



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS  
(MAY 2) (WEEK 18 OF 2023)**

Live streaming at:

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

Agenda and Minutes available at:

[www.woodburycountyiowa.gov](http://www.woodburycountyiowa.gov)

Daniel A. Bittinger II  
389-4405

[dbittinger@woodburycountyiowa.gov](mailto:dbittinger@woodburycountyiowa.gov)

Mark Nelson  
540-1259

[mnelson@woodburycountyiowa.gov](mailto:mnelson@woodburycountyiowa.gov)

Keith W. Radig  
560-6542

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Jeremy Taylor  
259-7910

[jtaylor@woodburycountyiowa.gov](mailto:jtaylor@woodburycountyiowa.gov)

Matthew A. Ung  
490-7852

[matthewung@woodburycountyiowa.gov](mailto:matthewung@woodburycountyiowa.gov)

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held May 2, 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.

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**AGENDA**

**4:00 p.m.** Closed Session {Iowa Code Section 21.5(1)(c.)}  
**First Floor Boardroom**

**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 25, 2023, meeting
3. Approval of claims
4. Approval of 28E Agreement between Woodbury County, Iowa and the Woodbury Soil and Water Conservation District for funding and management of a Watershed Inspection and Maintenance Program in Woodbury County, Iowa

5. Board Administration – Dennis Butler  
Set the public hearing for the FY 23 Budget Amendment #1 for May 30, 2023, at 4:45 p.m.
6. Human Resources – Melissa Thomas
  - a. Approval of Memorandum of Personnel Transactions
  - b. Authorization to Initiate Hiring Process
7. Secondary Roads – Mark Nahra  
Approve the underground utility permit for North West REC and to direct the chair to sign the permits
8. Siouxland Mental Health  
Approval of proclamation for Mental Health Month 2023

### **End Consent Agenda**

- |   |                                      |
|---|--------------------------------------|
| 9. WCICC – John Malloy<br>Approval of purchase for the 3CX phone system   | Action                               |
| 10. Secondary Roads – Mark Nahra <ol style="list-style-type: none"> <li>a. Approval of permit to work in the right of way for Brenton Feuchtenberger and to direct the chair to sign the permit</li> <li>b. Award the quotes for two new motor graders to Murphy Tractor</li> <li>c. Award the quotes for two single axle dump trucks to Boyer Truck of Sioux Falls and IState of Sioux City</li> <li>d. Approval of a detour agreement with Iowa DOT for use of county roads during the Salix Interchange Project</li> </ol> | Action<br>Action<br>Action<br>Action |
| 11. Planning/Zoning – Daniel Priestley <ol style="list-style-type: none"> <li>a. Receive the final staff report and the Zoning Commission’s recommendation from their 4/24/23 meeting to approve the final plat of Niemeyer Addition, a minor subdivision to Woodbury County, Iowa</li> <li>b. Accept and approve the Niemeyer Addition, a minor subdivision to Woodbury County, Iowa</li> </ol>  | Action<br>Action                     |
| 12. Reports on Committee Meetings   | Information                          |
| 13. Citizen Concerns  | Information                          |
| 14. Board Concerns  | Information                          |

## **ADJOURNMENT**

*Subject to Additions/Deletions*

## CALENDAR OF EVENTS

<b>MON., MAY 1</b>	<b>6:00 p.m.</b>	Board of Adjustment meeting, First Floor Boardroom
<b>WED., MAY 3</b>	<b>11:00 a.m.</b>	Loess Hills Alliance Stewardship & Protection Joint Meeting, Pisgah, Iowa
	<b>4:45 p.m.</b>	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
<b>THU., MAY 4</b>	<b>12:00 p.m.</b>	Regional Policy and Legislative Affairs Committee - Hybrid
<b>WED., MAY 10</b>	<b>7:30 a.m.</b>	SIMPCO Executive-Finance Committee - Hybrid
	<b>8:05 a.m.</b>	Woodbury County Information Communication Commission, First Floor Boardroom
	<b>12:00 p.m.</b>	District Board of Health Meeting, 1014 Nebraska St.
	<b>6:30 p.m.</b>	911 Service Board Meeting, Public Safety Center, Climbing Hill
<b>THU., MAY 11</b>	<b>12:00 p.m.</b>	SIMPCO Board of Directors, 1122 Pierce St.
	<b>4:00 p.m.</b>	Conservation Board Meeting, Brown's Lake/Bigelow Park
<b>WED., MAY 17</b>	<b>12:00 p.m.</b>	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
<b>THU., MAY 18</b>	<b>4:30 p.m.</b>	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
<b>FRI., MAY 19</b>	<b>12:00 p.m.</b>	Siouxland Human Investment Partnership Board Meeting, 2540 Glenn Ave.
<b>MON., MAY 22</b>	<b>6:00 p.m.</b>	Zoning Commission Meeting, First Floor Boardroom
<b>WED., MAY 24</b>	<b>2:30 p.m.</b>	Rolling Hills Community Services Region Governance Board Meeting
<b>THU, MAY 25</b>	<b>11:00 a.m.</b>	Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce St.
	<b>11:15 a.m.</b>	Western Iowa Community Improvement Regional Housing Trust Fund - Hybrid
<b>MON., JUNE 5</b>	<b>6:00 p.m.</b>	Board of Adjustment meeting, First Floor Boardroom
<b>WED., JUNE 7</b>	<b>10:00 a.m.</b>	Loess Hills Alliance Stewardship Meeting, Pisgah, Iowa
	<b>11:00 a.m.</b>	Loess Hills Alliance Executive Meeting
	<b>1:00 p.m.</b>	Loess Hills Alliance Full Board Meeting
	<b>4:45 p.m.</b>	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.

**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 25, 2023, SEVENTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS**

The Board of Supervisors met on Tuesday, April 25, 2023, at 4:30 p.m. Board members present were Bittinger II, Nelson, Taylor, Radig, and Ung by phone. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, Loan Hensley, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

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

1. Motion by Radig second by Bittinger to approve the agenda for April 25, 2023. Carried 5-0. Copy filed.

Motion by Radig second by Nelson to approve the following items by consent:

2. To approve minutes of the April 18, 2023 meeting. Copy filed.
3. To approve the claims totaling \$737,493.59. Copy filed.
- 4a. To approve the appointment of Maria Francisco Pablo, Civilian Jailer, County Sheriff Dept., effective 05-15-23, \$23.33/hour. Job Vacancy Posted 2-6-23. Entry Level Salary: \$23.33/hour.; the appointment of Madison Hattermann, Civilian Jailer, County Sheriff Dept., effective 05-15-23, \$23.33/hour. Job Vacancy Posted 2-6-23. Entry Level Salary: \$23.33/hour.; the appointment of Taryn Lokhorst, Civilian Jailer, County Sheriff Dept., effective 05-15-23, \$23.33/hour. Job Vacancy Posted 2-6-23. Entry Level Salary: \$23.33/hour.; the appointment of Marvin Ruiz, Civilian Jailer, County Sheriff Dept., effective 05-15-23, \$24.28/hour. Job Vacancy Posted 2-6-23. Entry Level Salary: \$23.33/hour.; and the separation of Diana Christensen, % Deputy, County Treasurer Dept., effective 06-23-23. Retirement. Copy filed.
- 4b. To approve the request of Diana Christensen to remain on the county health and dental insurances. Copy filed.
5. To receive for signatures a Resolution Thanking and Commending Diana Christensen for her years of service with Woodbury County.

**WOODBURY COUNTY, IOWA  
RESOLUTION #13,585  
A RESOLUTION THANKING AND COMMENDING  
DIANA CHRISTENSEN  
FOR HER SERVICE TO WOODBURY COUNTY**

**WHEREAS**, Diana Christensen has capably served Woodbury County as an employee of the County Treasurer's Office for 30 years from October 18, 1993 to June 23, 2023

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

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

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

**BE IT SO RESOLVED** this 25th day of April 2023.  
WOODBURY COUNTY BOARD OF SUPERVISORS  
Copy filed.

6. To set date and times for 3 public hearings for the consideration of proposed revisions to Woodbury County Ordinance #56; Amendments to modify Section 6.1.A: Wind Turbines Set Back Requirements to increase certain setback requirements to the Ordinance regulating Commercial Wind Energy Conversion Systems in

Unincorporated Woodbury County, for 5/9/23 at 4:45 p.m., 5/16/23 at 4:45 p.m., and 5/23/23 at 4:45 p.m. Copy filed.

Carried 5-0.

- 7. A public hearing was held at 4:35 p.m. for the sale of parcel #894723362005, 1440 Glendale Blvd. The Chairperson called on anyone wishing to be heard.

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

Motion by Taylor second by Radig to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894723362005, 1440 Glendale Blvd., to Dennis & Donna Gigaroa, 1442 Glendale Blvd., Sioux City, for \$50.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD  
OF SUPERVISORS OF WOODBURY COUNTY, IOWA  
RESOLUTION #13,586**

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

**By Dennis and Donna Gigaroa** in the sum of **Fifty Dollars and 00/100 (\$50.00)** dollars.

For the following described real estate, To Wit:

**Parcel #894723362005**  
**Lot 9 Block 13 Kelly Park Addition, City of Sioux City, Woodbury County, Iowa**  
**(1440 Glendale Blvd.)**

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

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

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

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

**SO DATED** this 25<sup>th</sup> Day of April, 2023.  
WOODBURY COUNTY BOARD OF SUPERVISORS  
Copy filed.

- 10. Reports on committee meetings were heard.
- 9. Information was presented related to public records request relating to subcontractors on Justice Center Project and access under Law Enforcement Center Authority. Copy filed.

8. There was no action taken to approve the Human Resource Director to prepare a memorandum of understanding for the \$2,000.00 bonus payments to the administrative staff totaling \$16,000 to come out of the Fines Collections from the County Attorney's Office. Copy filed.
11. Deb Main, 1026 Charles Ave. Sioux City, updated the Board on proceedings in regard to a proposed pipeline project.
12. Board concerns were heard.

The Board adjourned the regular meeting until May 2, 2023.

Meeting sign in sheet. Copy filed.



**Woodbury**  
*Soil and Water Conservation District*

204 1<sup>st</sup> St Ste 225  
Sergeant Bluff, IA 51054

Phone (712) 943-6727 ex3

April 14, 2023

Karen James, Administrative Coordinator  
Woodbury County Board of Supervisors  
Woodbury County Courthouse  
620 Douglas St Room 104  
Sioux City, IA 51101

Re: 28E Agreement

Dear Ms. James:

We would appreciate it if you would have Matthew Ung sign the enclosed 28E Agreements at the next Board of Supervisors meeting and then return one back to us.

If you have any questions or concerns please contact us.

Sincerely,

Kristi Kranz  
Secretary

An Equal Opportunity Provider & Employer

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*Lane Tabke*

*Kelly Ingenthron*

COMMISSIONERS:

*Gary Walters*

*Jason Yockey*

*Ted Bromander*

Preparer: Eric M Dirth, Assistant Attorney General, Phone: 515-281-8153  
IOWA DEPARTMENT of JUSTICE, State Capital Complex, Des Moines, IA 50319  
Return to: Woodbury County SWCD, Pioneer Mall Professional Center, 204 First St., Ste 225, Sergeant  
Bluff, IA 51054

**28E AGREEMENT**  
**BETWEEN WOODBURY COUNTY, IOWA, and the WOODBURY SOIL AND**  
**WATER CONSERVATION DISTRICT for FUNDING AND MANAGEMENT of a**  
**WATERSHED INSPECTION and MAINTENANCE PROGRAM in WOODBURY**  
**COUNTY, STATE OF IOWA**

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between: Woodbury County, Iowa (hereinafter “County”), located at 620 Douglas Street, Rm. 104, Sioux City, Iowa 51101 and the Woodbury Soil and Water Conservation District (hereinafter “SWCD”), located at 204 First Street, Ste C1, Sergeant Bluff, Iowa 51054. This Agreement is entered into pursuant to Chapter 28E of the Code of Iowa.

**1) PURPOSE**

This Agreement is entered into between the County and the SWCD for the purpose of providing the terms under which the Parties agree to fund and manage a watershed inspection and maintenance program in Woodbury County as sponsors of the Little Sioux River Flood Protection Project. This project involves approximately 460 grade stabilization control structures which have been constructed with federal funds and local contributions since 1949. The Parties do not intend to create a separate legal entity under this Agreement.

