Tuesday April 11th, 2023, Woodbury County Board of Supervisors meeting. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Sheehan", with a long horizontal stroke extending to the right.

Chad Sheehan, Sheriff

cc: file

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

Date: 04/06/2023 Weekly Agenda Date: 04/11/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Melissa Thomas HR Director

WORDING FOR AGENDA ITEM:

Approval of the Memorandum of Understanding Addressing a Retention Payment for AFSCME Courthouse and Juvenile Detention Employees

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors approved a motion to draft an MOU regarding a one-time retention payment to certain AFSCME and county employees.

BACKGROUND:

This one-time payment uses some of the last ARPA money and is designed to retain employees and attempts to "build a bridge" to their next bargained-for contract.

FINANCIAL IMPACT:

The retention payments will be paid from ARPA 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:

Approve the motion

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the MOU and authorize the Chairman to sign the document.

Memorandum of Understanding

This Memorandum of Understanding is entered into by and between Woodbury County, Iowa (“Employer”) and the American Federation of State, County and Municipal Employees, Council 61 Local 3462 effective **July 1, 2023 to be paid on July 14, 2023.**

Employer will pay a one-time retention payment of up to \$1000 to current Courthouse and Juvenile Detention full time and part time employees. Full time employees will receive \$1000. The part time employee payment will be prorated by averaging the number of hours worked over the past 90 days. The cost for said payment is currently proposed to be paid using ARPA funds for FY 24.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their duly authorized representatives on the date above.

WOODBURY COUNTY

AMERICAN FEDERATION OF STATE
COUNTY AND MUNICIPAL EMPLOYEES

By: _____

By: _____

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

Date: 04.05.23 Weekly Agenda Date: 04.11.2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Sheriff Chad Sheehan

WORDING FOR AGENDA ITEM:

Request for an additional correctional officer position instead of 2080 hours of part time to be utilized for courthouse security.

ACTION REQUIRED:

- Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

Request for an additional correctional officer position instead of 2080 hours of part time to be utilized for courthouse security.

BACKGROUND:

The Sheriffs Office wishes to use part of the existing courthouse security line item and change a portion of the part time wages to a full time position.

FINANCIAL IMPACT:

0

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

Yes No

RECOMMENDATION:

Approve the request.

ACTION REQUIRED / PROPOSED MOTION:

Approve the Motion.

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

Date: 4/5/23

Weekly Agenda Date: 4/11/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, Zoning

WORDING FOR AGENDA ITEM:

Approval of Construction Permit Application and Master Matrix Evaluation for the Creasey Site Confinement Feeding Operation (Korey Krieg - Applicant).

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board will review and consider approving a construction permit application for a confinement feeding operation which requires an evaluation using the Master Matrix.

BACKGROUND:

On Tuesday, March 14, 2023, the Woodbury County Board of Supervisors c/o the Woodbury County Auditor received a Construction Permit Application public notice from the Iowa Department of Natural Resources (IDNR) that was submitted by Korey Krieg. The applicant desires to add one new 2,400 head deep pit swine finisher as an expansion to their existing swine confinement facility. The animal unit capacity of the confinement operation after construction would be 1920 animal units (4,800 head of swine finishers).

The proposed location is in T89N R44W (Arlington Township), Section 11, SW ¼ of the SW ¼ on Parcel #894411300007. On Saturday, March 18, 2023, a public notice was published in the legals section of the Sioux City Journal to comply with state regulations of publishing the request within a 14-day time-frame as well as to solicit written comments. As of the printing of this document, no written comments have been received from the public. Within the IDNR's 30-day application window, the Woodbury County Community and Economic Development (CED) staff conducted a joint site visit with the IDNR to evaluate the items from the "Master Matrix" on April 29, 2023.

The following report analyzes the applicant's response to the matrix which is an instrument provided by the IDNR and adopted by Woodbury County to assess the feasibility of building a confinement structure containing over 1000 animal units (AU). Based on the items analyzed, the Woodbury County Community and Economic staff concurs with the applicant that this location is suitable for the placement of the proposed structures. Thus, it is the recommendation of staff to approve the proposal.

FINANCIAL IMPACT:

0

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

Yes No

RECOMMENDATION:

Approve the application and authorize the Chairman to sign the Board's scoring and recommendation letter to the Iowa Department of Natural Resources (IDNR) for the Creasey Confinement Feeding Operation (Korey Krieg - Applicant).

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the application and authorize the Chairman to sign the Board's scoring and recommendation letter to the Iowa Department of Natural Resources (IDNR) for the Creasey Site Confinement Feeding Operation (Korey Krieg - Applicant).



March 14, 2023

Woodbury County Board of Supervisors
c/o County Auditor
Via facsimile and email

**REF: Public Notice, Matrix Evaluation and County's Recommendation Required
DNR's Facility ID No. 68606**

Dear Board of Supervisors:

The DNR has received a construction permit application for a confinement feeding operation:
Facility name: **Creasey Site**
Date received by the DNR: 03/14/2023

Under Iowa law, for this application the County is required to complete the following actions:

1. Publish a public notice (see example on page following this letter) in a newspaper having a general circulation in the county no later than 03/28/2023 (within 14 days of DNR's receipt of the application) and furnish proof of publication to the DNR:

Note: A public hearing is not required, but it is optional. However, if the board chooses to have a public hearing, it is recommended to include in the notice the date, time and place for the hearing.

2. Score the applicant's Master Matrix and submit the board's scoring and recommendation regarding this application. A sample cover letter is attached. The county must submit to the DNR all of the following:
 - A) A recommendation to approve or to disapprove the application.
 - B) The Board's scoring of the Matrix, including all supporting calculations.
 - C) Proof of publication of Public Notice.

Your recommendation and Matrix score must be received by the DNR no later than 04/13/2023 (30 days after DNR received the application).

NOTE: If the County does not submit the Matrix score and recommendation by the deadline, the DNR will not consider any subsequent County's scoring of the Matrix or recommendation until the next time the County is eligible to adopt a construction evaluation resolution.

3. The board may submit comments or may forward comments from the public, which must be **received** by DNR no later than 04/13/2023. Comments received after that date due will not be considered. Comments may include but are not limited to the following:

- a. The existence of an object or location not included in the application that benefits from a separation distance requirement as provided in section 459.202 or 459.204 or 459.310 of the Code of Iowa.
 - b. The suitability of soils and the hydrology of the site where construction of a confinement feeding operation structure is proposed.
 - c. The availability of land for the application of manure originating from the confinement feeding operation.
 - d. Whether the construction of a proposed confinement feeding operation structure will impede drainage through established tile lines, laterals, or other improvements which are constructed to facilitate the drainage of land not owned by the person applying for the construction permit.
4. The proof of publication, County's recommendation, a copy of the Matrix as scored by the board and any public comments must be **received** by IDNR no later than 04/13/2023. To ensure timely submittal, we recommend that you also **fax or scan and email** proof of publication, County's recommendation and a copy of the Matrix as scored by the board to:

Send to:

Iowa DNR
Field Office #3
1900 N Grand Ave
Gateway North, Suite E17
Spencer, IA 51301
Attn: Paul Petitti

Iowa DNR
Field Office #2
2300 15th St SW
Mason City, IA 50401
Attn: Cindy Garza

Paul.Petitti@dnr.iowa.gov
712/262-4177

Cindy.Garza@dnr.iowa.gov
641/424-4073

If you have any questions about this process, please contact Paul or Cindy.

Sincerely,

Field Services and Compliance Bureau



Paul Petitti



Woodbury County Board of Supervisors

Courthouse • Room 104
620 Douglas Street • Sioux City, Iowa 51101
Telephone (712) 279-6525 • Fax (712) 279-6577

MEMBERS

DANIEL A. BITTINGER II
SIOUX CITY

KEITH W. RADIG
SIOUX CITY

JEREMY J. TAYLOR
SIOUX CITY

MATTHEW A. UNG
SIOUX CITY

MARK E. NELSON
CORRECTIONVILLE

FINANCE / BUDGET DIRECTOR
DENNIS BUTLER

ADMINISTRATIVE ASSISTANT
KAREN JAMES

EXECUTIVE SECRETARY / PUBLIC BIDDER
HEATHER SATTERWHITE

Woodbury County Master Matrix Scoring and Recommendation

The Woodbury County Board of Supervisors have reviewed the Master Matrix and Construction Permit Application for Creasey Site - Korey Krieg.

Public Notice was published on 3/18/23 and proof of publication is attached.

Matrix as scored by Woodbury County = 450 points. **Passing** / Failing (Circle One)

If the County scored matrix is different than submitted then the County scored matrix is attached with justifications

Supplemental letters or documentation is being sent to DNR

Upon review and inspection of construction site and documents provided, we the Woodbury County Board of Supervisors recommend the permit application be **Approved** / Disapproved (Circle One)

Comments or Reasons for Disapproval:

Signed:

Date:



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

CREASEY SITE (Applicant: Korey Krieg) IDNR FACILITY #68606

FACILITY EXPANSION: 2,400 Head Deep Pit Swine Finisher WOODBURY COUNTY, IOWA

MASTER MATRIX ANALYSIS

APRIL 6, 2023

EXECUTIVE SUMMARY:

On Tuesday, March 14, 2023, the Woodbury County Board of Supervisors c/o the Woodbury County Auditor received a Construction Permit Application public notice from the Iowa Department of Natural Resources (IDNR) that was submitted by Korey Krieg. The applicant desires to add one new 2,400 head deep pit swine finisher as an expansion to their existing swine confinement facility. The animal unit capacity of the confinement operation after construction would be 1920 animal units (4,800 head of swine finishers).

The proposed location is in T89N R44W (Arlington Township), Section 11, SW ¼ of the SW ¼ on Parcel #894411300007. On Saturday, March 18, 2023, a public notice was published in the legals section of the Sioux City Journal to comply with state regulations of publishing the request within a 14-day time-frame as well as to solicit written comments. As of the printing of this document, no written comments have been received from the public. Within the IDNR's 30-day application window, the Woodbury County Community and Economic Development (CED) staff conducted a joint site visit with the IDNR to evaluate the items from the "Master Matrix" on April 29, 2023.



Overview



Legend

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

Parcel ID 894411300007 Alternate ID 863013 Owner Address KRIEG KOREY
 Sec/Twp/Rng 11-89-44 Class A 40235 270TH ST
 Property Address Kingsley, IA 51028
 District 0021 Acreage 36.49
 Brief Tax Description ARLINGTON TOWNSHIP SWSW 11-89- 44 (EX A TCT COMM AT SW COR SW1/4 THEC E278.39' TO POB; THEC N 364' E 180', THNC S 364', THNC W 180' TO POB) 11-89-44

The following report analyzes the applicant's response to the matrix which is an instrument provided by the IDNR and adopted by Woodbury County to assess the feasibility of building a confinement structure containing over 1000 animal units (AU). Based on the items analyzed, the Woodbury County Community and Economic staff concurs with the applicant that this location is suitable for the placement of the proposed structures. Thus, it is the recommendation of staff to approve the proposal.

MATRIX SUMMARY

| APPLICANT SCORE | | | | | | STAFF SCORE | | | | | |
|-----------------|------------|--------------|--------------|---------------|--|-----------------|------------|--------------|--------------|---------------|--|
| Matrix Item | Score | Air | Water | Community | | Matrix Item | Score | Air | Water | Community | |
| 1 | 100 | 65 | - | 35 | | 1 | 100 | 65 | - | 35 | |
| 2 | 10 | 4 | - | 6 | | 2 | 10 | 4 | - | 6 | |
| 3 | 30 | 12 | - | 18 | | 3 | 30 | 12 | - | 18 | |
| 4 | 10 | - | 10 | - | | 4 | 10 | - | 10 | - | |
| 6 | 10 | 4 | - | 6 | | 6 | 10 | 4 | - | 6 | |
| 8 | 50 | 5 | 25 | 20 | | 8 | 50 | 5 | 25 | 20 | |
| 9 | 25 | 7.5 | 7.5 | 10 | | 9 | 25 | 7.5 | 7.5 | 10 | |
| 10 | 30 | - | 22.5 | 7.5 | | 10 | 30 | - | 22.5 | 7.5 | |
| 12 | 30 | 27 | - | 3 | | 12 | 30 | 27 | - | 3 | |
| 17 | 30 | - | 27 | 3 | | 17 | 30 | - | 27 | 3 | |
| 19 | 20 | - | - | 20 | | 19 | 20 | - | - | 20 | |
| 20 | 30 | - | - | 30 | | 20 | 30 | - | - | 30 | |
| 24 | 20 | - | - | 20 | | 24 | 20 | - | - | 20 | |
| 25 | 25 | - | 12.5 | 12.5 | | 25 | 25 | - | 12.5 | 12.5 | |
| 26 | 30 | 12 | 12 | 6 | | 26 | 30 | 12 | 12 | 6 | |
| SCORE | 450 | 136.5 | 116.5 | 197 | | SCORE | 450 | 136.5 | 116.5 | 197 | |
| Required | 440 | 53.38 | 67.75 | 101.13 | | Required | 440 | 53.38 | 67.75 | 101.13 | |

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 57383

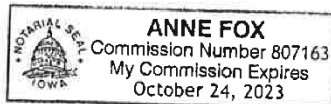
Subscribed and sworn before me in Sioux City, in said County,
this 20th day of March, 2023.

Shelby Kimsley

[Signature]

Notary Public

In and for Woodbury County.