**2) TERM**

This Agreement shall begin on July 1, 2023, and terminate on June 30, 2024. The Agreement may be extended by the written agreement of all parties on terms stated therein.



3) **ADMINISTRATION**

This Agreement shall be administered by the SWCD. All administrative decisions concerning this Agreement shall be undertaken pursuant to the terms outlined below.

4) **HOLDING OF PROPERTY UNDER THIS AGREEMENT**

All real and personal property used or acquired under the terms of this Agreement shall be held in the name of the SWCD.

5) **COUNTY RESPONSIBILITIES**

The County shall provide the SWCD with funds in the amount of Thirty-nine Thousand Dollars (\$39,000.00), payable in installments of Thirteen Thousand Dollars (\$13,000.00), due July 1, 2023; Thirteen Thousand Dollars (\$13,000.00), due January 1, 2024, and Thirteen Thousand Dollars (\$13,000.00) due June 1, 2024. Payments shall be sent to the SWCD office at 204 First Street, Ste 225, Sergeant Bluff, IA 51054. The funds provided to the SWCD by the County shall be used by the SWCD to employ individuals to inspect and maintain the watershed structures described in paragraph 1 of this Agreement. The individuals employed by the SWCD will record the condition of, and maintenance work performed on, each structure. Other related duties will be performed by the individuals employed by the SWCD, as outlined in a position description prepared for the position by the SWCD.

6) **SWCD RESPONSIBILITIES**

The SWCD shall employ individuals to inspect and maintain the watershed structures described in paragraph 1 of this Agreement to the extent that funding is available. The individuals employed by the SWCD will record the condition of, and maintenance work performed on, each structure. The SWCD shall supervise the individuals employed as employees of the SWCD and shall indemnify and hold harmless the County for any negligence on the part of the individuals employed by the SWCD to the extent allowable by Code Chapter 669. The individuals employed by the SWCD may represent the SWCD in performing all types of watershed work.

7) **FINANCING**

The SWCD shall pay all costs associated with the administration of this Agreement, except as provided in paragraph 5 of this Agreement.

8) **AMENDMENT**

This Agreement may be amended from time to time by written agreement of the

Parties. All amendments shall be in writing, signed by both Parties, and electronically filed with the Secretary of State as required by Iowa Code section 28E.8 (2018).

9) **TERMINATION**

Either party may terminate this Agreement at any time with 120 days written notice to the other party. Upon termination of this Agreement, the Parties agree to use their best efforts to wrap up all operations undertaken pursuant to this Agreement. In the event of a conflict as to the distribution of any real or personal property, such conflict shall be resolved between the parties by arbitration paid for equally between the disputing parties.

10) **NOTICES**

Whenever notices and correspondence are to be given under this Agreement, the notices shall be given by personal delivery to the other party, or sent by mail, postage prepaid, to the other party as follows:

To the County

Woodbury County  
Board of Supervisors  
620 Douglas St Rm 104  
Sioux City, IA 51101

To the SWCD

Woodbury SWCD  
204 First Street, Ste 225  
Sergeant Bluff, IA 51054

11) **APPLICABLE LAW**

This Agreement is to be governed by the laws of the State of Iowa.

12) **FILING**

It is agreed that the County will electronically file this Agreement with the Secretary of State as required by Iowa Code section 28E.8 (2021).

**IN WITNESS WHEREOF**, and in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt, adequacy, and legal sufficiency of which are hereby acknowledged, the parties have entered into this 28E Agreement and have caused their duly authorized representatives to execute this 28E Agreement.

**WOODBURY COUNTY**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Matthew Ung, Chairperson  
Woodbury County Board of Supervisors

STATE OF IOWA, WOODBURY COUNTY: This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023, by Matthew Ung, as Chairperson of the Woodbury County Board of Supervisors.

\_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF IOWA

**WOODBURY SOIL AND WATER CONSERVATION DISTRICT**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Lane Tabke, Chairperson  
Woodbury Soil and Water Conservation District

STATE OF IOWA, WOODBURY COUNTY: This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023, by Lane Tabke, as Chairperson of the Woodbury Soil and Water Conservation District.

\_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF IOWA

# HUMAN RESOURCES DEPARTMENT

## MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: May 2, 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
Reyes Ramirez, Alma	County Attorney	5-05-23	Asst. County Attorney			S	Resignation.
Johnson, Zachary	County Sheriff	5-14-23	Sheriff Deputy			S	Resignation.
Nelson, Katie	County Sheriff	5-15-23	Custodian	\$18.05/hour	5%=\$.87/hour	R	Per AFSCME Courthouse Contract agreement, from Grade 1/Step 2 to Grade 1/Step 3.

APPROVED BY BOARD DATE: \_\_\_\_\_

MELISSA THOMAS, HR DIRECTOR: Melissa Thomas HR Director

**HUMAN RESOURCES DEPARTMENT**

**WOODBURY COUNTY, IOWA**

**DATE: May 2, 2023**

**AUTHORIZATION TO INITIATE HIRING PROCESS**

<b>DEPARTMENT</b>	<b>POSITION</b>	<b>ENTRY LEVEL</b>	<b>APPROVED</b>	<b>DISAPPROVED</b>
County Sheriff	Deputy Sheriff	CWA: \$26.55/hour		
Emergency Services	(2) P/T Operations Officers-Paramedics	Wage Plan: \$25.00/hour		

\_\_\_\_\_  
Chairman, Board of Supervisors



## Woodbury County Sheriff's Office

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

Chad Sheehan, SHERIFF

PHONE: 712.279.6010  
E-MAIL: [csheehan@woodburycountyiowa.gov](mailto:csheehan@woodburycountyiowa.gov)  
FAX: 712.279.6522

April 21, 2023

To the Woodbury County Board of Supervisors and Human Resources Department.

The Woodbury County Sheriff's Office respectfully requests discussion and action to hire for the position of Deputy Sheriff, which will be vacated by Deputy Zach Johnson's resignation. We request that this be placed on the agenda scheduled for Tuesday, May 2, 2023, Woodbury County Board of Supervisor's meeting.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Peterson", is written over the word "Sincerely,".

Todd Peterson, Captain

## Melissa Thomas

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**From:** Scott Mitchell  
**Sent:** Monday, April 24, 2023 9:22 AM  
**To:** Melissa Thomas  
**Subject:** RE: part time paramedic

At this time I would say yes.

**From:** Melissa Thomas <[melissathomas@woodburycountyiowa.gov](mailto:melissathomas@woodburycountyiowa.gov)>  
**Sent:** Monday, April 24, 2023 9:19 AM  
**To:** Scott Mitchell <[smitchell@woodburycountyiowa.gov](mailto:smitchell@woodburycountyiowa.gov)>  
**Subject:** RE: part time paramedic

Ok, do you want to post for 2 positions?

**From:** Scott Mitchell <[smitchell@woodburycountyiowa.gov](mailto:smitchell@woodburycountyiowa.gov)>  
**Sent:** Monday, April 24, 2023 9:10 AM  
**To:** Melissa Thomas <[melissathomas@woodburycountyiowa.gov](mailto:melissathomas@woodburycountyiowa.gov)>  
**Subject:** part time paramedic

Can you please put on the board agenda for part time paramedic positions. I am thinking one or two. Because we have had the full time position open since like September or November of last year with no appt still at this time and with summer coming on there will be people taking time off. So with that maybe we can get one or two more part time paramedics to help cover the shifts that we don't have people to cover. Thank you!

Scott Mitchell  
Emergency Service Director of Woodbury County Iowa  
Email [smitchell@woodburycountyiowa.gov](mailto:smitchell@woodburycountyiowa.gov)  
Office number 1(712)876-2212  
Cell Number 1(712)454-9182

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

Date: 04/27/2023 Weekly Agenda Date: 05/02/2023

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

**WORDING FOR AGENDA ITEM:**

Consideration of a utility permit for installation of new buried electric line in county right of way

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

North West REC has applied for a permit to allow the installation of buried electric line in county right of way on Story Avenue to provide service to a new house.

**BACKGROUND:**

Work in county ROW requires a permit approved by the Board of Supervisors per section 318.8 of the Code of Iowa. The county engineer has reviewed the locations and recommends that the work be allowed.

**FINANCIAL IMPACT:**

No financial impact to the county.

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

Yes  No

**RECOMMENDATION:**

Recommend approval of the permit for North West REC.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the underground utility permit for North West REC and to direct the chair to sign the permit.



PERMIT FOR USE OF COUNTY ROAD/HIGHWAY RIGHT-OF-WAY FOR OVERHEAD AND/OR BURIED UTILITIES ACCOMMODATION

REQUEST BY APPLICANT:

Name North West REC

Highway Story Ave

Address 1505 Albany Place SE

Township Rock

City of \_\_\_\_\_

Office Phone \_\_\_\_\_ Local Phone \_\_\_\_\_

Section:  $\frac{1}{4}$  of  $\frac{1}{4}$  Sec

Type of Utility Installation Underground

T N, R  W

Plans Prepared By Derrick Haak

Copy Enclosed  Yes  No

Map Showing Location Enclosed  Yes  No

Utility Location is  cross right-of-way overhead

parallel to right-of-way underground

Proposed Method of Installation

tunnel  
 jack & bore  
 open cut

suspend on poles  
 suspend on towers  
 plow

cased trench

Estimated Starting Date 4/27/23

Estimated Restoration Date \_\_\_\_\_

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions listed on the reverse side hereof, and special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof. Applicant is to complete in triplicate and send all copies including plans and maps to Woodbury County Engineer, 759 E. Frontage Road, Merville, IA 51039. One executed copy will be returned to the Applicant.

By *Derrick Haak*  
(Signature of Authorized Utility Representative)

Title Assistant Operations Director

Date 4/19/2023

PERMIT APPROVAL BY PERMITTING AUTHORITY

The forgoing application is hereby approved and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions stated herein and on the reverse side hereof and all attachments hereto.

By \_\_\_\_\_  
(Signature of Woodbury County Board Chairman)

Title \_\_\_\_\_

Date 4/19/2023

By \_\_\_\_\_  
(Signature of Woodbury County Engineer)

Title \_\_\_\_\_

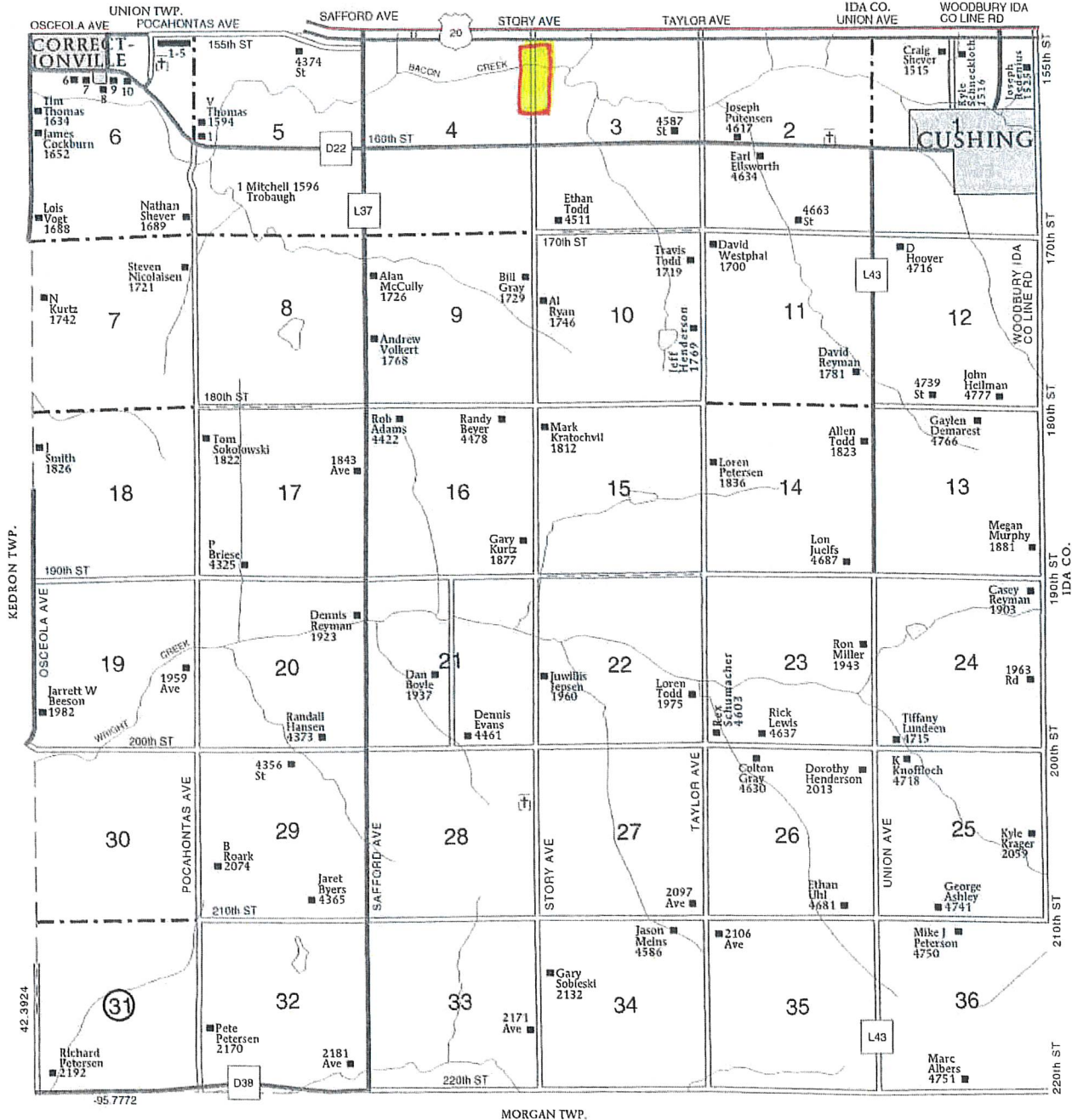
Date \_\_\_\_\_

Other Special Provisions:

Permit Provisions and Conditions of Issuance

- 1. The County and/or the County Board of Supervisors will not be charged with any responsibility for damages to the Applicant's property occasioned by any construction or maintenance operations on said county roads, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the Applicant's facilities. The Board will endeavor to give the Applicant sufficient notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any facilities belonging to the Applicant, in order that the Applicant may arrange to protect the facilities. The Board will inform contractors, and others working on the job of the location of the facilities so that reasonable care may be taken to avoid damaging the facilities, however the County and the Board of Supervisors will assume no responsibility for failure to give such notice.

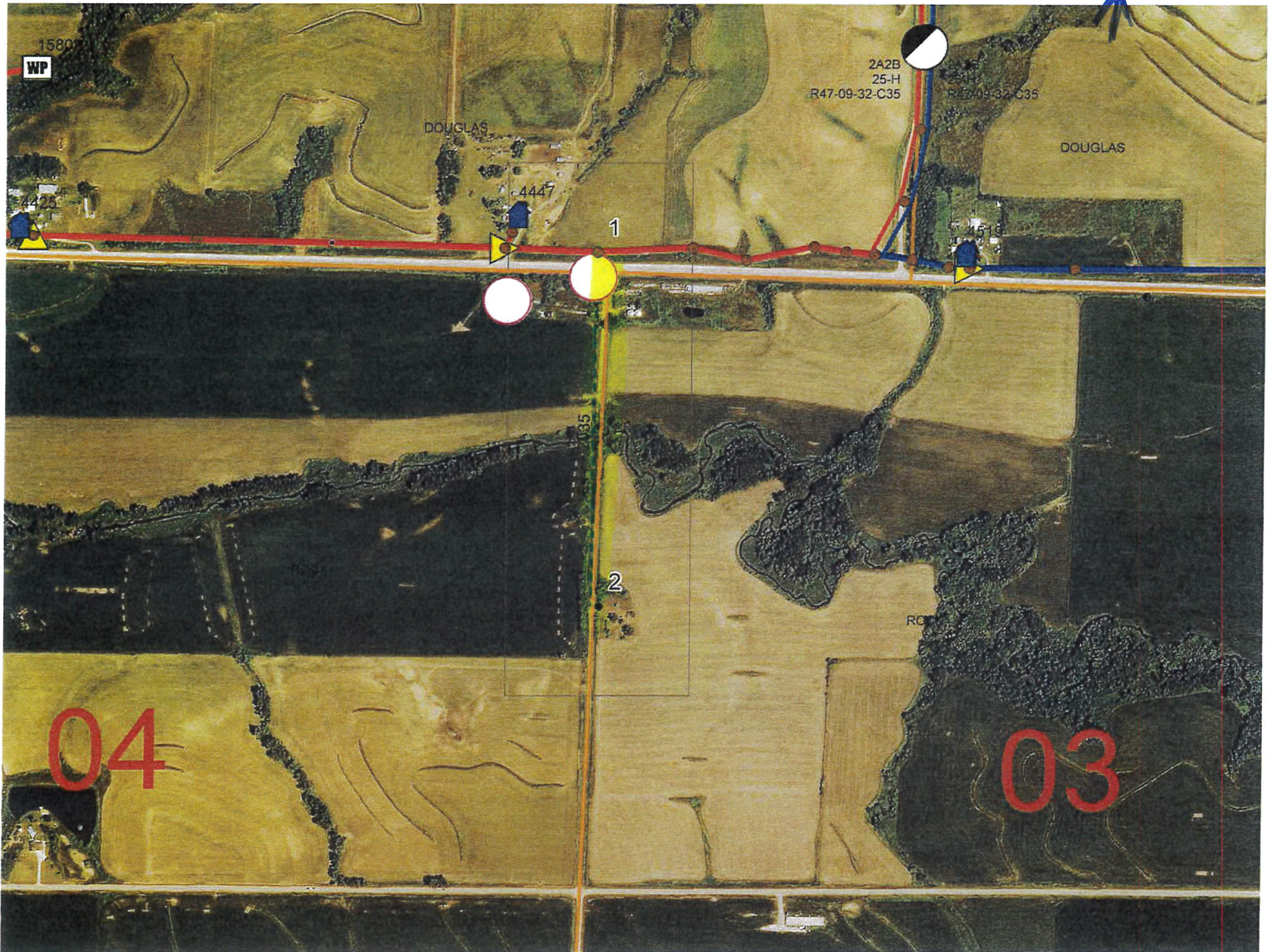
2. The Applicant shall take all reasonable precaution during the construction of said facilities to protect and safeguard the lives and property of the adjacent property owners and the traveling public and shall save the County and the Board of Supervisors harmless of any damages or losses that may be sustained by adjacent property owners and the traveling public on account of such construction operations.
3. Operations in the construction and maintenance of said facilities shall be carried on in such a way as to not interfere with, or interrupt traffic on said roads. However, should the performance of work called for in this permit in any way interfere with or obstruct traffic on said roads, the Applicant shall provide the necessary flagmen as required by the Statutes when one-way traffic is involved and/or otherwise mark said work so as to protect the traveling public.
4. The Applicant shall hold the County and the Board of Supervisors harmless from any damages that may result to said highway because of the construction or maintenance of said facilities and shall reimburse the County or the Board of Supervisors for any expenditures that the County or the Board of Supervisors may have to make on said roads on account of replacement of surfacing gravel and bridge and culvert repairs.
5. Applicant shall lay, construct, operate and maintain said facilities so as not to interfere with natural drainage of the road and so as not to interfere with the construction or maintenance of said roads. When buried cable or wire lines are to be placed lengthwise with the roadway, they shall be placed in the County road shoulder or ditch near the toe of the fore-slope and parallel to centerline of roadbed at a depth of three (3) to four (4) feet by using specially designed plows or by trenching, whichever is appropriate. Plow slots and trenches shall be repacked as necessary to restore the disturbed area to its original condition. For buried line crossings of roadways not paved, an open trench may be dug and the lines placed therein, and the trench back-filled over the lines. Buried line crossings on paved roadways, lines may be placed through the sub-grade by jacking, or by boring a hole just large enough to take the lines; or if the County Engineer approves, a tunnel may be dug through and the cable or wire lines placed therein. All backfill of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Back-filling of trenches within the right-of-way by not under the traveled roadway shall be tamped sufficiently to avoid settlement. When crossing an existing roadway, all buried facilities shall be placed a minimum of three (3) to four (4) below the bottom of the existing adjacent ditches. Overhead lines, where practical, shall be placed adjacent to and with two (2) feet of the Road/Highway Right-of-Way Line.
6. The Applicant will at any time subsequent to placing the facilities, and at the Applicant's expense, relay, replace, alter, change, reconstruct, or relocate its overhead and/or buried facilities and appurtenances thereto as may become necessary to conform to new grades, alignment, or widening right-of-way, resulting from maintenance or construction operations by the County Board of Supervisors irrespective of whether or not additional right-of-way is acquired in connection with such road improvements. The Applicant agrees to do this within ninety (90) days written notice from the Board of Supervisors, and without cost to the County. If the Applicant is unable to comply within said ninety (90) days, the Board of Supervisors may cause the work to be done and the Applicant will pay the cost thereof upon receipt of statement.
7. All work shall be done in a workmanlike manner; the surrounding ground, slopes, and ditch bottoms shall be reshaped to conform to the area and left in a neat condition satisfactory to the County Engineer. All areas where sod has been damaged or destroyed shall be re-seeded.
8. The Applicant shall notify the County Board of Supervisors at least forty-eight (48) hours in advance of the Applicant's intention of starting work covered by this permit on the road right-of-way. Said notice shall be in writing to the County Engineer.
9. Applicant, its' successors, grantees and assigns shall and hereby agrees to assume all responsibility, risks and liabilities for all accidents and damages that may occur to persons and/or property on account of the work done under this permit, and to this end, indemnify and hold the County and all authorized representatives thereof harmless from any and all claims, damages, losses, and expense including Judgements, costs and including attorney's fees, for personal injuries (including death) or property damage arising or resulting from the activities of the Applicant in connection herewith, now and at all times in the future.
10. It is understood that this permit is issued only insofar as Woodbury County has jurisdiction and does not presume to release the Applicant from fulfilling any existing statutes relating to the installation, construction and operation of said facilities.
11. It is further understood that the facilities covered by this permit shall be constructed or installed within one (1) year after the date of approval of this permit, unless otherwise extended in writing by Woodbury County.
12. Engagement in the operations as herein applied for by the Applicant shall be considered and constitute an acceptance of all the terms and conditions herein set forth.



ROCK TOWNSHIP

SECTION 6

1	PETERS, THOMAS	4250
2	HUNWARDSSEN, SCOTT	4252
3	JEPSEN, JOHN	4258
4	KELLY, ADAM	4262
5	STEFFENS, V	4238
6	MATHERS, PATSY	4246
7		490
8	CASKEY, M	4248
9	WING, KODY	4250



1580  
WP

2A2B  
25-H  
R47-09-32-C35

R47-09-32-C35

DOUGLAS

DOUGLAS

4447

1

4518

R47-09-32-C35

2

ROAD

04

03

# WOODBURY COUNTY BOARD OF SUPERVISORS PROCLAMATION

*May is National Mental Health Month*

**WHEREAS**, mental health is essential to everyone's overall physical health and emotional well-being and

**WHEREAS**, surroundings can impact if, how, and when a person's needs are met, which in turn affects mental health; and

**WHEREAS**, there is a need to recognize that mental illness affects the lives of many of our citizens and residents of all ages and sectors; and

**WHEREAS**, mental illness will strike one of four adults; and about two in ten children live with a serious mental or emotional disorder regardless of race, ethnicity, religion or economic status; and

**WHEREAS**, people who have mental illnesses can recover and lead full productive lives and with the help of Siouxland Mental Health Center, designated as the community mental health center in Woodbury County; and

**WHEREAS**, an estimated two-thirds of adults and one half of children with diagnosable mental health disorders are not receiving the help they need; and

**WHEREAS**, stigma continues to be the single most significant barrier to people getting the help they need; and

**WHEREAS**, mental health awareness helps individuals avoid the significant consequences of untreated anxiety, depression and stress; and

**WHEREAS**, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governments and families continues to grow; and

**WHEREAS**, disparities in mental health can be reduced by improving community outreach and engagement which ensure competent care for diverse communities; and

**WHEREAS**, positive mental health fosters self-esteem, and promotes personal happiness and effectiveness; and

**WHEREAS**, good mental health helps prevent community violence, abuse and family instability; and;

**WHEREAS**, the Woodbury County Supervisors observes Mental Health month every May to raise awareness and understanding of mental health and illness.