Section: Legal
Category: 015 Attorneys & Legals
PUBLISHED ON: 03/18/2023

TOTAL AD COST: 14.64
FILED ON: 3/20/2023

PUBLIC NOTICE
The Woodbury County Board of Supervisors, has received a construction permit application for a confinement feeding operation, more specifically described as follows:
Name of Applicant: Kory Krieg
Location of the proposed construction: Section 11 of Arlington Township.
Type of confinement feeding operation structure proposed: One new 2400 head deep pit swine finisher as an expansion to an existing swine confinement facility.
Animal Unit Capacity of the Confinement Operation after Construction: 1920 animal units. (4800 head of swine finishers)
Examination: The application is on file at the Woodbury County Auditor's Office in the Woodbury County Courthouse, located at 620 Douglas Street, Sioux City, IA 51101, Room 103, and is available for public inspection during the following days: Monday through Friday and hours: 8:00 am to 4:30 pm.
Comments: Written comments may be filed at the Woodbury County Auditor's Office, until the following deadline: April 10, 2023.

SITE PLAN EXCERPT

Aerial Map



©2023 AgriData, Inc.

Tucker Consulting, Inc.



630 Ontario Street
Storm Lake, IA 50588
(712) 732-3030

Map Provided By:



surety
SUSTAINING ONLINE MAPS

© AgriData, Inc. 2021

www.AgrDataInc.com

Map Center: 42.533271, -96.016006



11-89N-44W
Woodbury County
Iowa



2/2/2023

MATRIX ITEM #1

ADDITIONAL SEPARATION DISTANCE, ABOVE MINIMUM REQUIREMENTS, FROM PROPOSED CONFINEMENT STRUCTURE TO THE CLOSEST: RESIDENCE NOT OWNED BY THE OWNER OF THE CONFINEMENT FEEDING OPERATION; HOSPITAL; NURSING HOME, OR; LICENSED OR REGISTERED CHILD CARE FACILITY.

REQUIRED DISTANCE

1,875 feet (567 IAC 65.11(455B), Table 6)

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|--------------------|-------|-----|-------|-----------|
| 1,251 feet or more | 100 | 65 | | 35 |

DATA INTERPRETATION



Data Source: Beacon - <https://beacon.schneidercorp.com/Application.aspx?AppID=10&LayerID=108&PageTypeID=1&PageID=969>

The proposed site is located more than 1,875 ft. from the eight (8) closest neighboring residences. The closest residence is approximately 3,712 FT from the site. The minimum separation distance is 1,875 ft. There does not appear to be a hospital, nursing home or childcare facility within 1,875 ft. of the site. The Community and Economic Development (CED) staff concurs with the applicant's score of 100.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|--------------------|-------|-----|-------|-----------|
| 1,251 feet or more | 100 | 65 | | 35 |

MATRIX ITEM #2

ADDITIONAL SEPARATION DISTANCE, ABOVE MINIMUM REQUIREMENTS, FROM PROPOSED CONFINEMENT STRUCTURE TO THE CLOSEST PUBLIC USE AREA.

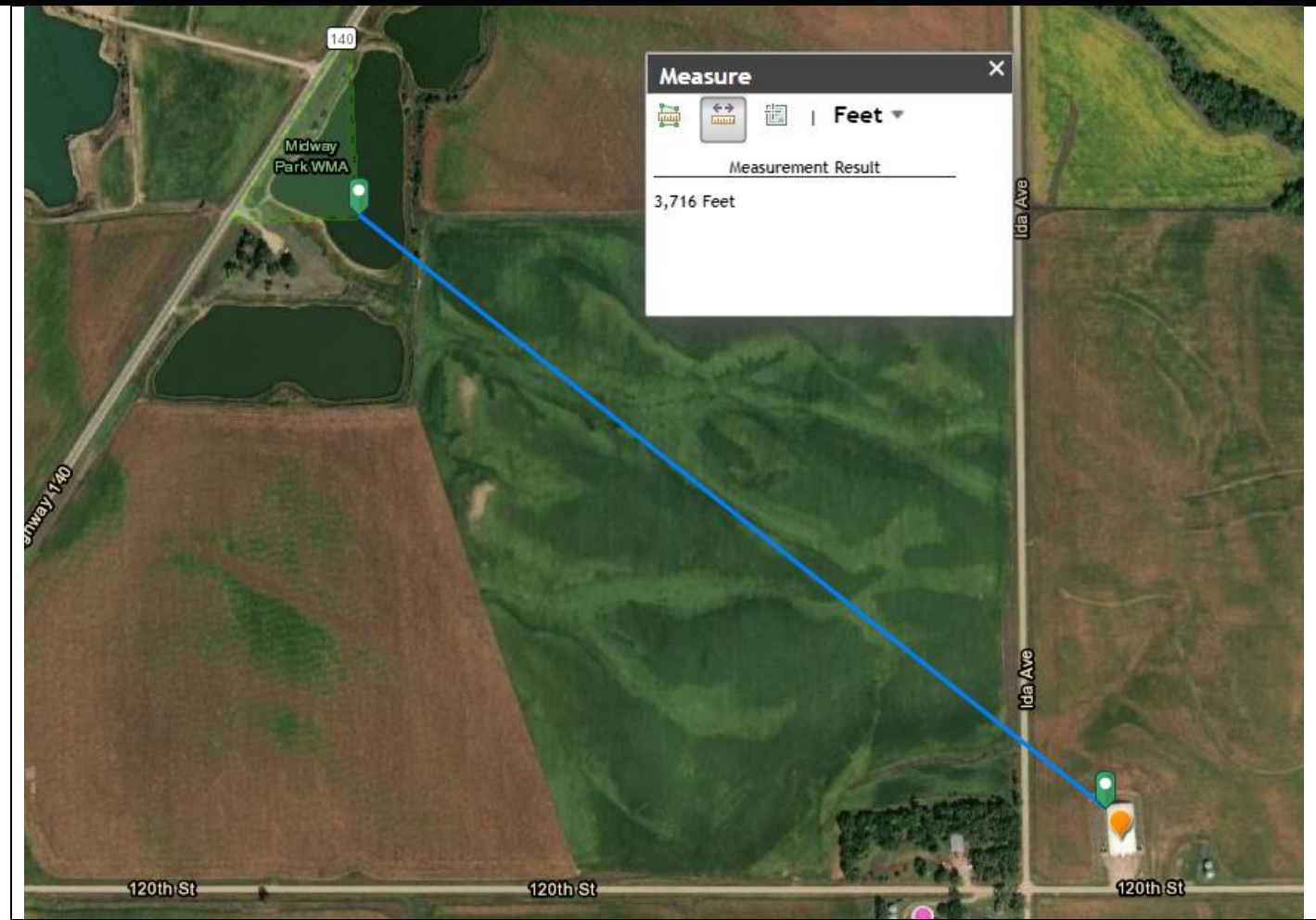
REQUIRED DISTANCE

2,500 feet (567 IAC 65.11(455B), Table 6)

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|----------------------|-------|-----|-------|-----------|
| 501 feet to 750 feet | 10 | 4 | | 6 |

DATA INTERPRETATION



Data Source: Iowa DNR Mapping Online, <https://programs.iowadnr.gov/maps//afo>

The proposed site is located about 3,716 from Public Lands such as Midway County Park. The minimum separation distance is 2,500 ft. The staff score is 20.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|----------------------|-------|-----|-------|-----------|
| 501 feet to 750 feet | 10 | 4 | | 6 |

MATRIX ITEM #3

ADDITIONAL SEPARATION DISTANCE, ABOVE MINIMUM REQUIREMENTS, FROM PROPOSED CONFINEMENT STRUCTURE TO THE CLOSEST:

- EDUCATIONAL INSTITUTION
- RELIGIOUS INSTITUTION, OR
- COMMERCIAL ENTERPRISE

REQUIRED DISTANCE

1,875 feet (567 IAC 65.11(455B), Table 6)

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|--------------------|-------|-----|-------|-----------|
| 1,501 feet or more | 30 | 12 | | 18 |

DATA INTERPRETATION

Staff has identified 16 properties within an 1,875 ft radius, none of which appear to be educational institutions, religious institutions, or commercial enterprises. It appears that the properties within this radius are zoned Agricultural Preservation (AP) and may include various farming operations.

There does not appear to be any educational institutions, religious institutions, or commercial enterprises within 1,875 ft of the proposed site. The minimum separation distance is 1,875 ft. Staff concurs with the applicant's score of 30.



Data Source: Woodbury County Beacon GIS
<https://beacon.schneidercorp.com/Application.aspx?AppID=10&LayerID=108&PageTypeID=1&PageID=969>

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|--------------------|-------|-----|-------|-----------|
| 1,501 feet or more | 30 | 12 | | 18 |

MATRIX ITEM #4

ADDITIONAL SEPARATION DISTANCE, ABOVE MINIMUM REQUIREMENT OF 500 FEET, FROM PROPOSED CONFINEMENT STRUCTURE TO THE CLOSEST WATER SOURCE

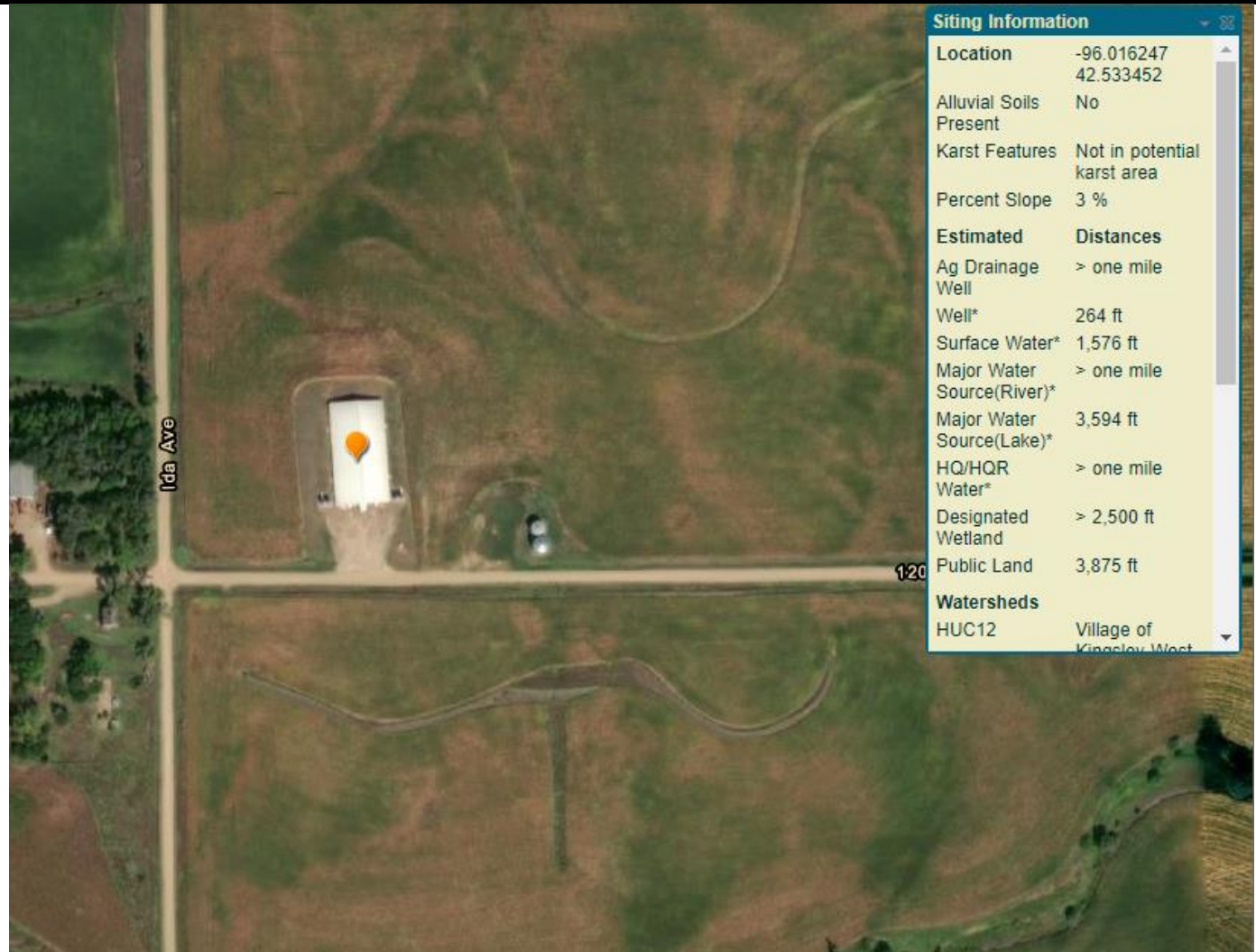
REQUIRED DISTANCE

1,095 feet (567 IAC 65.11(455B), Table 6, Other Distances)

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|----------------------|-------|-----|-------|-----------|
| 501 feet to 750 feet | 10 | | 10 | |

DATA INTERPRETATION



Data Source: Iowa DNR Mapping Online, <https://programs.iowadnr.gov/maps//afo>

The location of the proposed site exceeds the 500 required feet from a water source. Staff concurs with the applicant's score of 10.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|----------------------|-------|-----|-------|-----------|
| 501 feet to 750 feet | 10 | | 10 | |

MATRIX ITEM #6

ADDITIONAL SEPARATION DISTANCE, ABOVE MINIMUM REQUIREMENTS, FROM PROPOSED CONFINEMENT STRUCTURE TO THE CLOSEST CRITICAL PUBLIC AREA

REQUIRED DISTANCE

2,500 feet (567 IAC 65.11(455B), Table 6)

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|------------------|-------|-----|-------|-----------|
| 500 feet or more | 10 | 4 | | 6 |

DATA INTERPRETATION

Data Source: Iowa DNR Mapping Online, <https://programs.iowadnr.gov/maps//afo>

The site is greater than one mile in distance from a public use area. The proposed site is located greater than 3,000 feet from Midway Park. The minimum separation distance is 3,000 ft. Staff concurs with the applicant's score of 10.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|------------------|-------|-----|-------|-----------|
| 500 feet or more | 10 | 4 | | 6 |