**THEREFORE**, I Matthew Ung, do hereby proclaim May 2023 as Mental Health Month in Woodbury County, Iowa. As Chairman, I also call upon the citizens, government agencies, public and private institutions, businesses, and schools of Woodbury County, Iowa to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

**DATED:** this 2<sup>nd</sup> day of May 2023.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

---

Patrick F. Gill  
Woodbury County Auditor  
And Recorder

---

Matthew A. Ung, Chairman

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

Date: 04/26/2023 Weekly Agenda Date: 05/02/2023

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** John Malloy, WCICC-IT CIO

**WORDING FOR AGENDA ITEM:**

Motion to Approve to Purchase New County Phone System, 3CX.

**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:**

WCICC-IT requests BOS approval to purchase a 3CX phone system to replace the current solution.

**BACKGROUND:**

The existing County VoIP phone system, ShoreTel, was installed in the Fall of 2013. In September of 2017 ShoreTel was purchased by Mitel. After the Mitel purchase, product enhancements to the ShoreTel product-line slowed noticeably and an eventual Mitel integration into the product-line hampered system reliability beginning in and around 2020. In the Spring of 2022 Mitel announced it would phase-out the ShoreTel product line with system support and replacement-parts availability ending in 2025. In the latter-half of 2022 IT facilitated a successful proof-of-concept implementation of an alternative VoIP system - 3CX, at SDHD. A local technology firm, NetSys+, won a competitive-bid process for the SDHD project and therefore provided pricing for this project. NetSys+ would again assist with system installation and is also providing go-forward Level 2 support. Besides increased functionality and lower-than-average startup costs we anticipate ongoing annual maintenance costs to be lower with the new solution.

**FINANCIAL IMPACT:**

The total estimated financial impact for the new phone system is \$34,966.00. This is a budgeted project.

**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:**

Approval to purchase a 3CX phone system to replace the current solution.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the purchase of 3CX phone system for the County.

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

Date: 4/27/2023 Weekly Agenda Date: 5/2/2023

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

**WORDING FOR AGENDA ITEM:**

Consideration of permit to work in the county right of way for Brenton Feuchtenberger

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

Brenton Feuchtenberger has requested a permit to work in the right of way to aggregate surfacing on 130th Street within the Level C section of the road.

**BACKGROUND:**

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa. Brenton is building a new home on property adjacent to the road. To allow access to the worksite, his contractor has applied some aggregate to the roadway without a permit. They have requested a permit in case they need to do further work.

**FINANCIAL IMPACT:**

No 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:**

Recommend approval of the permit for Brenton Feuchtenberger.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the permit to work in the right of way for Brenton Feuchtenberger and to direct the chair to sign the permit.



# Woodbury County Secondary Roads Department

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

COUNTY ENGINEER  
Mark J. Nahra, P.E.  
mnahra@woodburycountylowa.gov

ASSISTANT TO THE COUNTY ENGINEER  
Benjamin T. Kusler, E.I.T.  
bkusler@woodburycountylowa.gov

SECRETARY  
Tish Brice  
tbrice@woodburycountylowa.gov

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

Name of Permittee: Brenton Feuchtenberger Phone No.: 605-212-5539

Mailing Address: 1548 130th St Stone City IA 51108

Township: Concord Section: 18

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

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

to add Rock to the Road to allow construction access to new home construction site. This work affects the Level C portion of 130th Street.

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

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

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

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

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

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



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

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

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the 31st day of December, 2023.

Entered into this 2nd day of May, 2023.

\_\_\_\_\_  
Signature of Property Owner or Authorized Representative

Mark J. Nelson  
Woodbury County Engineer

\_\_\_\_\_  
Chair, Woodbury County Board of Supervisors

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

Date: 04/27/2023 Weekly Agenda Date: 05/02/2023

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

**WORDING FOR AGENDA ITEM:**

Award quotes for two new motor graders for the secondary road department

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The county annually takes bids for new equipment to maintain its fleet of road maintenance vehicles. The county received quotes for one new all wheel drive and one standard drive motor grader.

**BACKGROUND:**

The county owns 21 motor graders. Twenty have territory assignments and one serves as a spare motor grader. Typically we update two motor graders per year. This year the motor graders replace aging machines in the Merville and Hornick districts.

**FINANCIAL IMPACT:**

The purchases are paid for with Woodbury County local 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 award of the quote for the motor graders to Murphy Tractor.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion that the board accept the county engineer's recommendation for the purchase of two motor graders and award the quotes to Murphy Tractor.

**FY 2024 ARTICULATED AWD MOTORGRADER BID TABULATIONS**

April 18, 2023

	Murphy Tractor 4900 Harbor Drive Sioux City, IA 51102	Murphy Tractor 4900 Harbor Drive Sioux City, IA 51102	Ziegler Equipment 5300 Harbor Drive Sioux City, IA 51111	Ziegler Equipment 5300 Harbor Drive Sioux City, IA 51111
	#414	#512	#414	#512
Trade In Machine	John Deere 770GP	John Deere 770G	John Deere 770GP	John Deere 770G
Brand Name & Model	John Deere 772G	John Deere 772G	Cat 150AWD	Cat 150AWD
Purchase Price of Machine	\$ 436,044.00	\$ 436,044.00	\$ 443,092.95	\$ 443,092.95
Less Trade	\$ 55,000.00	\$ 55,000.00	\$ 46,700.00	\$ 48,200.00
Net Price of Machine	\$ 381,044.00	\$ 381,044.00	\$ 396,392.95	\$ 394,892.95

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

Date: 4/27/2023 Weekly Agenda Date: 5/2/2023

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

**WORDING FOR AGENDA ITEM:**

Award quotes for two single axle dump trucks for the secondary road department

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The county annually takes bids for new equipment to maintain its fleet of road maintenance vehicles. The county received quotations for two new single axle dump trucks on April 18 for purchase.

**BACKGROUND:**

This year the bids replace two aging, single axle trucks in the Merville and Correctionville districts with new single axle trucks.

**FINANCIAL IMPACT:**

The project is paid for with Woodbury County local 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:**

Recommend that the board award the quote for #202 trade from Boyer Truck of Sioux Falls, SD for \$192,540 and the quote from IState of Sioux City, IA for #35 for \$190,805.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion that the board award the quote for #202 trade from Boyer Truck of Sioux Falls, SD for \$192,540 and the quote from IState of Sioux City, IA for #35 for \$190,805.

FY 2024 Single Axle Truck Chassis with Dump Body and Snow Equipment

April 18, 2023

	Sioux City Truck & Trailer	Sioux City Truck & Trailer	Istate Truck Center	Istate Truck Center	Istate Truck Center	Istate Truck Center
	3900 Harbor Drive	3900 Harbor Drive	4801 Harbor Drive	4801 Harbor Drive	4801 Harbor Drive	4801 Harbor Drive
	Sioux City, IA 51111	Sioux City, IA 51111	Sioux City, IA 51102	Sioux City, IA 51102	Sioux City, IA 51102	Sioux City, IA 51102
	#35	#202	#35	#202	#35	#202
Trade In	2009 Freightliner Single Axle Dump Truck	2007Sterling Single Axle Dump Truck	2009 Freightliner Single Axle Dump Truck	2007Sterling Single Axle Dump Truck	2009 Freightliner Single Axle Dump Truck	2007Sterling Single Axle Dump Truck
Brand Name & Model	Kenworth T480	Kenworth T480	Western Star 47X	Western Star 47X	Freightliner 108SD	Freightliner 108SD
Purchase Price	\$ 210,689.00	\$ 210,689.00	\$ 210,213.00	\$ 210,213.00	\$ 198,305.00	\$ 198,305.00
Less Trade	Bid trade 60 days prior to New Truck Delivery	Bid trade 60 days prior to New Truck Delivery	\$ 7,500.00	\$ 5,000.00	\$ 7,500.00	\$ 5,000.00
Net Price	\$ 210,689.00	\$ 210,689.00	\$ 202,713.00	\$ 205,213.00	\$ 190,805.00	\$ 193,305.00
	Cornhusker International	Cornhusker International	Boyer Truck	Boyer Truck		
	2601 Bridgeport	2601 Bridgeport	2101 E. Benson Rd.	2101 E. Benson Rd.		
	Sioux City, IA 51102	Sioux City, IA 51102	Sioux Falls, SD 57104	Sioux Falls, SD 57104		
	#35	#202	#35	#202		
Trade In	2009 Freightliner Single Axle Dump Truck	2007Sterling Single Axle Dump Truck	2009 Freightliner Single Axle Dump Truck	2007Sterling Single Axle Dump Truck		
Brand Name & Model	International HV607 SBA	International HV607 SBA	Western Star 47X	Western Star 47X		
Purchase Price	\$ 201,820.00	\$ 201,820.00	\$ 200,540.00	\$ 200,540.00		
Less Trade	\$ 7,000.00	\$ 4,000.00	\$ 7,000.00	\$ 8,000.00		
Net Price	\$ 194,820.00	\$ 197,820.00	\$ 193,540.00	\$ 192,540.00		

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

Date: 4/27/2023 Weekly Agenda Date: 5/2/2023

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

**WORDING FOR AGENDA ITEM:**

Consider approval of a detour agreement with Iowa DOT for use of county roads during the Salix Interchange project

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

Iowa DOT is planning ramp work at the Salix interchange in 2024. Detours will be required during construction. A detour agreement is presented for approval.

**BACKGROUND:**

The Iowa DOT will be doing ramp work at the Salix interchange resulting in an estimated 60 day closure. The DOT is requesting the use of county roads as detour routes during construction. The DOT compensates the county for use of county roads according to a formula transferring RUTF receipts to the county paid by the detouring traffic.

**FINANCIAL IMPACT:**

The county road fund will receive compensation for the use of county routes during construction. The amount is calculated after the project is completed. The DOT also provides new signage and pavement markings on the detour routes.

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

Yes  No

**RECOMMENDATION:**

Recommend that the board approve the detour agreement with the Iowa DOT and direct the chair to sign the agreement.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the detour agreement and direct the chair to sign said agreement.



**AGREEMENT FOR DOT-INITIATED DETOUR OF PRIMARY HIGHWAYS ONTO LOCAL ROADS**

This Agreement is entered into by and between the Iowa Department of Transportation, hereinafter known as the Department; and the

Woodbury County \_\_\_\_\_, hereinafter known as the Local Public Agency (LPA).