MATRIX ITEM #8

ADDITIONAL SEPARATION DISTANCE, ABOVE THE MINIMUM REQUIREMENT OF 1,000 FEET, FROM PROPOSED CONFINEMENT STRUCTURE TO THE CLOSEST:

- AGRICULTURAL DRAINAGE WELL
- KNOWN SINKHOLE
- MAJOR WATER SOURCE

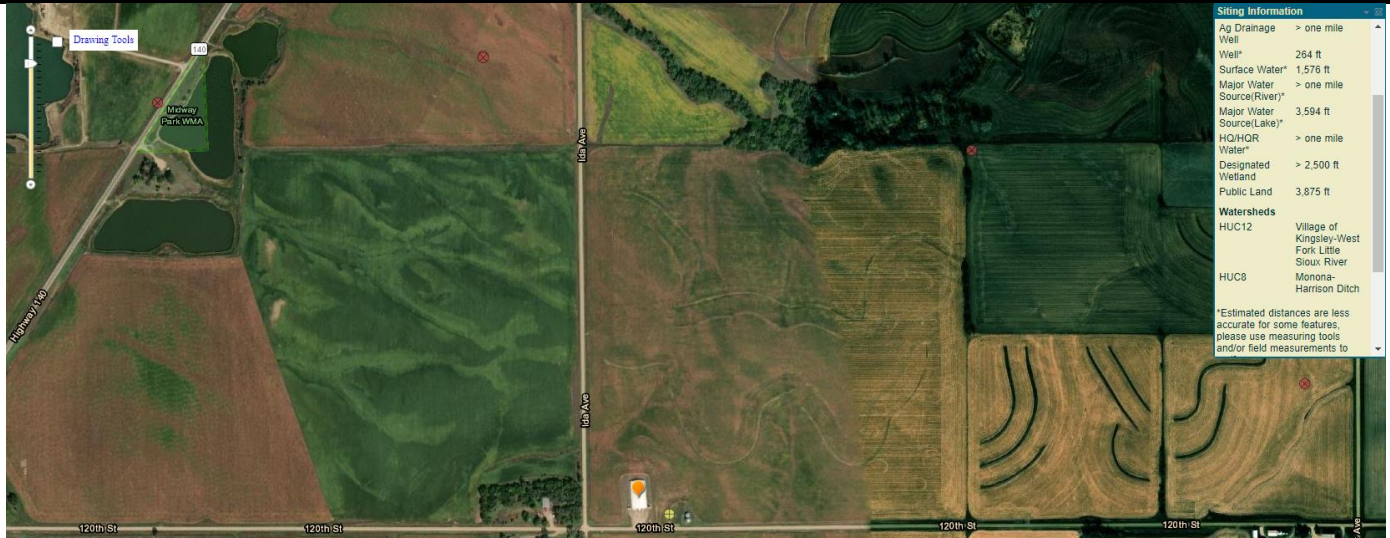
REQUIRED DISTANCE

1,000 feet, (567 IAC 65.11(455B), Table 6, Other Distances)

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|--------------------|-------|-----|-------|-----------|
| 2,501 feet or more | 50 | 5 | 25 | 20 |

DATA INTERPRETATION



Data Source: Iowa DNR Mapping Online, <https://programs.iowadnr.gov/maps//afo>

Staff concurs with the applicant's score of 50.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|--------------------|-------|-----|-------|-----------|
| 2,501 feet or more | 50 | 5 | 25 | 20 |

MATRIX ITEM #9

DISTANCE BETWEEN THE PROPOSED CONFINEMENT STRUCTURE AND THE NEAREST CONFINEMENT FACILITY THAT HAS A SUBMITTED DEPARTMENT MANURE MANAGEMENT PLAN.

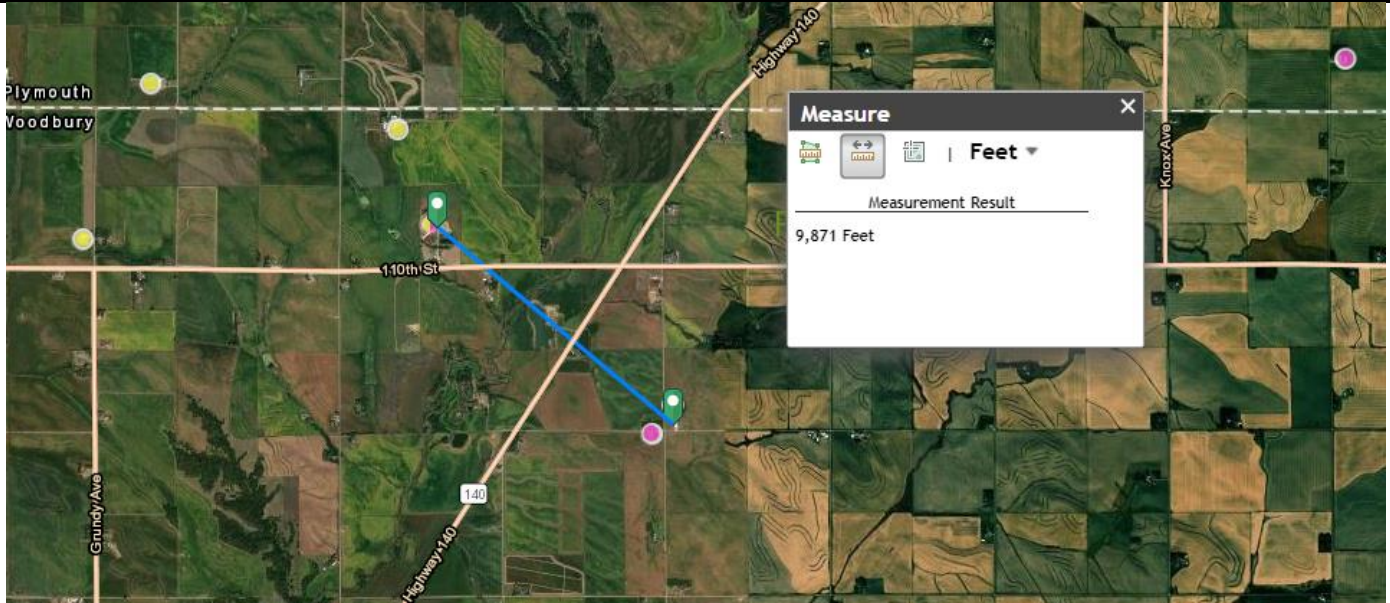
REQUIRED DISTANCE

3,750 feet

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|--|-------|-----|-------|-----------|
| Three-quarter of a mile or more (3,960 feet) | 25 | 7.5 | 7.5 | 10 |

DATA INTERPRETATION



Data Source(s): Iowa DNR AFO Site Search, <https://programs.iowadnr.gov/animalfeedingoperations/FacilitySearch.aspx> & Iowa DNR Mapping Online, <https://programs.iowadnr.gov/maps//afo>

The Larry Guthridge Combined Operation #56513 site is greater than 10,000 FT from the proposed site. This location has a MMP on file. Staff concurs with the applicant's score of 25.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|--|-------|-----|-------|-----------|
| Three-quarter of a mile or more (3,960 feet) | 25 | 7.5 | 7.5 | 10 |

MATRIX ITEM #10

SEPARATION DISTANCE FROM PROPOSED CONFINE STRUCTURE CLOSEST TO: HIGH QUALITY (HQ) WATERS; HIGH QUALITY RESOURCE (HQR) WATERS, OR; PROTECTED WATER AREAS

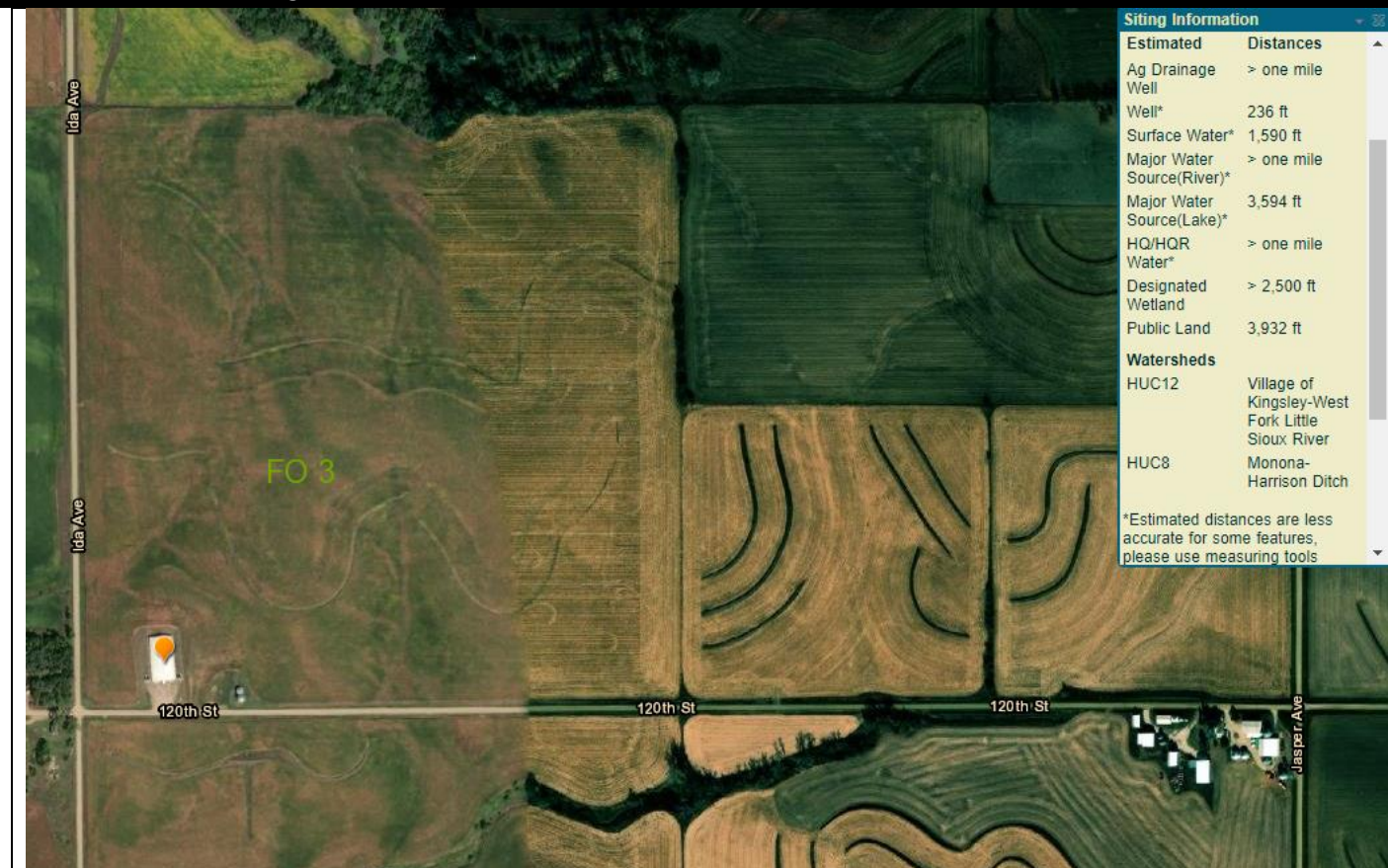
REQUIRED DISTANCE

1,000 feet

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|---|-------|-----|-------|-----------|
| Two times the minimum separation distance | 30 | | 22.5 | 7.5 |

DATA INTERPRETATION



Data Source: Iowa DNR Mapping Online, <https://programs.iowadnr.gov/maps//afo>

The proposed site is estimated to be greater than one (1) mile from a HG/HQR water source. Staff concurs with the applicant's score of 30.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|---|-------|-----|-------|-----------|
| Two times the minimum separation distance | 30 | | 22.5 | 7.5 |

MATRIX ITEM #12**LIQUID MANURE STORAGE STRUCTURE IS COVERED****APPLICANT RESPONSE**

| | SCORE | AIR | WATER | COMMUNITY |
|-------------------------------|-------|-----|-------|-----------|
| COVERED LIQUID MANURE STORAGE | 30 | 27 | | 3 |

DATA INTERPRETATION

Based on the application materials, staff concurs with the applicant's score of 30.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|-------------------------------|-------|-----|-------|-----------|
| COVERED LIQUID MANURE STORAGE | 30 | 27 | | 3 |

MATRIX ITEM #17**PROPOSED MANURE STORAGE STRUCTURE IS FORMED****APPLICANT RESPONSE**

| | SCORE | AIR | WATER | COMMUNITY |
|---------------------------------|-------|-----|-------|-----------|
| FORMED MANURE STORAGE STRUCTURE | 30 | | 27 | 3 |

DATA INTERPRETATION

Based on the application materials, staff concurs with the applicant's score of 30.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|---------------------------------|-------|-----|-------|-----------|
| FORMED MANURE STORAGE STRUCTURE | 30 | | 27 | 3 |

MATRIX ITEM #19

PROPOSED CONFINEMENT SITE HAS A SUITABLE TRUCK TURNAROUND AREA SO THAT SEMITRAILERS DO NOT HAVE TO BACK INTO THE FACILITY FROM THE ROAD

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|------------------|-------|-----|-------|-----------|
| TRUCK TURNAROUND | 20 | | | 20 |

DATA INTERPRETATION

Based on the application materials, staff concurs with the applicant's score of 20.



Data Source: Application

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|------------------|-------|-----|-------|-----------|
| TRUCK TURNAROUND | 20 | | | 20 |

MATRIX ITEM #20

CONSTRUCTION PERMIT APPLICANT'S ANIMAL FEEDING OPERATION ENVIRONMENTAL AND WORKER PROTECTION VIOLATION HISTORY FOR THE LAST FIVE YEARS AT ALL FACILITIES IN WHICH THE APPLICANT HAS AN INTEREST

APPLICANT RESPONSE

| | SCORE | AIR | WATER | COMMUNITY |
|--|-------|-----|-------|-----------|
| No history of Administrative Orders in last five years | 30 | | | 30 |

DATA INTERPRETATION

After review of the Iowa DNR's online database at: <https://programs.iowadnr.gov/animalfeedingoperations/FacilitySummary.aspx?FacilityId=68606>, there are no listed administrative orders in the last five years. Staff concurs with the applicant's score of 30.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|--|-------|-----|-------|-----------|
| No history of Administrative Orders in last five years | 30 | | | 30 |

MATRIX ITEM #24**FACILITY SIZE****APPLICANT RESPONSE**

| | SCORE | AIR | WATER | COMMUNITY |
|----------------------------------|-------|-----|-------|-----------|
| 1 to 2,000 animal unity capacity | 20 | | | 20 |

DATA INTERPRETATION

Based on the application materials, staff concurs with the applicant's score of 20.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|----------------------------------|-------|-----|-------|-----------|
| 1 to 2,000 animal unity capacity | 20 | | | 20 |

MATRIX ITEM #25**CONSTRUCTION PERMIT APPLICATION INCLUDES LIVESTOCK FEEDING AND WATERING SYSTEMS THAT SIGNIFICANTLY REDUCE MANURE VOLUME****APPLICANT RESPONSE**

| | SCORE | AIR | WATER | COMMUNITY |
|---|-------|-----|-------|-----------|
| Wet/dry feeders or other feeding and watering systems that significantly reduce manure volume | 25 | | 12.5 | 12.5 |

DATA INTERPRETATION

Based on the application materials, staff concurs with the applicant's score of 25.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|---|-------|-----|-------|-----------|
| Wet/dry feeders or other feeding and watering systems that significantly reduce manure volume | 25 | | 12.5 | 12.5 |

MATRIX ITEM #26**LIQUID OR DRY MANURE (CHOOSE ONLY ONE SUBSECTION FROM SUBSECTIONS "A" – "E" AND MARK ONE SCORE THAT SUBSECTION).****APPLICANT RESPONSE**

| | SCORE | AIR | WATER | COMMUNITY |
|--|-------|-----|-------|-----------|
| Injection or incorporation of manure on the same date it is land-applied | 30 | 12 | 12 | 6 |

DATA INTERPRETATION

Based on the application materials, staff concurs with the applicant's score of 30.

STAFF SCORE

| | SCORE | AIR | WATER | COMMUNITY |
|--|-------|-----|-------|-----------|
| Injection or incorporation of manure on the same date it is land-applied | 30 | 12 | 12 | 6 |

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

Date: 04/05/2023 Weekly Agenda Date: 04/11/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Jered Jepsen, County Weed Commissioner and Mark Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of annual weed destruction order

ACTION REQUIRED:

Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

Annually the Board of Supervisors passes a weed destruction order at the recommendation of the county weed commissioner.

BACKGROUND:

According to Chapter 317 of the Code of Iowa, annually the Board of Supervisors must prescribe and order a program of weed destruction. This order will be published in official county newspapers to make landowners aware of their responsibility.

FINANCIAL IMPACT:

The Board provides an annual budget for weed eradication and appoints a weed commissioner to oversee the program. The resolution publication fees run approximately \$200 per year.

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:

The weed commissioner and county engineer recommend approval of the weed destruction order.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the weed destruction order for 2023

WOODBURY COUNTY, IOWA
RESOLUTION NO. _____
WEED DESTRUCTION ORDER

WHEREAS, it is the responsibility of each of Iowa County's Board of Supervisors to enforce the provisions of Chapter 317 of the Code of Iowa as amended with regard to the destruction of weeds, and

WHEREAS, under Chapter 317 of the Code of Iowa as amended each county Board of Supervisors must prescribe and order a program of weed destruction to be followed by landowners, tenants, and other persons in possession or control of land, and

WHEREAS, it has been determined by the Woodbury County Board of Supervisors that a program of weed destruction for the year 2023 is necessary,

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa that each landowner, tenant or other person in possession or control of private land shall on or before the dates stated below, destroy the below-listed noxious weeds on their land by spraying them with a suitable herbicide in a strength sufficient to kill such weeds.

1. May 1, 2023 – for Palmer amaranth annual.
2. May 8, 2023 - for musk, thistle, sow thistle, bull thistle, leafy spurge, perennial pepper grass, sour dock perennial, smooth dock perennial, and sheep sorrel perennial.
3. June 1, 2023 - for Canada thistle, Russian knapweed, buckhorn perennial, wild mustard annual, horse nettle, and teasel biennial.
4. June 5, 2023 - for field bindweed, wild carrot biennial, and quack grass.
5. June 12, 2023 - for butterprint annual, puncture vine annual, and cocklebur annual.
6. July 1, 2023 - for wild sunflower annual and poison hemlock.
7. October 2, 2023 - all thistles in the rosette stage.

BE IT FURTHER RESOLVED AND ORDERED that any person using county road Right-of-Way for haying or grazing are responsible for following the labeled restrictions listed on the following products used by Woodbury County Weed Commissioner: Grazon P&D, Streamline, Perspective, Method 240SL, and MSN 60.

BE IT FURTHER RESOLVED AND ORDERED that all weeds on county trunk and local roads and between the fence lines of such roads, whether they be noxious weeds or other weeds, shall be eradicated or otherwise destroyed, to prevent seed production, by the owner of the land adjoining the road on or before June 9, 2023.

BE IT FURTHER RESOLVED that weeds that are not destroyed in compliance with the above order may be destroyed by the Weed Commissioner, and the costs of destruction by the Weed Commissioner, including the cost of serving notice, plus a penalty of twenty-five percent of total costs shall be assessed against the property upon which the weeds were destroyed, in the case of private lands, or against the adjoining land, in the case of weeds on county roads. Landowners are to contact Weed Commissioner and notify him if there are areas that should not be sprayed with herbicides.

SO RESOLVED this 11th day of April, 2023

WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew A. Ung, Chairperson

ATTEST:

Patrick F. Gill,
Woodbury County Auditor

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

Date: 04/05/2023 Weekly Agenda Date: 04/11/2023

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

WORDING FOR AGENDA ITEM:

Consider approval of Iowa DOT Budget for FY 2024

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Annually the Board of Supervisors, in consultation with the county engineer, is required to file a budget for secondary road fund expenditures with the Iowa Department of Transportation.

BACKGROUND:

The Board of Supervisors approved continues work on the FY 2024 budget. The secondary road budget is based on expenditures approved so far as part of this process. The fiscal year budget is required by the Code of Iowa to be submitted to the Iowa DOT for approval. The Iowa DOT Budget is due by April 15, 2023. Amendments can be done later if changes are necessary.

FINANCIAL IMPACT:

This budget reports to the Iowa DOT planned expenditures and income for the secondary road department.

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 approval of the FY 2024 Woodbury County Secondary Road Department Budget to be submitted to the Iowa DOT.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the FY 2024 Woodbury County Secondary Road Department Budget.

Iowa Department of Transportation
SECONDARY ROADS BUDGET

County: **Woodbury County**
Fiscal Year: **2024**
Version: **Original**

COUNTY CERTIFICATION

This Secondary Road Budget was adopted by the Board of Supervisors on _____

_____ Date

ATTESTED

County Auditor

_____ Date

County Engineer

_____ Date

Chairperson, Board of Supervisors

_____ Date

IOWA DOT BUDGET APPROVALS

Recommended Approval: _____

OLS Reviewer

_____ Date

Approval: _____

Director of Local Systems

_____ Date

SECONDARY ROADS BUDGET

| | | Actual Receipts Prior Years | | Estimated Receipts | |
|---|---|-----------------------------|-----------------------|--------------------|-----------------|
| | | 2 nd Prior | 1 st Prior | Current | Next |
| | | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
| 1. County Auditor's Beginning Balance | | \$2,799,887.90 | \$1,665,475.84 | \$2,401,254.88 | \$1,389,043.60 |
| Receipts from Property Tax Levies | 1.15368 Dollars on all taxable property in county except on property within cities and towns. (Max. \$3.00375) | \$1,650,000.00 | \$1,610,000.00 | \$1,610,000.00 | \$1,712,203.00 |
| | 0.00000 Dollars on all taxable property in the county. (Max. \$0.16875) | | | | |
| 2A. Local Option Sales Tax | | \$2,451,082.83 | \$2,777,065.51 | \$2,400,000.00 | \$2,500,000.00 |
| 3. Regular Road Use Tax Received | (Doesn't include transfer of local R.U.T. to FM account for const. on FM routes) | \$6,093,852.27 | \$6,026,627.82 | \$5,520,055.00 | \$5,690,152.00 |
| 3b. Amount for 306.4(a3) | (Senate File 451 - FM Ext. in City <=500) | \$70,415.53 | \$60,774.71 | \$54,244.72 | \$56,189.75 |
| 3c. Time 21 | | \$878,892.26 | \$757,160.79 | \$694,851.00 | \$694,863.00 |
| 4. RISE Funds | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 5. FA Bridge Replacement Funds | | \$0.00 | \$0.00 | \$0.00 | \$1,200,000.00 |
| 5a. SWAP Bridge Replacement Funds | | \$515,531.05 | \$0.00 | \$0.00 | \$0.00 |
| 6. Proposed transfer of FM funds to Local Secondary Fund.(Section 309.10) | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 7.Tax Refunds (-) and/or Credits (+).(Section 309.10 - Code of Iowa) | | \$7,283.52 | \$5,849.16 | \$0.00 | \$0.00 |
| 8. Miscellaneous Receipts <i>Donations, sale of used materials, Special Assessments, etc</i> <i>Itemized for 2024</i> | gravelPits | \$13,940.00 | \$14,350.00 | \$14,000.00 | \$15,000.00 |
| | licensesAndPermits | \$24,364.48 | \$23,670.00 | \$33,000.00 | \$27,000.00 |
| | Miscellaneous | | | | \$12,000.00 |
| | Street Improvement (City of Salix) | | | \$5,031.00 | \$5,031.00 |
| | Street Improvement (City of Smithland) | | | \$2,307.00 | \$2,038.00 |
| | All Other | \$565,634.96 | \$282,301.07 | \$420,000.00 | \$27,069.00 |
| 9. Total Miscellaneous Receipts | | \$603,939.44 | \$320,321.07 | \$474,338.00 | \$88,138.00 |
| 10. TOTAL RECEIPTS | | \$15,070,884.80 | \$13,223,274.90 | \$13,154,743.60 | \$13,330,589.35 |
| 11. Road Use Tax Funds or other local funds not transferred to Secondary Roads to be transferred to FM fund for construction. | | 0 | 0 | \$0.00 | \$0.00 |

SECONDARY ROADS BUDGET

| | Actual Expenditures Prior Years | | Estimated Expenditures | |
|--|---------------------------------|------------------------|------------------------|------------------------|
| | Prior 2 | Prior 1 | Current | Next |
| | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
| 70X * Administration and Engineering | | | | |
| 700 Administration Expenditures | \$264,007.59 | \$265,233.82 | \$327,000.00 | \$343,425.00 |
| 701 Engineering Expenditures | \$845,216.23 | \$951,613.58 | \$948,000.00 | \$961,000.00 |
| TOTAL ADMINISTRATION AND ENGINEERING | \$1,109,223.82 | \$1,216,847.40 | \$1,275,000.00 | \$1,304,425.00 |
| 020* Construction | | | | |
| Adjusted Construction Program Expenditures (300) on FM and Local Sec. Roads <i>(With other than FM funds —See Accomplishment Year projects)</i> | \$4,392,671.57 | \$1,029,444.58 | \$1,500,000.00 | \$1,700,000.00 |
| 71X* Roadway Maintenance | | | | |
| 710 Bridges and Culverts (420, 430) | \$602,859.09 | \$384,563.73 | \$425,000.00 | \$430,700.00 |
| 711 Roads (4250, 460, 480) | \$3,035,781.67 | \$3,703,186.23 | \$3,529,000.00 | \$3,368,000.00 |
| 712 Snow and Ice Control (520) | \$588,914.53 | \$250,180.92 | \$521,000.00 | \$538,800.00 |
| 713 Traffic Controls (590) | \$353,037.30 | \$389,057.65 | \$414,000.00 | \$445,000.00 |
| 714 Road Clearing (490) | \$303,788.11 | \$492,513.07 | \$296,000.00 | \$315,000.00 |
| TOTAL ROADWAY MAINTENANCE | \$4,884,380.70 | \$5,219,501.60 | \$5,185,000.00 | \$5,097,500.00 |
| 72X * General Roadway | | | | |
| 720 New Equipment (610) | \$1,123,348.00 | \$1,124,135.38 | \$1,232,000.00 | \$1,360,000.00 |
| 721 Equipment Operations (620, 630, 650) | \$1,671,791.75 | \$2,011,662.58 | \$2,168,700.00 | \$2,645,655.00 |
| 722 Tools, Materials and Supplies (655, 660, 670, 680, 690) | \$90,034.28 | \$59,554.09 | \$150,000.00 | \$145,000.00 |
| 723 Real Estate and Buildings (800) | \$133,958.84 | \$160,874.39 | \$255,000.00 | \$155,500.00 |
| TOTAL GENERAL ROADWAY | \$3,019,132.87 | \$3,356,226.44 | \$3,805,700.00 | \$4,306,155.00 |
| TOTAL EXPENDITURES (70X + 020 + 71X + 72X) | \$13,405,408.96 | \$10,822,020.02 | \$11,765,700.00 | \$12,408,080.00 |
| County Auditor's balance at end of fiscal year | \$1,665,475.84 | \$2,401,254.88 | \$1,389,043.60 | \$922,509.35 |
| TOTAL (Must equal receipts) [Does not include transfer of Road Use Tax to FM Fund] | \$15,070,884.80 | \$13,223,274.90 | \$13,154,743.60 | \$13,330,589.35 |

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

Date: 04/05/2023 Weekly Agenda Date: 04/11/2023

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

WORDING FOR AGENDA ITEM:

Consider approval of FY 2024 Woodbury County Five Year Construction Program

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Annually the Board of Supervisors, in consultation with the county engineer, is required to file a five year construction program for the secondary road department.