WHEREAS, the Department has determined the necessity to temporarily close primary highway IA 141  
from I-29 Sloan Exit Ramps to I-29 Sloan Exit Ramps  
for the purpose of construction, reconstruction, maintenance, natural disasters, or other emergencies; and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the LPA agrees to permit the use of its roads as a detour, more particularly described as follows:

Beginning at the I-29 interchange with K42/E24; thence west 2.35 miles on K42; thence north 6.95 miles to the intersection of K35; thence east .7.0  
miles to return to IA 141E ; beginning at the I-29 interchange with K25/275th Street; thence east 1.0 miles on 275th to the intersection of K45/Old

Hwy 75; thence south 6.29 miles on K45/Old Hwy 75 to return to IA 141 E/W Project #IMX-029-6(294)127--02-97 ; and

WHEREAS, Authorized representatives of both the Department and the LPA shall jointly execute and sign a written report concerning the condition of the proposed detour, after jointly inspecting said road, the subject of the proposed detour; said report to be in sufficient detail as to reasonably reflect the condition of the roadway base, surface, shoulders and bridges; and

WHEREAS, the Department will review, and inspect when necessary, the bridges on the detour route and determine the maximum vehicle weight (up to 156,000 pounds) that can be safely carried on these bridges and submit this information to the LPA for its review. The LPA may choose to restrict detour traffic to only vehicles of legal weight or size. If the LPA allows oversize or overweight loads, it shall notify the Department in writing. The Department shall approve the routing of overweight vehicles on the detour route, up to the limits specified by the LPA; and

WHEREAS, the Department agrees to perform the following pre-detour maintenance, if any: Detour Signing and Paint Markings, per MUTCD ; and

WHEREAS, the Department agrees to maintain the detour and provide all traffic control devices required by the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the Department pursuant to 761 IAC 130, including the marking of no-passing zones during the period the local agency road(s) and structure(s) are being utilized as a primary road detour; and

WHEREAS, Prior to revocation of the detour, the Department shall restore the local agency road to as nearly as possible as good condition as it was prior to its designation as a temporary primary road, or adequately compensate the local agency for excessive traffic upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05; and

WHEREAS, The detour period is estimated to begin 60 days for each detour and end 2024 - 2 detours total ; and  
(date) (date)

WHEREAS, the parties agree to the following additional provisions, if any: \_\_\_\_\_

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

\_\_\_\_\_  
District Engineer (or designee) Date  
Iowa Department of Transportation

\_\_\_\_\_  
City representative Date

\_\_\_\_\_  
Printed name and title of city representative

\_\_\_\_\_  
County representative Date

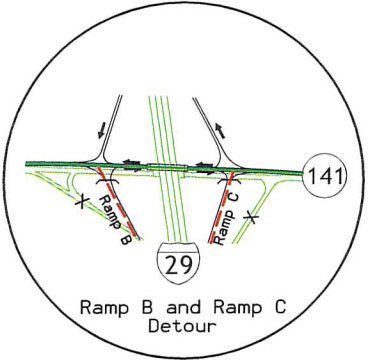
\_\_\_\_\_  
Printed name and title of county representative

### PLAN VIEW COLOR LEGEND

SHADING	Design Color No.	
Red	(3)	Closed Road
Green	(2)	Ramp B and Ramp C Detour
		Traffic Sign
		Road Closure

Refer to Staging Notes for additional information.  
 Refer to Standard Road Plan TC-917 for Traffic Control Configuration.  
 Closure is for Stage 4 construction.



Stage 4  
Ramp B and Ramp C  
Detour

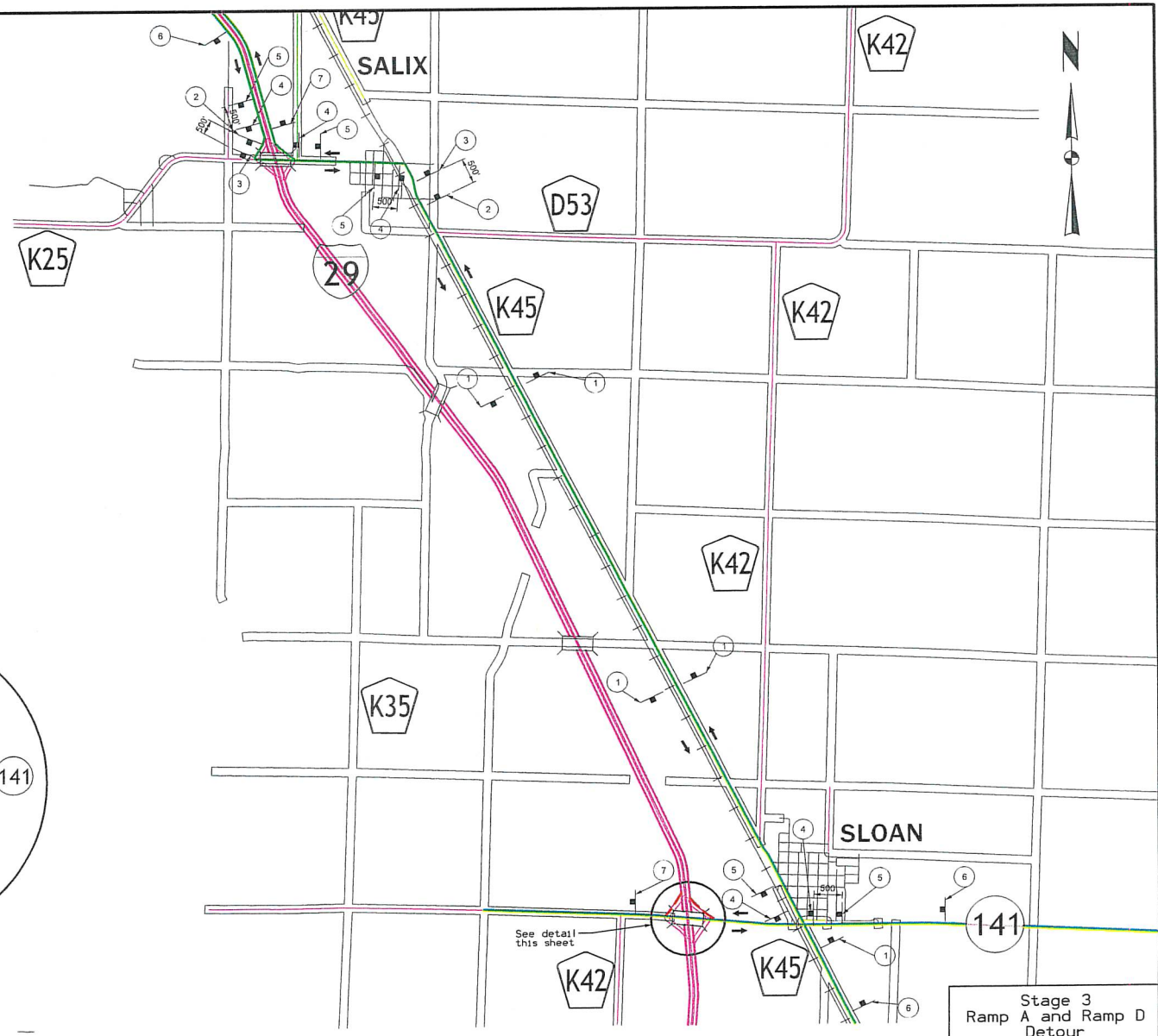
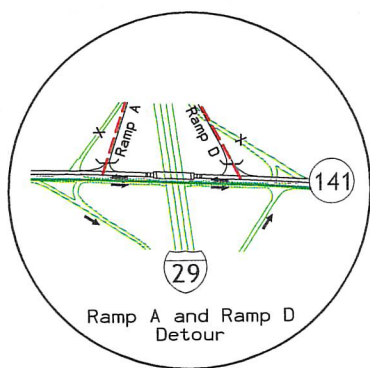


**PLAN VIEW COLOR LEGEND**

SHADING	Design Color No.	
Red	(3)	Closed Road
Green	(2)	Ramp A and Ramp D Detour
		Traffic Sign
		Road Closure

Legend for traffic signs used in the detour plan. Signs include 'DETOUR' signs with arrows pointing up, left, and right, and 'END DETOUR' signs. Design codes include M4-B, M1-5, M5-1, M5-1L, M6-1L, M6-1R, W20-2, and M4-8a.

Refer to Staging Notes for additional information.  
Refer to Standard Road Plan 11C-417 for Traffic Control Configuration.  
Closure is for Stage 3 construction.



Stage 3  
Ramp A and Ramp D  
Detour

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

Date: 4/26/23

Weekly Agenda Date: 5/2/23

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Daniel Priestley, CED Zoning Co

**WORDING FOR AGENDA ITEM:**

a.Motion to receive the final staff report and the Zoning Commission's recommendation from their 4/24/23 meeting to approve the final plat of Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.  
b.Motion to accept and approve the Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The Supervisors will receive the Woodbury County Planning and Zoning (P&Z) Commission's recommendation and final staff report on said plat and shall approve, approve with conditions, or disapprove the plat. The Board may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat.

**BACKGROUND:**

Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100006. This subdivision application (Niemeyer Addition) is being considered concurrently with a Conditional Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 8, 2023. The neighbors within 1000 FT have been duly notified via a April 14, 2023 letter about the April 24, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the new lot has adequate access. The Engineer did reference the consistency with the legal description and stated that the remaining land will need to receive a driveway permit unless an easement agreement is included. After clarification, both parties have made arrangements via a purchase agreement. The purchase agreement states "after closing, buyer agrees to grant access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate" Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. On April 24, 2023, the Woodbury County Zoning Commission voted 4-0 to recommend the approval of the Niemeyer Addition to the Board of Supervisors.

**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:**

Receive the final staff report and P&Z Commission's recommendation from their 4/24/23 meeting.  
Approve the final plat and authorize the Chairman to sign the resolution.

**ACTION REQUIRED / PROPOSED MOTION:**

- a. Motion to receive the final staff report and the Zoning Commission's recommendation from their 4/24/23 meeting to approve the final plat of Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve the Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.



# 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

## FINAL REPORT – APRIL 26, 2023

### MARILYN NIEMEYER, AS TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST NIEMEYER ADDITION – MINOR SUBDIVISION PROPOSAL

#### APPLICATION DETAILS:

**Owner(s):** Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust  
**Application Type:** Minor Subdivision (1 Lot)  
**Subdivision Name:** Niemeyer Addition  
**Application Date:** March 30, 2023  
**Subdivision Area:** 4.500 Acres  
**Legal Notice Date:** April 8, 2023  
**Stakeholder (1000') Letter Date:** April 14, 2023  
**Zoning Commission Public Hearing Date:** April 24, 2023  
**Board of Supervisors Agenda Date:** May 2, 2023

#### PROPERTY DETAILS:

**Parcel(s):** 894607100006  
**Township/Range:** T89N R46W (Concord Township)  
**Section:** 7  
**Quarter:** SW ¼ of the NW ¼  
**Zoning District:** Agricultural Preservation (AP)  
**Floodplain District:** Zone X (Not in Floodplain)  
**Address:** 1130 Barker Avenue, Sioux City, IA 51108

#### TABLE OF CONTENTS:

- Summary, Aerial, Plat Excerpt & Recommendation
- Application
- Final Plat
- Review Criteria
- Extraterritorial Review
- Legal Notification
- Adjacent Owners' Notification
- Stakeholder Comments
- Supporting Documentation

#### SUMMARY

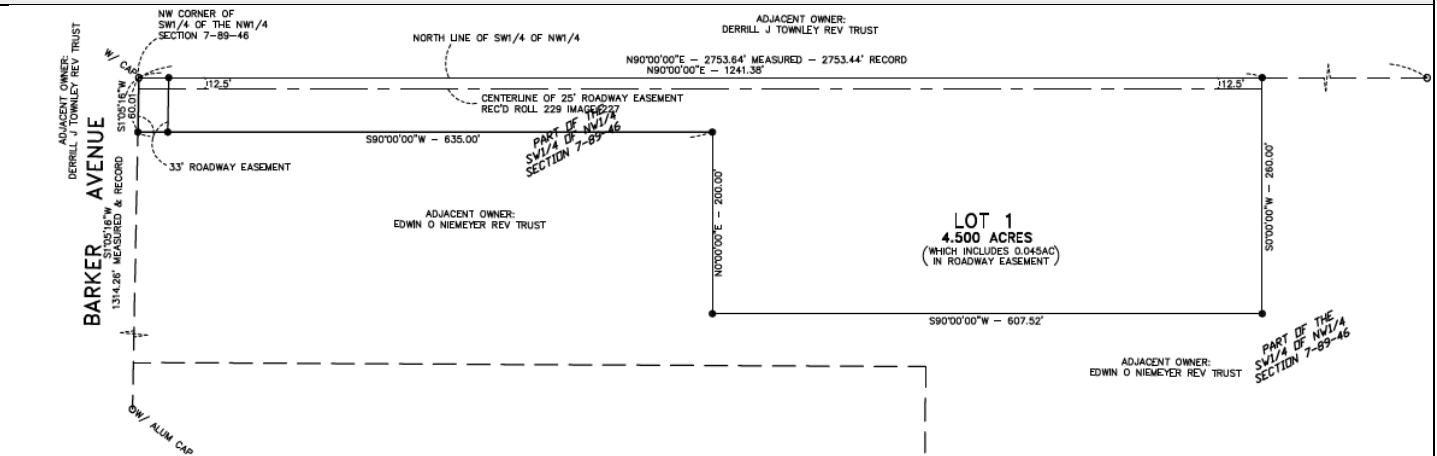
Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100006. This subdivision application is being considered concurrently with a Conditional Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 8, 2023. The neighbors within 1000 FT have been duly notified via a April 14, 2023 letter about the April 24, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the new lot has adequate access. The Engineer did reference the consistency with the legal description and stated that the remaining land will need to receive a driveway permit unless an easement agreement is included. After clarification, both parties have made arrangements via a purchase agreement. The purchase agreement states "after closing, buyer agrees to grant access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate" Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. On April 24, 2023, the Woodbury County Zoning Commission voted 4-0 to recommend the approval of the Niemeyer Addition to the Board of Supervisors.