BACKGROUND:

The county construction program lays out projects for fiscal years 2024 through 2028. The projects include federal aid, farm to market and locally funded road construction, paving, bridge and culvert projects.

FINANCIAL IMPACT:

This program reports to the Iowa DOT planned projects for the secondary road department.

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 approval of the FY 2024 Woodbury County Secondary Road Department Five Year Construction Program to be submitted to the Iowa DOT.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the FY 2024 Woodbury County Secondary Road Department Five Year Construction Program.

SECONDARY ROADS FIVE YEAR PROGRAM

Iowa Department of Transportation
SECONDARY ROADS FIVE YEAR PROGRAM

County: Woodbury County
Fiscal Year: 2024
Version: Original

COUNTY CERTIFICATION

The detailed construction program for the secondary road system was adopted by the Board of Supervisors on _____

Date

ATTESTED

County Auditor

Date

County Engineer

Date

Chairperson, Board of Supervisors

Date

IOWA DOT PROGRAM APPROVALS

Recommended Approval: _____

OLS Reviewer

Date

Approval: _____

Director of Local Systems

Date

Generated on 4/6/2023 3:04 PM

SECONDARY ROADS FIVE YEAR PROGRAM

| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | Accomp | Priority Years | | | | Total |
|--|--|------------------------------|--------------------------|---|---------|------------|----------------|------------|------------|------------|---------|
| | | | | | | Year | 1st | 2nd | 3rd | 4th | |
| | | | | | | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | |
| FM-C097(149)-55-97 D50 PCC Paving Project 12832 | On D 50, from Hwy 31 E 2.4 miles to approx. 1000' east of L27 intersection 15 / 87 / 43 | 24 2.460 miles 351631 | Previous | \$0 367 PCC Paving FM | Local | | | | | | \$1,975 |
| | | | | | FM | 1,600 | | | | | |
| | | | | | Special | 375 | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| BROS-C097(150)-8J-97 Bridge U138 29450 | On K 67, Over WOLF CREEK, from 280th Street S 0.7 miles in section 1 T86N R45W 1 / 86 / 45 | 50 0.000 miles 350910 | Previous | \$0 320 Bridges FA | Local | | | | | | \$1,200 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | 1,200 | | | | | |
| | | | | | SWAP | | | | | | |
| BRS-C097(D15)-60-97 Bridge D15 replacement 44999 | On County Route D12/110th St. over Muddy Creek, 0.8 miles east of Eastland Ave. in section 8 T89N R45W 8 / 89 / 45 | 490 0.150 miles 355116 | Previous | \$0 320 Bridges FA | Local | | | | | | \$1,000 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | 800 | | | | | |
| | | | | | SWAP | 200 | | | | | |
| BROS-6012(602)-5F-97 B249-1 Bridge Replacement 36173 | In the city of Pierson, On L25, Over STREAM, from 120th Street north approx. 0.5 Miles, on W LINE S7 T89N R42W Replace corporation line bridge co-owned by City of Pierson and Woodbury County. 7 / 89 / 42 | 270 0.000 miles 354551 | Previous | \$0 320 Bridges FA | Local | | | | | | \$1,000 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | 1,000 | | | | | |
| | | | | | SWAP | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | Accomp | Priority Years | | | | Total | |
|--|--|------------------------------|--------------------------|---|---------|------------|----------------|------------|------------|------------|---------|-------|
| | | | | | | Year | 1st | 2nd | 3rd | 4th | | |
| | | | | | | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | | |
| L-B(K19)-73-97 K19 Bridge Replacement 38730 | On MICHIGAN AVE, Over STREAM, from County Road D22 S 1.6 miles in Section 10 T88N R43W 10 / 88 / 43 | 26 0.000 miles 353170 | Previous | \$0 320 Bridges Local | Local | 300 | | | | | | \$300 |
| | | | | | FM | | | | | | | |
| | | | | | Special | | | | | | | |
| | | | | | FA | | | | | | | |
| | | | | | SWAP | | | | | | | |
| L-C(X116)-73-97 Culvert X116 replacement 35167 | On 335TH ST, Over Unnamed stream, from Osceola Ave E 0.5 miles in Section 31 T86N R42W 31 / 86 / 42 | 10 0.000 miles | Previous | \$0 332 Box Culverts Local | Local | 250 | | | | | | \$250 |
| | | | | | FM | | | | | | | |
| | | | | | Special | | | | | | | |
| | | | | | FA | | | | | | | |
| | | | | | SWAP | | | | | | | |
| L-B(J178)-73-97 Jewell Ave J178 21789 | On JEWELL AVE, Over WOLF CREEK, from 170th Street South 0.3 miles in S8 T88N R44W Estimated 100' x 30' CCS 8 / 88 / 44 | 20 0.000 miles 353490 | Previous | \$0 320 Bridges Local | Local | 500 | | | | | | \$500 |
| | | | | | FM | | | | | | | |
| | | | | | Special | | | | | | | |
| | | | | | FA | | | | | | | |
| | | | | | SWAP | | | | | | | |
| FM-C097(D38)-55-97 D38 HMA Resurfacing 32655 | On D38, from County Route K64 East 10.3 Miles to IA Hwy 31 HMA Resurfacing on D38 from Moville Blacktop to Hwy 31 1 / 87 / 45 | 410 10.317 miles | Previous | \$0 366 HMA Paving FM | Local | | | | | | \$2,000 | |
| | | | | | FM | | 2,000 | | | | | |
| | | | | | Special | | | | | | | |
| | | | | | FA | | | | | | | |
| | | | | | SWAP | | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | Accomp | Priority Years | | | | Total |
|--|--|---------------------------------|--------------------------|---|---------|------------|----------------|------------|------------|------------|-------|
| | | | | | | Year | 1st | 2nd | 3rd | 4th | |
| | | | | | | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | |
| BROS-C097(D42)-8J-97 120th St D42 Bridge Replacement 32653 | On 120TH ST, Over MUDDY CREEK, from Eastland Ave east 0.8 Miles on NLINE S17 T89 R45 Replace existing Bridge D42 17 / 89 / 45 | 60 0.000 miles 355137 | Previous | \$0 320 Bridges FA | Local | | | | | | \$750 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | 750 | | | | |
| | | | | | SWAP | | | | | | |
| L-B(K23)-73-97 Bridge K23 Replacement 18347 | On 180TH ST, Over ROCK CREEK, from Lucas Ave. E 1.6 miles in Section 8 T88N R43W 8 / 88 / 43 | 25 0.000 miles 353260 | Previous | \$0 320 Bridges Local | Local | | 550 | | | | \$550 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-B(U155)-73-97 U155 Bridge Replacement 38731 | On 325TH ST, Over STREAM, from County Route K67 E 0.1 miles in Section 25 T86N R45W Bridge replacement project - locally funded 25 / 86 / 45 | 47 0.000 miles 351030 | Previous | \$0 320 Bridges Local | Local | | 350 | | | | \$350 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-Ida B115-73-97 Woodbury Ida County Line Bridge - Battie 115 53296 | On WOODBURY AVE, Over CREEK, S19 T88 R41 19 / 88 / 41 | 35 0.000 miles 187211 | New | \$0 320 Bridges Local | Local | | 125 | | | | \$125 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | Accomp Year FY 2024 | Priority Years | | | | Total |
|--|---|------------------------------|--------------------------|---|---------|------------------------------|-------------------|-------------------|-------------------|-------------------|---------|
| | | | | | | | 1st FY 2025 | 2nd FY 2026 | 3rd FY 2027 | 4th FY 2028 | |
| L-C097(OLPR)-73-97 Old Lakeport Road Microsurfacing 44953 | Microsurfacing on Old Lakeport Road Dead End Planned micro surfacing of existing roadway with minor patching. 17 / 88 / 47 | 0.150 miles | Previous | \$0 364 Bituminous Seal Coat Local | Local | | 75 | | | | \$75 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-ROW-73-97 Southbridge Interchange ROW Acquisition 50982 | On I 29 N, Over I-29, from Port Neal Road E 1.25 miles to Old Hwy 75 8 / 87 / 47 | 38 1.270 miles | Previous | \$0 311 Right of way Local | Local | | | | | | \$2,000 |
| | | | | | FM | | | | | | |
| | | | | | Special | | 2,000 | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| FM-C097(K-14-10)-55-97 K-14-10 Bridge replacement 38732 | On D 22, Over ROCK CREEK, from Lucas Ave E 0.2 miles Section 35 T89 R43 35 / 89 / 43 | 240 0.000 miles 353155 | Previous | \$0 320 Bridges FM | Local | | | | | | \$350 |
| | | | | | FM | | 350 | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| FM-C097(D25)-55-97 Old Hwy 141 Resurfacing 35161 | On D25, from K67 Intersection Easterly 6.825 Miles to Hwy 141 intersection | 450 6.825 miles | Previous | \$0 366 HMA Paving FM | Local | | | | | | \$1,200 |
| | | | | | FM | | 1,200 | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| | | | | | | Accomp Year | Priority Years | | | | Total |
|--|---|------------------------------|--------------------------|---|---------|----------------|----------------|------------|------------|------------|---------|
| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | | FY 2024 | FY 2025 | FY 2026 | FY 2027 | |
| BRS-C097(P280)-60-97 Bridge P280 replacement 47210 | On K 64, Over WEST FORK LITTLE SIOUX, from D54 N approx. 0.8 miles to 230th Street S16 T87 R45 16 / 87 / 45 | 550 0.000 miles 352394 | Previous | \$0 320 Bridges FA | Local | | | | | | \$1,800 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | 1,440 | | | |
| | | | | | SWAP | | | 360 | | | |
| L-B(B110)-73-97 Bridge B110 replacement 35164 | On 150TH ST, Over STREAM, from Jewell Ave E 0.3 miles in section 31 T89N R43W 31 / 89 / 43 | 20 0.000 miles 354900 | Previous | \$0 320 Bridges Local | Local | | | 550 | | | \$550 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-B(N191)-73-97 Mason Avenue Bridge 37716 | On MASON AVE, Over MILLER CREEK, from 270th Street South 0.25 Miles on N LINE S34 T87 R43 Bridge Replacement of N-191 120' CCS estimated 34 / 87 / 43 | 15 0.000 miles 351840 | Previous | \$0 320 Bridges Local | Local | | | 500 | | | \$500 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-B(B213)-73-97 Bridge B213 Replacement 36086 | On LENOX AVE, Over STREAM, from 120th Street South 0.8 Miles, in SW S13 T89 R43 Replace bridge with RCB culvert 13 / 89 / 43 | 15 0.000 miles 354770 | Previous | \$0 332 Box Culverts Local | Local | | | 220 | | | \$220 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | Accomp | Priority Years | | | | Total |
|--|---|---------------------------------|--------------------------|---|---------|------------|----------------|------------|------------|------------|----------|
| | | | | | | Year | 1st | 2nd | 3rd | 4th | |
| | | | | | | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | |
| STP-S-C097(IMN-029-6(170)139)-5E-97 Southbridge/235th Street Interchange Project 53393 | On 235th Street, Over I-29, from K25 E 1.4 miles to K45 7 / 87 / 47 | 35 1.400 miles | New | \$0 2057 Bridge and Approaches-Other FA | Local | | | | | | \$28,030 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | 26,000 | | | |
| | | | | | FA | | | 2,030 | | | |
| | | | | | SWAP | | | | | | |
| FM-C097(D38)-55-97 D38 HMA resurfacing project 52212 | On 2200th Street, from East City limits of Anthon E 6 miles to Safford Avenue 32 / 88 / 42 | 5 6.000 miles | Previous | \$0 366 HMA Paving FM | Local | | | | | | \$1,500 |
| | | | | | FM | | | | 1,500 | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-B(A208)-73-97 Bridge A208 Replacement 52215 | On MICHIGAN AVE, Over STREAM, from 130th Street SE 1.9 miles S28 T89 R42 28 / 89 / 42 | 24 0.000 miles 354681 | Previous | \$0 320 Bridges Local | Local | | | | 500 | | \$500 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| L-C(M184)-73-97 Bridge M184 Replacement 52211 | On POCAHONTAS AVE, Over STREAM, from 220th Street S 0.1 miles S5 T87 R42 5 / 87 / 42 | 14 0.000 miles 351270 | Previous | \$0 320 Bridges Local | Local | | | | 500 | | \$500 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| Project Number Project Name Project ID | Location Description of Work Section / Township / Range | AADT Length Federal ID | Status FM Transfer | Day Labor Type of Work Project Type | Fund | Accomp | Priority Years | | | | Total |
|---|---|------------------------------|--------------------------|---|---------|------------|----------------|------------|------------|------------|---------|
| | | | | | | Year | 1st | 2nd | 3rd | 4th | |
| | | | | | | FY 2024 | FY 2025 | FY 2026 | FY 2027 | FY 2028 | |
| L-B(K20)-73-97 Bridge K20 Replacement 25004 | On 180TH ST, Over STREAM, from IA Hwy 31 0.1 miles in Section 11 T88N R43W 11 / 88 / 43 | 30 0.000 miles 353240 | Previous | \$0 320 Bridges Local | Local | | | | 480 | | \$480 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| FM-C097()-55-97 Dallas Avenue - K42 PCC Rehabilitation 45042 | On K 42, from K45 N 5 miles to east D53-K42 intersection 19 / 86 / 46 | 5 5.160 miles | Previous | \$0 367 PCC Paving FM | Local | | | | | | \$3,000 |
| | | | | | FM | | | | 3,000 | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |
| BROS-C097(P276)-5F-97 Bridge P276 Replacement 52209 | On D 54, Over WEST FORK LITTLE SIOUX, from Grundy Avenue E .2 miles to Menville Blacktop S16 T87 R45 16 / 87 / 45 | 409 0.000 miles 352396 | Previous | \$0 320 Bridges FA | Local | | | | | | \$1,800 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | 1,440 | | |
| | | | | | SWAP | | | | 360 | | |
| L-B(Q18)-73-97 Bridge Q18 Replacement 52210 | On 220TH ST, Over FARMERS DITCH, from Carroll Avenue E 1.4 miles to Dallas Avenue 6 / 87 / 46 | 29 0.000 miles 352520 | Previous | \$0 320 Bridges Local | Local | | | | | 800 | \$800 |
| | | | | | FM | | | | | | |
| | | | | | Special | | | | | | |
| | | | | | FA | | | | | | |
| | | | | | SWAP | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

| | | | | | | Accomp Year | Priority Years | | | | Total | |
|---|--|-----------------------------|----------|-----------------------------|---------|----------------|----------------|------|------|------|-------|-------|
| Project Number | Location | AADT | Status | Day Labor | | | FY | FY | FY | FY | | FY |
| Project Name | Description of Work | Length | FM | Type of Work | Fund | 2024 | 2025 | 2026 | 2027 | 2028 | | |
| Project ID | Section / Township / Range | Federal ID | Transfer | Project Type | | | | | | | | |
| L-C097(X237)-73-97 X-237 Bridge Replacement 45059 | Replace bridge X-237 on Taylor Avenue 0.7 miles north of 290th Street 2 / 86 / 42 | 25 0.100 miles 349960 | Previous | \$0 320 Bridges Local | Local | | | | | | 400 | \$400 |
| | | | | | FM | | | | | | | |
| | | | | | Special | | | | | | | |
| | | | | | FA | | | | | | | |
| | | | | | SWAP | | | | | | | |
| L-B(A225)-73-97 Mason Ave Bridge A225 35166 | On MASON AVE, Over STREAM, from 120th St N 0.4 miles in Section 8 T89N R42W 8 / 89 / 42 | 10 0.000 miles 354570 | Previous | \$0 320 Bridges Local | Local | | | | | | 550 | \$550 |
| | | | | | FM | | | | | | | |
| | | | | | Special | | | | | | | |
| | | | | | FA | | | | | | | |
| | | | | | SWAP | | | | | | | |

SECONDARY ROADS FIVE YEAR PROGRAM

Paving Point Computations

| Local or FM Route | Project Number | Location | Type of Work | Year | Road Type | AADT | Pavement Proximity | Trucks | Bonus | Total |
|-------------------|---|--|----------------|------|-----------|------|--------------------|--------|-------|-------|
| FM | FM-C097(149)-55-97 Public Hearing: 10/4/2018 | On D 50, from Hwy 31 E 2.4 miles to approx. 1000' east of L27 intersection | 367 PCC Paving | 2024 | 20 | 14 | 11 | 15 | 0 | 60 |

SECONDARY ROADS FIVE YEAR PROGRAM

| Fund | 2024 | 2025 | 2026 | 2027 | 2028 |
|---------|-------------|-------------|--------------|-------------|-------------|
| SWAP | \$200,000 | \$0 | \$360,000 | \$0 | \$360,000 |
| FM | \$1,600,000 | \$2,000,000 | \$1,550,000 | \$1,500,000 | \$3,000,000 |
| Local | \$1,050,000 | \$1,100,000 | \$1,270,000 | \$1,480,000 | \$1,750,000 |
| FA | \$3,000,000 | \$750,000 | \$3,470,000 | \$0 | \$1,440,000 |
| Special | \$375,000 | \$2,000,000 | \$26,000,000 | \$0 | \$0 |

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

Date: 04/05/2023 Weekly Agenda Date: 04/11/2023

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

WORDING FOR AGENDA ITEM:

Receive bids for project number L-B(E66)--73-97

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Plans have been completed for a bridge replacement project on 120th Street, between Dallas Ave. and Delaware Ave.. Bids are due at the Board meeting on 04/11/2023

BACKGROUND:

The project will replace a bridge with a 90' continuous concrete slab bridge. The bridge is currently closed due to failure of substructure piling.

FINANCIAL IMPACT:

The projects are paid for with Woodbury County secondary 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 receive the bids for project L-B(E66)--73-97 and return them to the county engineer for review.

ACTION REQUIRED / PROPOSED MOTION:

Motion to receive bids for project number L-B(E66)--73-97 and return them to the county engineer for review.

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

Date: 4/06/2023

Weekly Agenda Date: 4/11/0223

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Kenny Schmitz

WORDING FOR AGENDA ITEM:

28th Street Fiber Optic Infrastructure & Law Enforcement Center Fiber Services Agreement

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

An agreement providing differing services to include fiber locates, fiber optic cable, micro-duct, hand-hold repairs, and oversight of the County fiber-optic infrastructure on 28th street is necessary. The agreement would also provide communication service and the costs necessary to provide internet, telephone line, and fiber services for multiple parties use. FiberComm has been identified as the vendor which most closely meets all of the requirements.

BACKGROUND:

Communications & fiber-optic infrastructure service meetings were conducted with multiple vendors. Vendors were instructed to provide service agreements for 28th Street Infrastructure oversight to include fiber-optic cable repairs, fiber duct repairs, hand-hold repairs, relocates, and future area developments. This would also include Law Enforcement Center services options via County/City fiber connections for internet services and telephone services with costs associated for each option that their particular business could provide. Services would be utilized by Woodbury County, the State of Iowa Judicial Branch (ICN), Telespan (NCIC Video Visitation), and Summit Foodservice to name a few. Fact finding requirements for each of the parties involved meetings that have been on-going for approximately the past two years to determine a best solution.

FINANCIAL IMPACT:

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:

Motion to approve FiberComm Agreement

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve FiberComm Agreement

AGREEMENT

AGREEMENT (the "Agreement") made and entered into as of April _____, 2023 by and between the County of Woodbury, Iowa (the County) and FiberComm, L.C. ("FiberComm").

Background

A. The County has installed two (2) 16/13mm 4-Way HDPE Micro-Ducts (underground conduit) in the northern right of way along 28th street in Sioux City, IA from Lewis Blvd. to Outer Dr., approximately 6,550 feet. See Exhibit B.

B. FiberComm owns and operates a Fiber optic vault in the right of way located on the northwest corner the intersection of 28th & Lewis Blvd. FiberComm

C. The County owns and utilizes one twenty four (24) count Micro-Fiber cable from 28th & Lewis Blvd. vault to the entrance of the Woodbury County Law Enforcement Center at 3701 28th St., Sioux City, IA.

D. The parties have agreed that FiberComm will provide locating and repair services for the underground facilities along 28th St. between Lewis Blvd. and Outer Dr. See Exhibit B.

Terms

NOW, THEREFORE, the parties agree as follows:

1. Obligations of the County.

(a) The County will own the existing County Conduits described in Background Paragraph A. and Fiber Optic cable described in Background Paragraph C.

2. Grant of Rights to FiberComm. The County grants FiberComm the unconditional use, right, and license to operate and maintain four (4) micro fiber strands within the 24 count Micro-Fiber cable between 28th & Lewis Blvd. vault entrance of the Woodbury County Law Enforcement Center at 3701 28th St., Sioux City, IA.

3. Obligations of the County. The County grants FiberComm the right and license to operate and maintain up to four (4) Micro-Fiber strands within the 24 count Micro-Fiber cable between 28th & Lewis Blvd. vault entrance of the Woodbury County Law Enforcement Center at 3701 28th St., Sioux City, IA..

4. Obligations of FiberComm.

(a) FiberComm will provide Iowa One Call locating, maintenance of conduit, ten (10) vaults, and fiber along 28th St. between 28th & Lewis Blvd. vault and the 28th & Outer Dr. vault. See Exhibit B.

(b) FiberComm will provide County 24 x 7 On Call service and phone number for the exclusive purpose to notify FiberComm of maintenance and repair issues. FiberComm will respond to all such calls within two hours. In the event FiberComm's ability to respond is inhibited as a result of storms, flooding, fire, tornadoes, earthquakes, or similar phenomenon, FiberComm will make every reason effort to respond as soon as possible. Once FiberComm has responded, assessed the situation, and has determined that repairs are required, FiberComm will take the appropriate steps to initiate repairs by either contacting a qualified contractor or perform the necessary repairs itself. In addition, FiberComm will notify the County of the situation, its plan to repair, and estimated time to repair.

(c) Repair costs, unless damage caused by FiberComm, shall be charged to Woodbury County on a time and materials basis and must be approved by County prior to FiberComm performing the repairs. For all repairs, FiberComm will provide a detailed invoice with explanation of damages and repairs. If repair costs are due to the actions of a 3rd party, FiberComm will cooperate with County in County's collection of the repair costs from the 3rd party. The cooperation from FiberComm, shall include, upon request, reasonable assistance with County and its attorneys in the prosecution or defense of any investigation, litigation, arbitration or administrative proceeding, including participation in interviews with the County's staff and attorneys, appearing for depositions, testifying in administrative, judicial or arbitration proceedings, or any other reasonable participation necessary for the prosecution or defense of any such investigation, litigation, arbitration or administrative proceeding.

In the event the conduit must be relocated for a public improvement FiberComm will provide relocation design, provide estimate of costs, and oversee the relocation. Cost to relocate will be charged to the Woodbury County. FiberComm shall not perform work on a relocation without prior approval by County.

(d) FiberComm agrees to require all general contractors who may perform any work for FiberComm under the terms of this agreement to post a payment bond with a surety by a company licensed to do business in the State of Iowa guaranteeing payment of all subcontractors and suppliers of the general contractor. In the event that FiberComm does not comply with this paragraph, it shall become a personal guarantor of the general contractor's obligations. This requirement is specifically provided for the benefit of third parties.

(e) In no event shall FiberComm be liable to the County for any interruptions to service or interference with the operations of the County's services or business. In no event shall the County be liable to FiberComm for any interruptions to service or interference with the operations of FiberComm's services or business.

5. Term. This Agreement shall be for an initial term of 10 years. After the initial term, this Agreement shall automatically renew for additional five year periods unless one of the Parties shall, within the first half of the final year of the Agreement, give written

notice to the Party of the Agreement, which they wish to renegotiate certain terms of this Agreement or will no longer participate or be part of this Agreement.

6. Indemnification. To the extent permitted by law, the County shall defend at its own expense, indemnify and hold harmless FiberComm from all claims and liability due to activities of persons employed by or representing the County. FiberComm agrees that it shall defend at its own expense, in the name and on behalf of the County, and shall indemnify and save harmless the County from any and all claims, suits, losses, damages, costs or expenses, to the extent caused or contributed to by the negligence of FiberComm or its contractor(s), on account of injury or damage to any person or property, caused or occasioned or allegedly caused or occasioned, in whole or in part, by reason of or arising out of the construction, excavation, operation or maintenance of the ducts and fiber permitted by this agreement.

7. Miscellaneous.

(a) This Agreement, and any related written agreement that expressly references this Agreement, constitutes the entire agreement of the parties with respect to the conduits, ducts, fiber and services, and the parties' rights and obligations with respect thereto and supersedes and cancels all prior discussions, arrangements, or agreements, written and oral, with respect to those subjects.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

WOODBURY COUNTY, IOWA

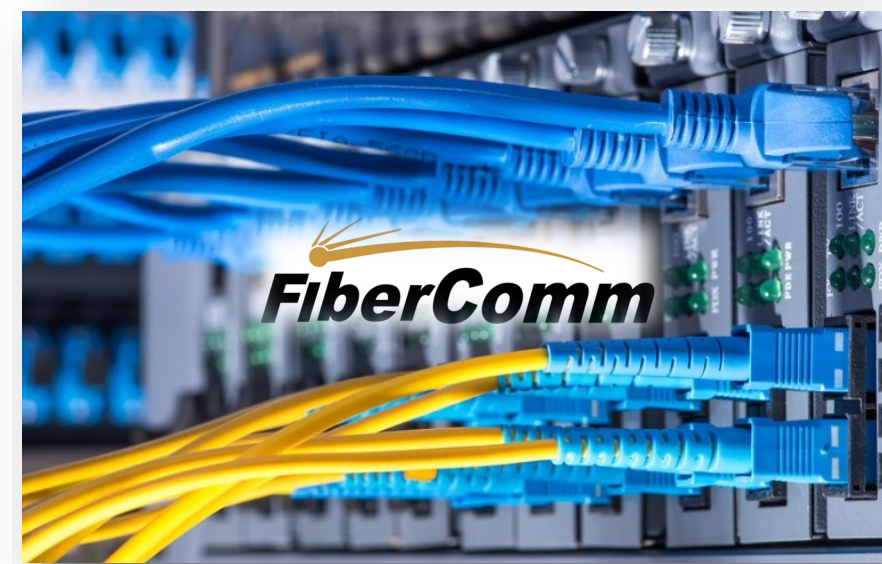
By _____
NAME
Chairman, Woodbury County Supervisors

FIBERCOMM, L.C.