#### AERIAL MAP



Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIoux CITY, IA 51104
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG; THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				
	<i>(Note: Not to be used on legal documents)</i>				

#### PLAT EXCERPT



#### ZONING COMMISSION AND STAFF RECOMMENDATION

On April 24, 2023, the Woodbury County Zoning Commission voted 4-0 to recommend the approval of the Niemeyer Addition to the Board of Supervisors. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff also recommends approval of the proposal.

**Minutes – Woodbury County Zoning Commission Meeting – April 24, 2023**

The Zoning Commission (ZC) meeting convened on the 24th of April at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present:	Chris Zant, Corey Meister, Jeff O'Tool, Tom Bride
County Staff Present:	Dan Priestley, Dawn Norton
Public Present:	Doyle Turner, Leo Jochum, John Daniels, Sid Mosher, Matt Mosher, Adam Larson, Bill Holland, Dakin Schultz, Jason Klemme, Aaron Vargas (via teleconference)

**Call to Order**

Chair Chris Zant formally called the meeting to order at 6:01 PM.

**Public Comment on Matters Not on the Agenda**

None

**Approval of Previous Meeting Minutes – March 27, 2023**

O'Tool motioned. Second: Meister. Motion carried: 4-0.

**Public Hearing: Niemeyer Addition, Minor Subdivision Proposal on Parcel #894607100006**

Priestley read the preliminary report and staff recommendation into the record. Marilyn Niemeyer, as Trustee of Edwin O. Niemeyer Revocable Trust has filed a one (1) lot minor subdivision on parcel #894607100006. This subdivision application is being considered concurrently with a Condition Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 8, 2023. Neighbors within 1000 FT have been duly notified via an April 14, 2023 letter about the April 24, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities and organization have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found the new lot has adequate access. The Engineer did reference the consistency with the legal description and stated the remaining land will need to receive a driveway permit unless an easement agreement is included. After clarification, both parties have made arrangements via purchase agreement. The purchase agreement states, "after closing, buyer agrees to grant access easement to Seller, and any ancillary thereto, so that Seller can access its adjoining real estate". Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023, with the passage of City Council Resolution No. 2023-0311. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Areas (SFHA). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Priestley noted extraterritorial review was completed, the City of Sioux City is not currently planning on annexing but may in the future when city water is available in that area. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the approval of the Niemeyer Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion carried 4-0.

**Review of Conditional Use Permit Application: Landscaping Services, Nursery Business, and Other Related Uses, Etc., on Parcel #894607100006**

Priestley read into record the summary of the Conditional Use Permit Proposal. Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher (Applicant) has filed for a conditional use permit application to use the property for landscaping and nursery on a portion of the property identified as Parcel #894607100006 and referenced above. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the AP Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. This conditional use permit application is being considered concurrently with a one-lot minor subdivision application to establish a 4.5-acre lot. This proposal has been property noticed in the Sioux City Journal Legals Section on April 15, 2023. The neighbors within 1000 FT have been duly notified via April 14, 2023 letter about the May 1, 2023 Board of Adjustment Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends

invoked for farms to utilize solar energy as a means of supporting their operation by being primarily adapted agricultural purposes. As noted, the Woodbury County Zoning Ordinance prohibits commercial large-scale electrical energy generation (not including wind) in each zoning district except for General Industrial (GI). Within the GI Zoning District, a conditional use permit application is required to be reviewed by the Zoning Commission and considered for approval by the Board of Adjustment. Under this policy, utility scale solar panel systems are prohibited on farmland (and all districts except GI) unless a farming operation uses them under the parameters of the agricultural exemption as enumerated in Iowa Code 335.2. If there is no agricultural exemption and the landowner resides on agricultural land, the ordinance prohibits electric energy generation (not including wind). If a landowner desires to use several acres of land in the Agricultural Preservation (AP) Zoning District, they would first need to achieve a rezone from the AP to the GI Zoning District. However, since spot zoning by convention is not a widely accepted practice, and that much of the future land use map does not provide for industrial activities in agricultural areas (see Future Land Use Map below), the chances are minimal for the zoning designation to change in order to consider a commercial solar conditional use permit on AP zoned land. The Commission discussed some potential paths to address solar including focusing on amending the private systems to be allowed as an accessory use via building permit. They also discussed the possibility of making the consideration of the conditional use permit an option in the Agricultural Preservation (AP) Zoning District. Leo Jochum and Doyle Turner offered comments about solar including the CSR ratings. Jochum discussed potential areas in the county that could facilitate solar. Turner offered concerns about the CSR and suggested the siting of solar from a slope standpoint instead. The Commission discussed having a public hearing next month to consider amendments to the zoning ordinance.

**Information/Discussion: Summary of Proposed Revisions to Woodbury County Ordinance #56:**

Priestley informed the Commission that the Board of Supervisors are looking toward amending the wind energy ordinance, Ordinance #56. The proposed public hearing dates are May 9, 16 and 23. The proposal is to amend portions of Woodbury County Ordinance #56: an amendment to modify section 6.1.A: wind turbines set back requirements to increase certain setback requirements in the ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County. Amendment #1: On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the City Limits Protected Area from 600 feet to 2 miles. Amendment #2: On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the Public Conservation Protected Area from 600 feet or 110% of total height (whichever is greater) to 2,640 feet or 4.5x tower height (whichever is greater).

**Information/Discussion: Woodbury County Comprehensive Plan 2040 Update**

SIMPCO will present a draft version of the 2040 Comprehensive Plan at an Open House on Wednesday, April 26th from 5:00 – 6:30 in the basement meeting room of the courthouse to review the plan and receive comments on the future development of Woodbury County. Everyone is encouraged to attend and offer input.

**Public Comment on Matters Not on the Agenda**

None

**Commissioner Comment or Inquiry**

None

**Staff Update**

Iowa State University Extension and Outreach will provide a Zoning Training session on April 27, 2023 at the Hilton Garden Inn on April 27, 2023. Board of Supervisors, Zoning Commission, and Board of Adjustment members are invited to attend. The Federal government is getting closer to implementation of the new FEMA maps. The 90-day appeal period will be up through July 24, 2023.

**Adjourn**

Motion by O'Tool. Second: Meister. Carried 4-0. The meeting adjourned at 7:29 PM.

approval. Motion by Meister to recommend approval of the conditional use request to allow for this property to be used as a landscaping and nursery business with associated uses including tree services, sand and gravel storage, feed and seed sales, fertilizer storage/distribution/application, and other uses related to a landscaping business. Second: O'Tool. Motion carried 4-0.

**Review of Conditional Use Permit Application: Vendor Sales of Alcohol During RAGBRAI on Parcel #894407100006, 2590 110<sup>th</sup> St., Menville, IA 51039**

Priestley read the proposed Conditional Use Permit proposal into the record. Backpocket Brewing (Applicant) and property owners Chad and Tara Schmitt have filed for a Conditional Use Permit application to sell alcohol during RAGBRAI's visit through Woodbury County on July 23, 2023. The proposed sales site is on Parcel #894407100006. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Woodbury County Board of Supervisors approved Ordinance #69, effective November 16, 2022, authorizing this request as a conditional use in the AP District. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. Aaron Vargas spoke on behalf of Backpocket Brewing. Motion by O'Tool to recommend approval and forward to Board of Adjustment the conditional use permit application to allow sales of alcohol only during the Special Event of RAGBRAI on July 23, 2023 with the condition that the property owner/applicant shall obtain all necessary federal, state, and local permits including, but not limited to liquor licensing; and the permit shall terminate at 11:59 PM CT on July 23, 2023. Second: Bride. Motion carried 4-0.

**Review of Conditional Use Permit Application: Temporary Borrow Pits on Two Proposed Borrow Areas: Borrow Area #1: Parcels(s) 884704200001 & 884704200003; Borrow Area #2: Parcel(s): 884702100006**

JB Holland Construction, Inc. (Applicant) and property owners Eric Hennings and Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001, Parcel #884704200003 and Parcel #884702100006. Both parcels are located on the south side of Highway 20. Each parcel is currently used as farm ground. The proposed cut area on Parcel #884704200001 and Parcel #884704200003 is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds<sup>3</sup>. The proposed cut area on Parcel #884702100006 is 8-10 acres. The work area is 10 acres, and the total excavation for export is 100,000-150,000 yds<sup>3</sup>. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the floodplain. However, this area will not be a part of the borrow site. The applicants have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, staff recommends approval of Temporary Borrow Area #2 with the condition that an archeological study be completed for the area and approval of Temporary Borrow Area #1 with the condition that an archeological study also be completed for the area and that approval is contingent on a written agreement between Magellan Midstream Partners L.P. and the property owners and applicants that the active pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended by staff to deny the application for Temporary Borrow Area #1. Pipeline agreement has not been made as of April 24, 2023. Bill Holland stated the area is currently farmland, after completion of the project, area will be graded and returned to farmland. Motion by O'Tool to recommend approval of Temporary Borrow Area #2 with the condition that the final archaeological study be completed for the area and with the condition that approval is contingent on a written agreement between Magellan Midstream Partners L.P., the property owners, and applicants that the pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended to deny the application for Temporary Borrow Area #1. Second: Meister. Motion carried 4-0.

**Information/Discussion: Woodbury County Solar Energy Requirements Review for Possible Changes to Zoning Ordinance**

Priestley informed the Commission that on April 4, 2023, the Woodbury County Board of Supervisors directed zoning to evaluate solar power in the unincorporated areas of the county. Solar energy generation can be classified into two categories including personal or private and utility scale systems. The permitting or allowed use of solar panels in Woodbury County is three-fold. First, utility solar scale systems are only allowed for consideration as a conditional use in the General Industrial (GI) Zoning District. They are prohibited in all of the other zoning classifications. Second, personal or private systems are considered in each zoning district via the conditional use permit process. Lastly, it is possible that the Agricultural Exemption in Iowa Code 335.2 could be

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

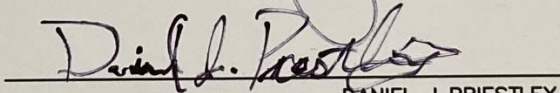
WE DO HEREBY CERTIFY THAT WE ARE THE CHAIR AND THE COORDINATOR OF THE PLANNING & ZONING COMMISSION, WOODBURY COUNTY, IOWA, AND WE FURTHER CERTIFY THAT THE SAID ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT AND THAT SAID ZONING COMMISSION DID ON

THE 24 DAY OF April, 2023  
RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS  
THE ACCEPTANCE AND APPROVAL OF SAID SUBDIVISION

DATED April 24, 2023



CHRISTINE ZELLMAR ZANT, CHAIR  
WOODBURY COUNTY ZONING COMMISSION



DANIEL J PRIESTLEY  
PLANNING & ZONING COORDINATOR  
WOODBURY COUNTY ZONING COMMISSION



APPLICATION

WOODBURY COUNTY, IOWA  
MINOR SUBDIVISION APPLICATION

Applicant: MARILYN NIEMEYER, AS TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST

Name of Owner

Mailing Address: 4250 FREMAR DRIVE SIoux CITY IOWA 51104-1413  
Street City or Town State and Zip + 4

Property Address: 1130 BARKER AVENUE SIoux CITY IOWA 51108-8008  
Street City or Town State and Zip + 4

Ph/Cell #: (712) 259-7345 E-mail Address: MISTI.NIEMEYER@GMAIL.COM

To subdivide land located in the SW1/4 NW 1/4 Quarter of Section Seven (7)

Civil Township Eighty-nine (89) North GIS Parcel # Part 8946 0710 0006

Name of Subdivision: NIEMEYER ADDITION

Subdivision Area in Acres 4.500 Number of Lots One (1)

**Attachments:**

1. Eight (8) copies of grading plans; if required.
2. Eight (8) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
  - a. Legal description of proposed subdivision.
  - b. Plat showing clearly the boundaries of the subdivision.
  - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: DOUGLAS J. MORDHORST, MLS & ASSOCIATES Ph/Cell: (712) 258-6844