By _____
Jeff Zyzda
Director of Operations & Engineering



WOODBURY COUNTY
28TH ST
FIBER OPTIC IMPROVEMENTS
WOODBURY COUNTY, IOWA



712-224-2020
1605 9th St.
Sioux City, IA

PROJECT: Woodbury County 28th St. - Exhibit B Locating Services Route

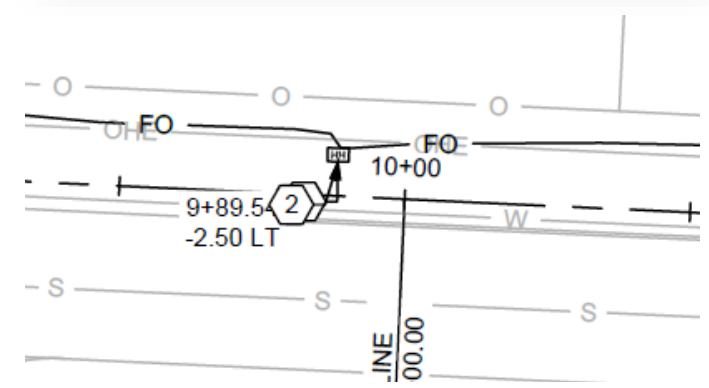
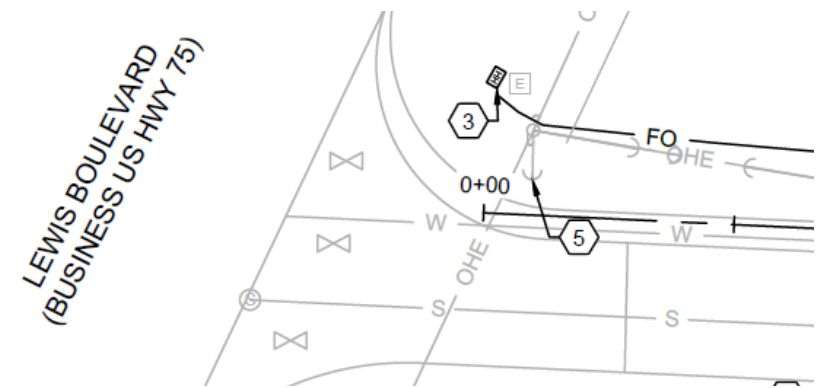
DATE: MAR 2023 CONTACT: Jeff Zyzda, jyzda@fibercomm.net SCALE: Not to Scale PAGE: 1 of 8



712-224-2020
 1605 9th St.
 Sioux City, IA

PROJECT: Woodbury County 28th St. - Exhibit B Locating Services Route

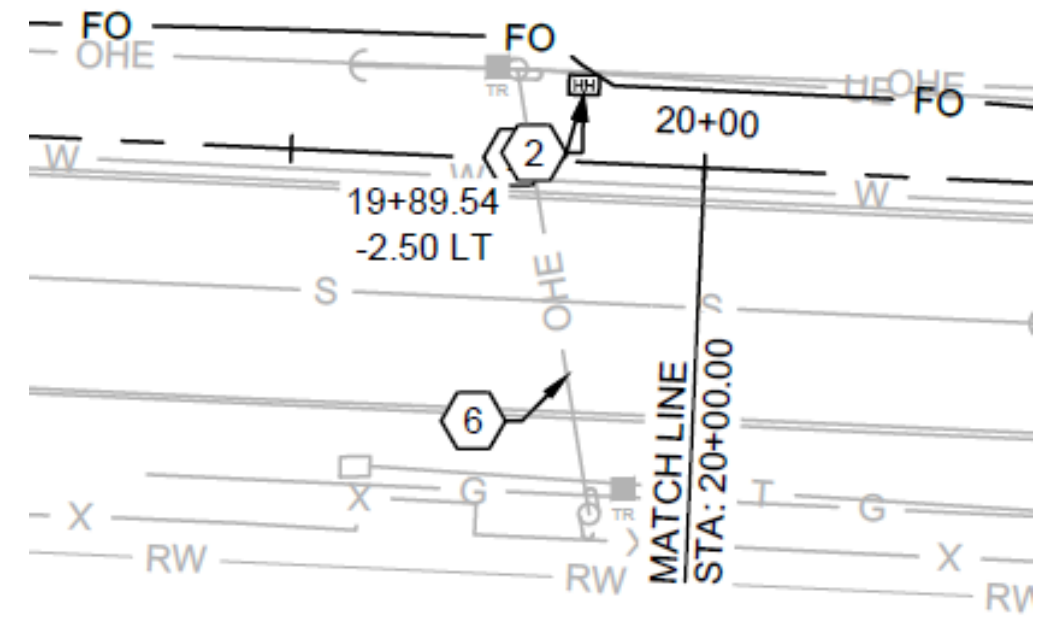
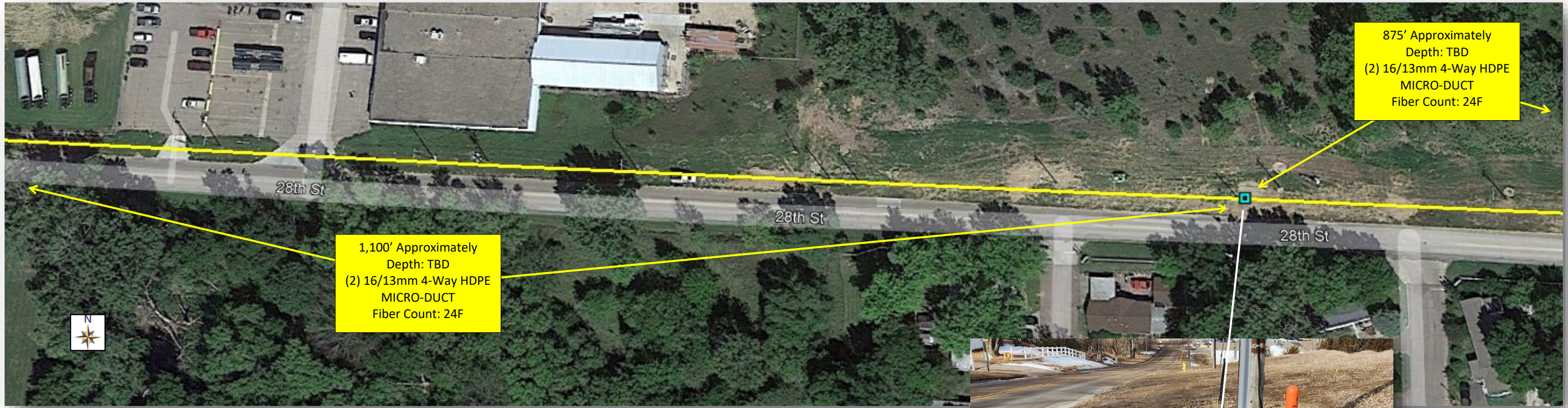
DATE: MAR 2023 **CONTACT:** Jeff Zyzda, jzyzda@fibercomm.net **SCALE:** Not to Scale **PAGE:** 2 of 8

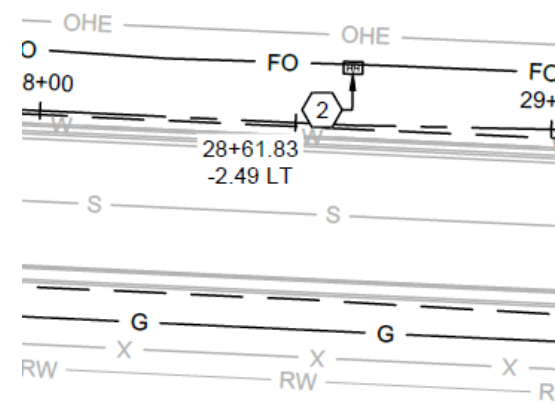
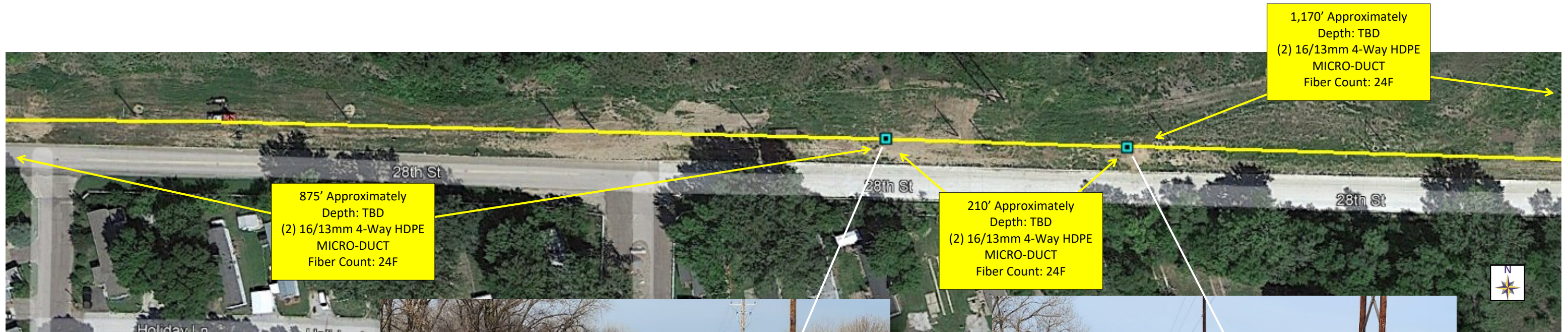


712-224-2020
1605 9th St.
Sioux City, IA

PROJECT: Woodbury County 28th St. - Exhibit B Locating Services Route

DATE: MAR 2023 CONTACT: Jeff Zyzda, jyzda@fibercomm.net SCALE: Not to Scale PAGE: 3 of 8





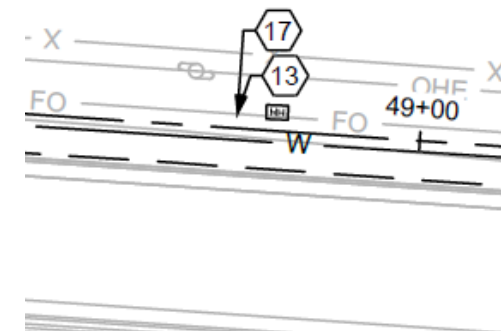
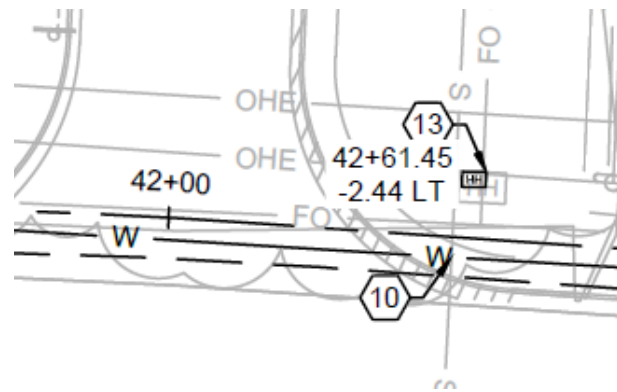
?

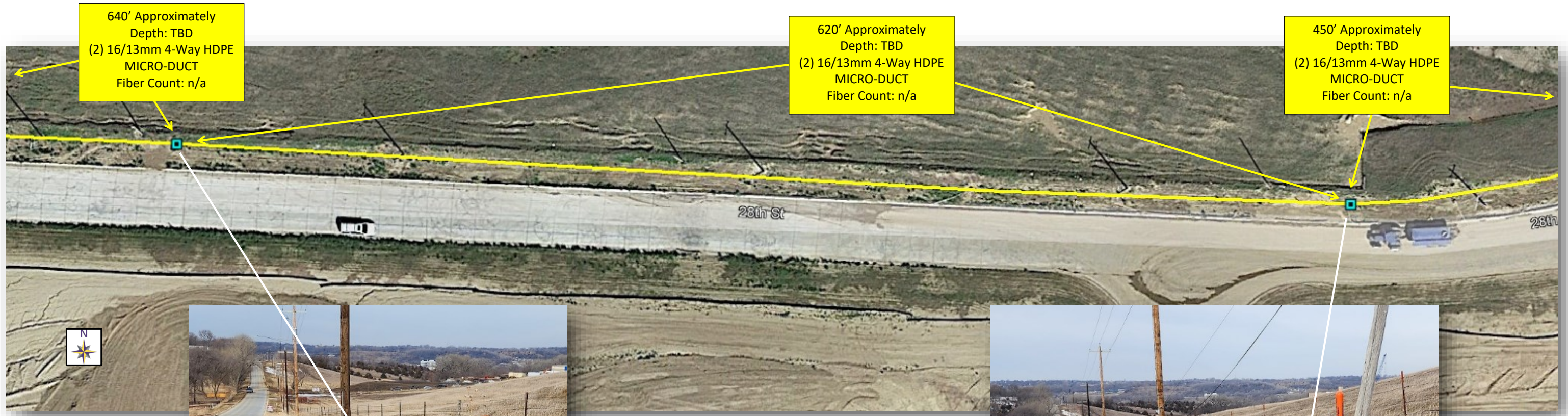


712-224-2020
1605 9th St.
Sioux City, IA

PROJECT: Woodbury County 28th St. - Exhibit B Locating Services Route

DATE: MAR 2023 CONTACT: Jeff Zyzda, jyzda@fibercomm.net SCALE: Not to Scale PAGE: 5 of 8