Attorney: ALEX S. BERENSTEIN, CRARY HUFF Ph/Cell: (712) 224-7573

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

Owner's Signature: *Marilyn Niemeyer*  
Zoning Director: *[Signature]*

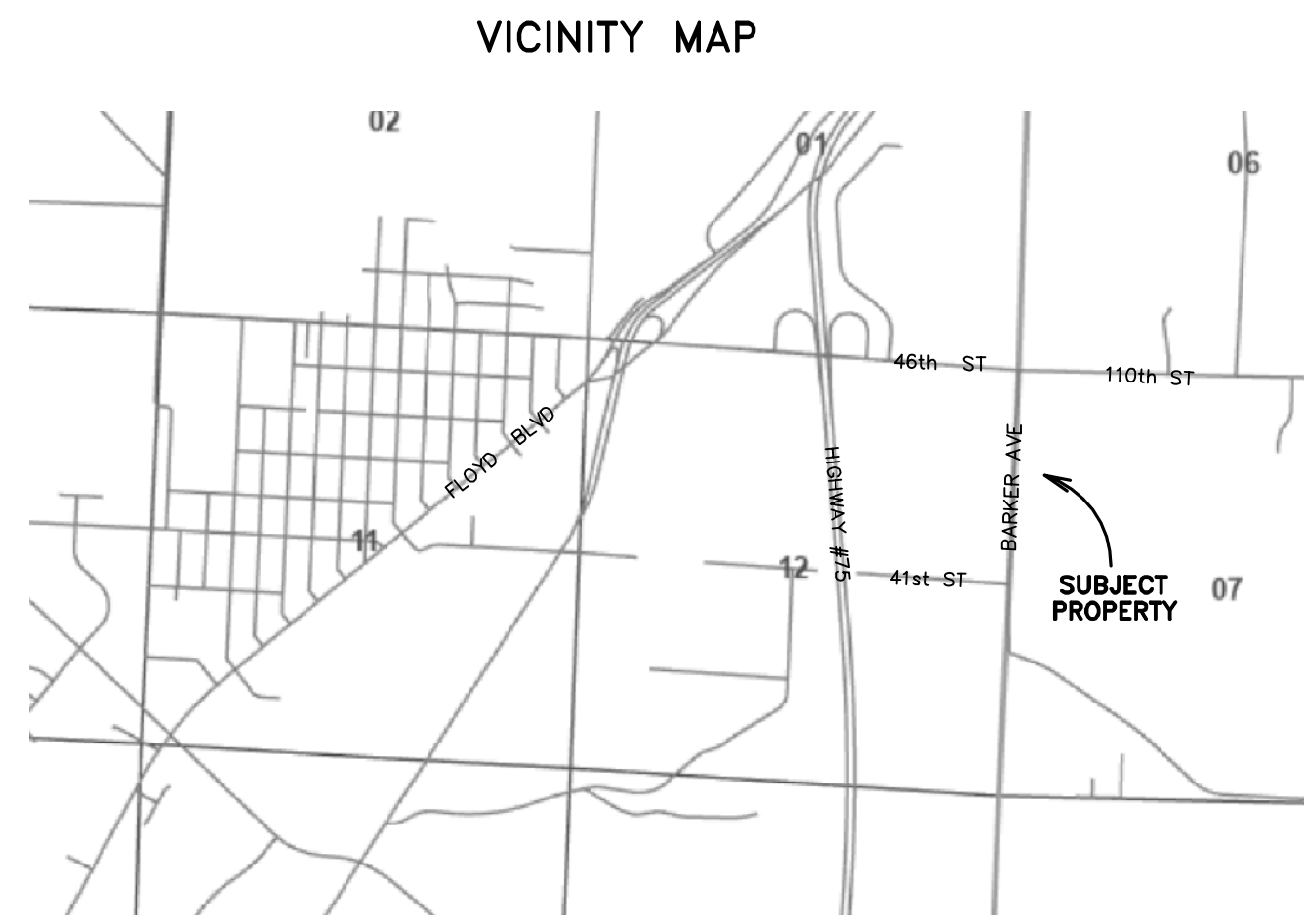
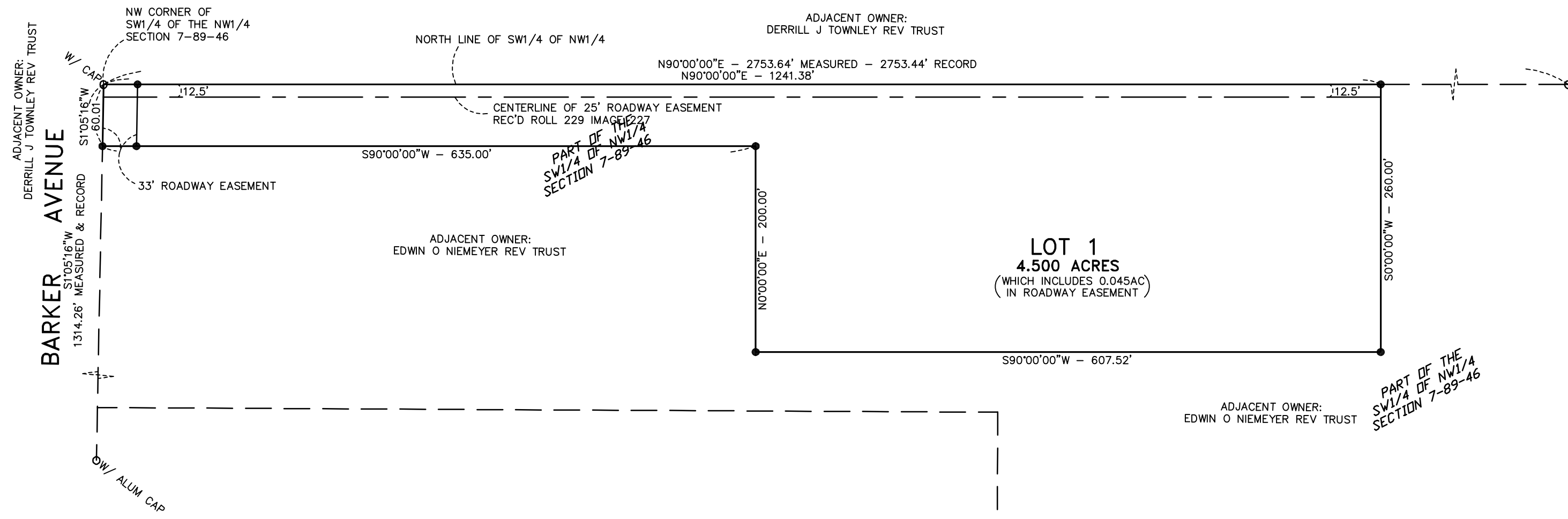
**For Office Use Only:**

Zoning District AP Flood District X Date 3/30/23 No. 6847

Application Fee 4 Lots or less (\$300\*+ Additional Fees) \$ 300 CR#134117  
5 Lots or more (\$300\* plus \$5 per lot + Additional Fees)

\*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s) when the fees exceed \$100.00.

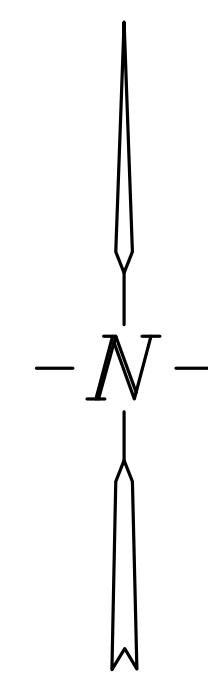
FINAL PLAT OF  
**NIEMEYER ADDITION**  
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



**LEGAL DESCRIPTION**

All that part of the Southwest ¼ of the Northwest ¼ of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest ¼ of the Northwest ¼ of said Section 7; thence North 90° 00' 00\"/>



**OWNERS & SUBDIVIDERS:**  
 EDWIN O NIEMEYER REVOCABLE TRUST  
 4125 FREMAR DRIVE  
 SIOUX CITY, IA 51104

**LAND SURVEYOR:**  
 DOUGLAS J. MORDHORST  
 MLS & ASSOCIATES, P.L.C.  
 703 DOUGLAS STREET  
 SIOUX CITY, IOWA

**SCALE: 1" = 100'**

**SHEET 1 OF 2**

**NOTES**

- ZONING DISTRICT:  
AP: AGRICULTURAL PRESERVATION
- BULK REGULATIONS:  
MINIMUM LOT WIDTH: 200'  
MINIMUM LOT SIZE: 2 ACRES  
MINIMUM FRONT YARD: 100'  
SIDE YARDS: 10', 20' OR 50'  
DEPENDENT ON USE\*\*  
MINIMUM REAR YARD: 50'  
DEPENDENT ON USE\*\*  
MAXIMUM HEIGHT: 45'  
MAXIMUM STORIES: NO LIMIT
- \*\* OTHER REGULATIONS APPLY. SEE SUBDIVISION ORDINANCES FOR DETAILS
- LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- ELECTRICAL: WOODBURY COUNTY REC  
1495 HUMBOLT AVE.  
MOVILLE, IOWA 51039
- TELEPHONE: LOT PRESENTLY NOT SERVED BY LANDLINE PHONE SERVICE
- TOTAL AREA IN ADDITION: 4.500 ACRES

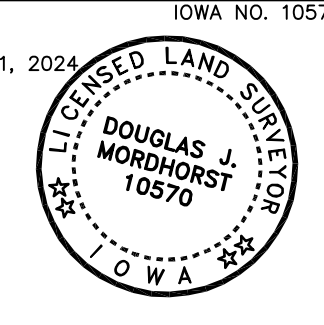
**CERTIFICATION**

I, DOUGLAS J. MORDHORST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10570, DO HEREBY CERTIFY THAT THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOT DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA:

DOUGLAS J. MORDHORST  
 LICENSE NUMBER 10570  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024  
 2 SHEETS COVERED BY THIS SEAL  
 PLOT DATE: MARCH 29, 2023



**LEGEND**

- INDICATES FOUND ROD UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 30" IRON PIN W/ CAP #10570

COUNTY: WOODBURY  
 SECTION: 7 TOWNSHIP: T 89N RANGE: R 46W  
 ALIQUOT PART: SW1/4 OF NW1/4  
 CITY:  
 SUBDIVISION: NIEMEYER ADDITION  
 BLOCK:  
 LOT: 1  
 PROPRIETOR: EDWIN O NIEMEYER REVOC TRUST  
 REQUESTED BY: ALEX BERENSTEIN

PREPARED BY  
**MLS & ASSOCIATES, PLC**  
 703 DOUGLAS STREET  
 SIOUX CITY, IOWA 51101  
 (712) 258-6844  
 MLSSURVEYING@GMAIL.COM

FINAL PLAT OF  
**NIEMEYER ADDITION**  
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA

SHEET 2 OF 2  
PLOT DATE: MARCH 29, 2023

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON  
ROLL \_\_\_\_\_ AND PAGE \_\_\_\_\_ OF THE WOODBURY COUNTY RECORDER'S OFFICE

DEDICATION

THE EDWIN O. NIEMEYER REVOCABLE TRUST IS THE OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, AND HAS IN PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AS IS PARTICULARLY SHOWN AS SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF DOUGLAS MORDHORST, PLS, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT \_\_\_\_\_ IOWA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
MARILYN NIEMEYER, TRUSTEE OF THE  
EDWIN O NIEMEYER REVOCABLE TRUST

STATE OF IOWA            }SS  
WOODBURY COUNTY        }

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE OF IOWA, PERSONALLY APPEARED MARILYN NIEMEYER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DID SAY THAT THE PERSON IS THE TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST, THE TRUSTEE ACKNOWLEDGED EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF THE TRUST BY IT AND BY THE TRUSTEE VOLUNTARILY EXECUTED

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

TITLE OPINION

COUNTY AUDITOR AND RECORDER WOODBURY COUNTY, IOWA

Dear Sir/Madam:

We have this date examined a complete abstract to Title, pursuant to Iowa Code Section 354.11(1)(c) to property which includes in its entirety, property described in the legal description on the plat of: Niemeyer Addition a Minor Subdivision in Woodbury County, Iowa last certified by Engleson Abstract Co., Inc.,

dated \_\_\_\_\_, 2023 at 8:59 a.m. and from said abstract find good and merchantable title to said premises vested in Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, subject to the following, liens, limitations and exceptions:

1. A Right of Way Agreement in favor of Socony-Vacuum Oil Company, Inc., dated May 6, 1941, filed August 6, 1941, in Book 154, Page 195, and assigned to Magnolia Pipe Line Company, dated November 30, 1959, filed January 25, 1960, in Book 937, Page 195.
2. A Right of Way Agreement in favor of Iowa Public Service Company, dated February 27, 1959, filed April 21, 1959, in Book 909, Page 434
3. A Right of Way Easement in favor of Woodbury County Rural Electric Cooperative Association, dated August 23, 1976, filed August 30, 1976, in Roll 53, Image 1694.
4. A Right of Way and Easement Agreement, dated March 20, 1990, filed April 20, 1990, in Roll 229, Image 227, as shown on the plat.
5. All certified real estate taxes and special assessments due and payable have been paid. Real estate taxes and special assessments not certified are a lien in an undetermined amount.