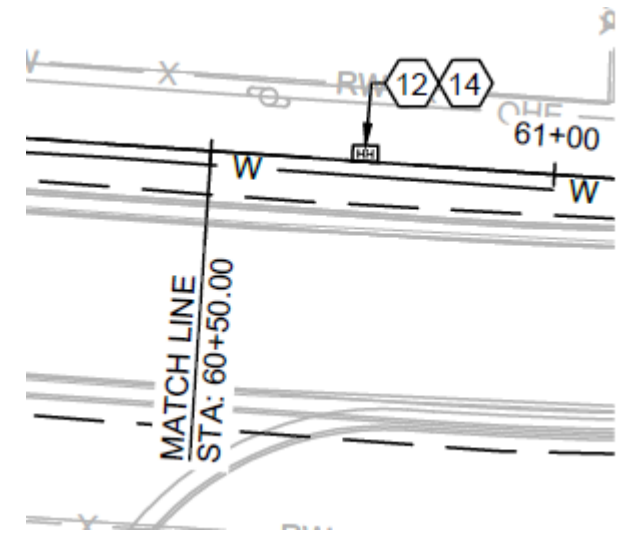




640' Approximately
Depth: TBD
(2) 16/13mm 4-Way HDPE
MICRO-DUCT
Fiber Count: n/a

620' Approximately
Depth: TBD
(2) 16/13mm 4-Way HDPE
MICRO-DUCT
Fiber Count: n/a

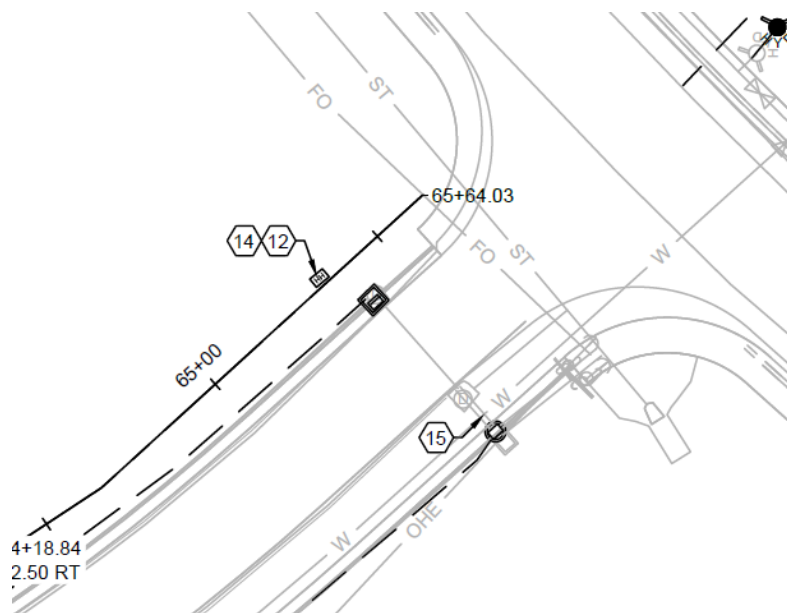
450' Approximately
Depth: TBD
(2) 16/13mm 4-Way HDPE
MICRO-DUCT
Fiber Count: n/a



712-224-2020
1605 9th St.
Sioux City, IA

PROJECT: Woodbury County 28th St. - Exhibit B Locating Services Route

DATE: MAR 2023 CONTACT: Jeff Zyzda, jzyzda@fibercomm.net SCALE: Not to Scale PAGE: 7 of 8



712-224-2020
1605 9th St.
Sioux City, IA

PROJECT: Woodbury County 28th St. - Exhibit B Locating Services Route

DATE: MAR 2023 CONTACT: Jeff Zyzda, jzyzda@fibercomm.net SCALE: Not to Scale PAGE: 8 of 8

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

Date: 04/06/2023 Weekly Agenda Date: 04/11/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Dan Bittinger

WORDING FOR AGENDA ITEM:

Woodbury County Partnership for SHIP Grant Application

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

SHIP is looking to apply for a grant through the state of Iowa regarding juvenile delinquency prevention but need a governmental agency to apply for them to be considered for the grant.

BACKGROUND:

SHIP has two program ideas they could facilitate if they receive the grant from the state of Iowa:

- 1) Diversion/education on vaping with Sky Ranch Behavioral Services and Sioux City Community School District.
2. To create greater system enhancement and engagement program opportunities to include mental health and/or substance use disorder treatment for justice system clients. (See Bryne-JAG Grant)

FINANCIAL IMPACT:

None

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

Yes No

RECOMMENDATION:

Woodbury County can be the governmental agency to apply for the grant through the state of Iowa. Supervisor Bittinger will work with Erin Binneboese, SHIP Program Director, to write and submit any necessary items for the grant.

ACTION REQUIRED / PROPOSED MOTION:

Approve Woodbury County to apply for the grant through the state of Iowa.

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

Date: 4/5/2023 Weekly Agenda Date: 4/11/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark Nelson & Dan Bittinger

WORDING FOR AGENDA ITEM:

Approval to direct Zoning to amend the language & setbacks in Ordinance #56 Sec 6.1(A) regarding City Limits & Public Conservation Areas

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 type="checkbox"/> |

EXECUTIVE SUMMARY:

Woodbuy County's rural communities must have growth encouraged well into the future. Citing Wind Energy Converters (WECs) too close to city limits will hamper potential growth.

BACKGROUND:

Ordinance #56 specifies that WECs can be constructed 600ft or 110% of tower height away from city limits and public conservation areas. Many city officials, residents, and planners have expressed concern that the 600ft setback will drastically hamper potential city growth. Current setbacks to our county's conservation areas pose to hamper wildlife and residents/visitors who frequent wildlife areas

FINANCIAL IMPACT:

n/a

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:

We ask zoning to come up with verbiage to change ordinance #56 Sec 6.1(A) to accommodate a 2-mile setback from city limits as requested by city leaders and allowed by the Code of Iowa 414.23 (extraterritorial review), and to change the verbiage for setbacks for public conservation areas to 2,640ft or 4.5x tower height as recommended by the county conservation board.

ACTION REQUIRED / PROPOSED MOTION:

Direct zoning to draft an amendment to Ordinance 56 which increases wind turbine setbacks from city limits and county conservation areas.

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

Date: 4/6/23 Weekly Agenda Date: 4/11/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Gayle Palmquist

WORDING FOR AGENDA ITEM:

Citizens Concerned About CO2 Pipelines

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

BACKGROUND:

Summit and navigator CO2 pipelines

FINANCIAL IMPACT:

none

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

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

recieve maps and docket information

Date 4/3/23 **Weekly Agenda Date** 4/11/23

Elected official/ Department Head/ Citizen Citizen Doyle Turner

Wording For Agenda Item

- A. Approve for staff or retain legal counsel to file a Petition to Intervene with the Iowa Utilities Board (IUB) to consider Woodbury County separately and individually in regards to Eminent Domain requests by all proposed CO2 pipelines.
- B. Approve for staff or retain legal counsel to file a Petition to Intervene with IUB to change the route of the proposed pipelines to go from the Missouri River to a point in the Port Neal Industrial Complex that is agreeable to all concerned parties and stop there.
- C. Consider the formation of a legal team and or committee to protect the unique and valuable rights of Woodbury County and its citizens pertaining to the use of Eminent Domain for CO2 pipelines within Woodbury County.
- D. Discuss attached Petition to Intervene or a subsequent petition drafted by legal counsel.

EXECUTIVE SUMMARY

Woodbury County is the only County in the state that will only handle imported CO2 from out of state ethanol plants through the proposed CO2 pipelines, thus making those pipelines a common carrier through Woodbury County. According to the decision in *Puntenney vs IUB*, Eminent Domain is viewed differently for common carrier pipelines. "The Iowa Supreme Court declared that the power of eminent domain can only be exercised for the following purposes: **1) public ownership, 2) private ownership—often of “common carriers”—that makes the property available for public use, or 3) private ownership that serves a public purpose, even if “destined for subsequent private use.”** The Iowa Court reiterated that the power of “[e]minent domain cannot be used to take property from one person purely in order to favor another person,” but it also limited those protections in order to encourage public interest projects." The pipelines as proposed for Woodbury County don't meet the standards of convenience and necessity, referred to in *Puntenney vs. IUB* and laid out in Iowa Code 479B.9, 6A.21 and 6A.22. The pipelines are not convenient, as proposed, the pipelines will cause a significant limitation to economic development for Woodbury County. There are companies interested in utilizing the CO2 in Woodbury County, which means that there is no need for the pipelines to exit Woodbury County.

Eminent Domain is being considered based on proposed economic development to meet the requirements set forth in *Kelo vs. New London*. In Woodbury County's case this doesn't meet the bar set by *Kelo vs New London* because greater economic development would be incurred by adding value to the CO2 within Woodbury County by means of producing Methanol and or other products and uses from the CO2.

Whereas the rights and opportunities of Woodbury County and its citizens are different than all other counties in the state, Woodbury County respectfully demands that the Iowa Utilities Board

consider Woodbury County separately and individually from all others, including but not limited to other: counties, municipalities, and citizens.

Background

The proposed pipelines as they are currently proposed will strangle Sioux City and Sergeant Bluff growth to the south and east, which due to the river (state boundary) to the west and the county line to the north are currently the only two directions they have left to grow. Burden of proof regarding necessity and convenience lies with the pipeline companies, in Woodbury County that Burden of proof is extremely substantial.

Financial Impact

As proposed, the pipelines are an economic disaster for Woodbury County. By encircling and stifling the growth of the two largest communities in our county, the pipelines have the potential to stagnate the entire county. If the pipelines are allowed to enter the county from Nebraska into the Port Neal Industrial Complex as proposed, and then stop there, this would give Woodbury County the opportunity for economic development without stifling future growth potential. This would create the opportunity for tens of billions of dollars to be invested in infrastructure, it would stimulate economic activity with current and future businesses in the industrial park, it will create many high paying jobs for both construction and ongoing production of Methanol and it would put Woodbury County in the middle of a burgeoning economic/ environmental/ energy revolution.

Contract No

RECOMMENDATION

Approve petition A

Approve petition B

Discuss and or Approve C

Discuss attached Petition to Intervene the IUB

ACTION REQUIRED / PROPOSED MOTION

A.

Approve for staff or retain legal counsel to file a Petition to Intervene with the Iowa Utilities Board (IUB) to consider Woodbury County separately and individually in regards to Eminent Domain requests by all proposed CO2 pipelines.

B.

Approve for staff or retain legal counsel to file a Petition to Intervene with IUB to change the route of the proposed pipelines to go from the Missouri River to a point in the Port Neal Industrial Complex that is agreeable to all concerned parties and stop there.

C.

Consider the formation of a legal team and or committee to protect the unique and valuable rights of Woodbury County and its citizens pertaining to the use of Eminent Domain for CO2 pipelines within Woodbury County.

D.

Discuss attached Petition to Intervene or a subsequent petition drafted by legal counsel.

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

| | |
|----------------------------|---|
| IN RE: (CASE TITLE) | DOCKET NO. PETITION TO INTERVENE |
|----------------------------|---|

COMES NOW Woodbury County (petitioner), by and through the undersigned attorney, if applicable, pursuant to 199 Iowa Administrative Code 7.13, and for this Petition to Intervene, states:

1. Woodbury County is the only County in the state that will only handle imported CO2 from out of state ethanol plants through the proposed CO2 pipelines, thus making those pipelines a common carrier of imported CO2 through Woodbury County. Woodbury County respectfully petitions Iowa Utilities Board (IUB) to consider Woodbury County separating and individually from all others, including but not limited to other: counties, municipalities, and citizens.

2. Woodbury County is requesting to change the route of the proposed pipelines to go from the Missouri River to a point in the Port Neal Industrial Complex in Woodbury County that is agreeable to all concerned parties and stop there.

3. In the decision of Punttenney vs IUB, "Ultimately, the IUB found that the pipeline would promote the public convenience and necessity. It did so primarily for two reasons: First, the proposed pipeline represents a significantly safer way to move crude oil from the field to the refinery when compared to the primary alternative, rail transport. The most credible evidence in this record, based on data from the U.S. Department of Transportation, shows that the spill incident rate for transport of crude oil by rail transport is three to four times higher than the incident rate for pipeline transport on a ton-mile basis. The oil is going to be

produced and shipped as long as the market demands it; given that reality, shipping by the safest available method makes sense. Second, in the IUB's view, there would be considerable economic benefits "associated with the construction, operation, and maintenance of the proposed pipeline."

4. The proposed CO₂ pipelines would provide neither convenience or necessity. First, 98% pure CO₂ is much more dangerous to transport than methanol, regardless of what form of transportation is used because all across the state of Iowa, first responders are trained and equipped to mitigate and extinguish flammable liquids. Very few if any are trained and equipped to mitigate and dispel a plume of suffocating gas. Second, there will be far less economic benefit from sequestration in a far away state rather than processing the CO₂ into Methanol or any other various commodities. Both sequestration and alternative use (such as Methanol production) receive subsidies under 45Q and 45Z of the Inflation Reduction Act.

5. The vast majority of our first responder units are volunteers who are already ill-equipped to respond to Wind Turbine emergencies, let alone a plume of suffocating gas under 1000s of pounds of pressure per square inch. Maintaining numbers in these volunteer ranks is already a major problem across our state and Woodbury County is no exception. How much more are we going to demand from these already too generous volunteers?

6. Section 479B.9 states, The board may grant a permit in whole or in part upon terms, conditions, and restrictions as to location and route as it determines to be just and proper. A permit shall not be granted to a pipeline company unless the board determines that the proposed services will promote the public convenience and necessity. Changing the route of the proposed CO₂ pipelines in Woodbury County will promote the public convenience and necessity under Section 479B.9.

7. The proposed pipelines as they are currently proposed will strangle Sioux City and Sergeant Bluff growth to the south and east, which due to the river (state boundary) to the west and the county line to the north are currently the only two directions they have left to grow. As

proposed, the pipelines are an economic disaster for Woodbury County. By encircling and stifling the growth of the two largest communities in Woodbury County, the pipelines have the potential to stagnate the entire county. If the pipelines are allowed to enter the county from Nebraska into the Port Neal Industrial Complex as proposed, and stop there, this would give Woodbury County the opportunity for economic development without stifling future growth potential. This would create the opportunity for tens of billions of dollars to be invested in infrastructure, it would stimulate economic activity with current and future businesses in the industrial park, it will create many high paying jobs for both construction and ongoing production of Methanol and it would put Woodbury County in the middle of a burgeoning economic/ environmental/ energy revolution.

8. Due to Woodbury County's unique position, to our knowledge no one else is representing our position, and no one else has Woodbury County's unique situation to make the claim that Woodbury County is making.

9. Woodbury County will be represented by Legal Counsel and intends to make a fervent petition with witnesses and experts.

WHEREFORE, Woodbury County prays for leave to intervene and be treated as a party to the proceeding and that the route be changed to end at the Port Neal Industrial Complex.

Respectfully submitted,

(Signature of petitioner)
(Name)
(Address)
(City, State, Zip Code)