DATED: \_\_\_\_\_ 2023

\_\_\_\_\_  
ALEX S. BERENSTEIN  
ATTORNEY AT LAW

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING

COMMISSION DID ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED \_\_\_\_\_  
ANDREW GLISAR, CHAIRPERSON

DATED \_\_\_\_\_  
JILL WANDERSCHIED  
NEIGHBORHOOD SERVICES MANAGER

CITY COUNCIL RESOLUTION NO. \_\_\_\_\_

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT, NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED

PASSED \_\_\_\_\_  
ROBERT E. SCOTT, MAYOR

APPROVED \_\_\_\_\_  
ATTEST: LISA McCARDLE, CITY CLERK

STATE OF IOWA            }SS  
WOODBURY COUNTY        }

I, THE UNDERSIGNED, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY

COUNCIL OF SAID CITY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE, AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK

DATED \_\_\_\_\_

\_\_\_\_\_  
ROBERT E. SCOTT, MAYOR

\_\_\_\_\_  
LISA McCARDLE, CITY CLERK

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF SAID SUBDIVISION PLAT (AS REQUIRED BY IOWA CODE SECTION 354.6(2)).

DATED \_\_\_\_\_

\_\_\_\_\_  
PATRICK F. GILL  
WOODBURY COUNTY AUDITOR  
BY: DIANE SWOBODA PETERSON, DEPUTY

COUNTY ENGINEERS CERTIFICATE

I, MARK NAHRA, P.E., THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT AND HAVE MATHEMATICALLY COMPUTED THE ERROR OF CLOSURE OF THE PLAT PERIMETER AND OF THE LOTS CONTAINED THEREIN, AND FIND THAT SAID PLAT CONFORMS WITH THE CLOSURE REQUIREMENTS OF THE WOODBURY COUNTY SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF WOODBURY COUNTY, IOWA.

DATED \_\_\_\_\_

\_\_\_\_\_  
MARK NAHRA, P.E.  
WOODBURY COUNTY ENGINEER

BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NUMBER: \_\_\_\_\_  
RESOLUTION ACCEPTING AND APPROVING NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNER AND PROPRIETOR DID ON

THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA; AND

WHEREAS, IT APPEARS THAT SAID PLAT CONFORMS WITH ALL OF THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA, WITH REFERENCE TO THE FILING OF SAME; AND

WHEREAS, THE ZONING COMMISSION OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT; AND

WHEREAS, THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, THAT NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRPERSON AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNER AND PROPRIETOR A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
MATTHEW UNG  
CHAIRPERSON OF BOARD OF SUPERVISORS  
WOODBURY COUNTY, IOWA

ATTEST: \_\_\_\_\_  
PATRICK F GILL  
SECRETARY

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIR AND THE COORDINATOR OF THE PLANNING & ZONING COMMISSION, WOODBURY COUNTY, IOWA, AND WE FURTHER CERTIFY THAT THE SAID ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT AND THAT SAID ZONING COMMISSION DID ON

THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS THE ACCEPTANCE AND APPROVAL OF SAID SUBDIVISION

DATED \_\_\_\_\_

\_\_\_\_\_  
CHRISTINE ZELLMAR ZANT, CHAIR  
WOODBURY COUNTY ZONING COMMISSION

\_\_\_\_\_  
DANIEL J PRIESTLEY  
PLANNING & ZONING COORDINATOR  
WOODBURY COUNTY ZONING COMMISSION

TREASURERS CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, THE UNDERSIGNED, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICATE IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED \_\_\_\_\_

\_\_\_\_\_  
TINA M. BERTRAND, TREASURER  
WOODBURY COUNTY, IOWA

CERTIFICATE OF COUNTY ASSESSOR

I, \_\_\_\_\_, HEREBY CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, A COPY OF THIS PLAT WAS FILED IN THE COUNTY ASSESSOR'S OFFICE

DATED \_\_\_\_\_

\_\_\_\_\_  
JULIE CONOLLY  
COUNTY ASSESSOR

AUDITOR & RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA            }SS DOCKET NO: \_\_\_\_\_ FILED FOR  
WOODBURY COUNTY        }

RECORD, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_,

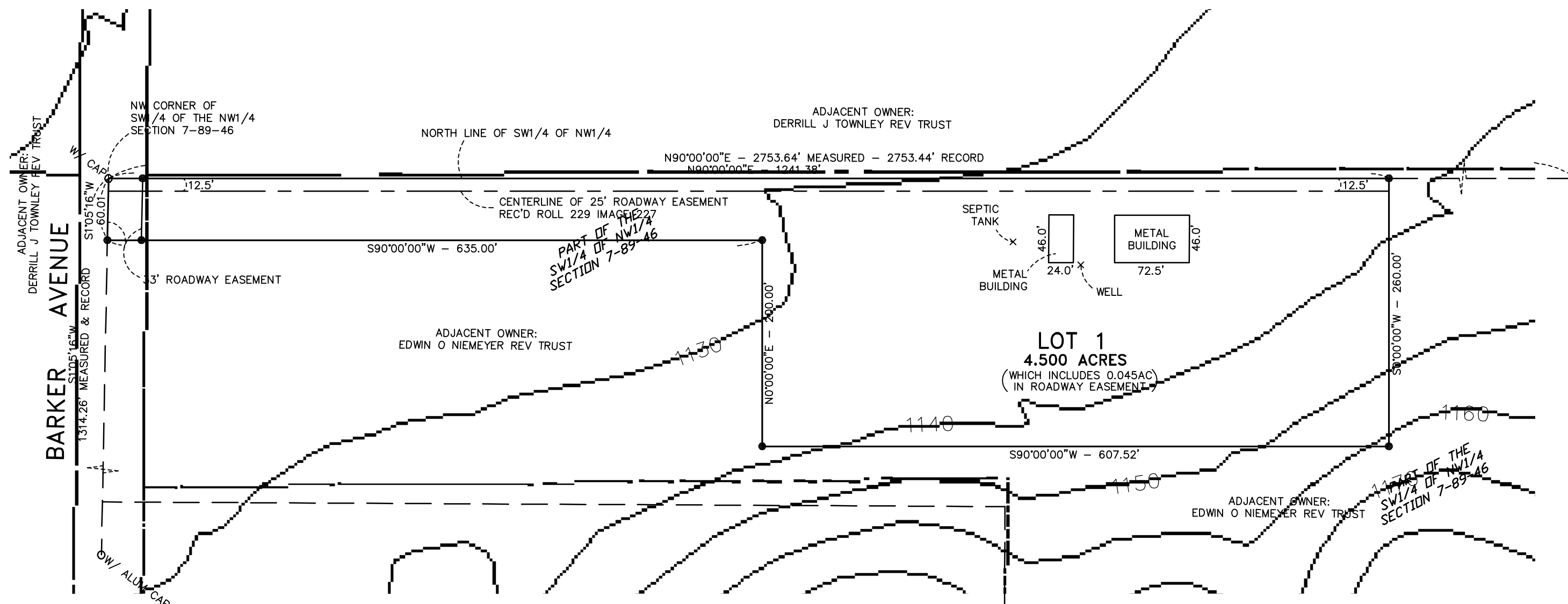
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. RECORDED IN PLAT ENVELOPE \_\_\_\_\_ INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED \_\_\_\_\_

\_\_\_\_\_  
PATRICK F. GILL  
WOODBURY COUNTY AUDITOR & RECORDER  
BY: DIANE SWOBODA PETERSON, DEPUTY

PREPARED BY  
**MLS & ASSOCIATES, PLC**  
703 DOUGLAS STREET  
SIOUX CITY, IOWA 51101  
(712) 258-6844  
MLSSURVEYING@GMAIL.COM

TOPOGRAPHIC MAP OF  
**NIEMEYER ADDITION**  
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



VICINITY MAP

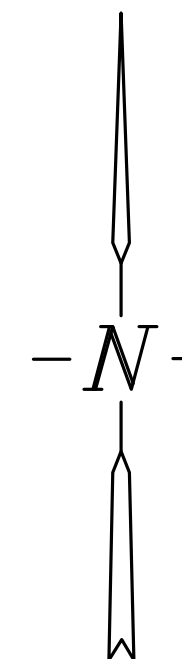


LEGAL DESCRIPTION

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:  
 Beginning at the Northwest corner of said Southwest 1/4 of the Northwest 1/4 of said Section 7; thence North 90° 00' 00" East along the North line of said Southwest 1/4 of the Northwest 1/4 for 1241.38 feet; thence South 0° 00' 00" East for 260.00 feet; thence South 90° 00' 00" West for 607.52 feet; thence North 0° 00' 00" East for 200.00 feet; thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4; thence North 1° 05' 16" East along said West line for 60.01 feet to the point of beginning.  
 Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

OWNERS & SUBDIVIDERS:  
 EDWIN O NIEMEYER REVOCABLE TRUST  
 4125 FREMAR DRIVE  
 SIOUX CITY, IA 51104

LAND SURVEYOR:  
 DOUGLAS J. MORDHORST  
 MLS & ASSOCIATES, P.L.C.  
 703 DOUGLAS STREET  
 SIOUX CITY, IOWA



SCALE: 1" = 100'  
 0 100 200  
 SHEET 1 OF 2

NOTES

ZONING DISTRICT:  
 AP: AGRICULTURAL PRESERVATION

BULK REGULATIONS:  
 MINIMUM LOT WIDTH: 200'  
 MINIMUM LOT SIZE: 2 ACRES  
 MINIMUM FRONT YARD: 100'  
 SIDE YARDS: 10', 20' OR 50'  
 DEPENDENT ON USE\*\*  
 MINIMUM REAR YARD: 50'  
 DEPENDENT ON USE\*\*  
 MAXIMUM HEIGHT: 45'  
 MAXIMUM STORIES: NO LIMIT

\*\* OTHER REGULATIONS APPLY. SEE SUBDIVISION ORDINANCES FOR DETAILS

LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

ELECTRICAL: WOODBURY COUNTY REC  
 1495 HUMBOLT AVE.  
 MOVILLE, IOWA 51039

TELEPHONE: LOT PRESENTLY NOT SERVED BY LANDLINE PHONE SERVICE

TOTAL AREA IN ADDITION: 4.500 ACRES

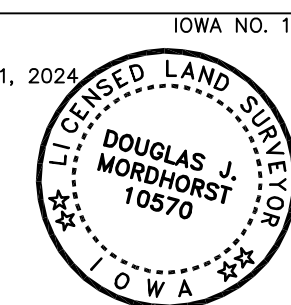
CERTIFICATION

I, DOUGLAS J. MORDHORST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10570, DO HEREBY CERTIFY THAT THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOT DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA:

DOUGLAS J. MORDHORST  
 LICENSE NUMBER 10570  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024  
 2 SHEETS COVERED BY THIS SEAL  
 PLOT DATE: FEBRUARY 10, 2023



LEGEND

- INDICATES FOUND ROD UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 30" IRON PIN W/ CAP #10570

COUNTY: WOODBURY  
 SECTION: 7 TOWNSHIP: T 89N RANGE: R 46W  
 ALIQUOT PART: SW1/4 OF NW1/4  
 CITY:  
 SUBDIVISION: NIEMEYER ADDITION  
 BLOCK:  
 LOT: 1  
 PROPRIETOR: EDWIN O NIEMEYER REVOC TRUST  
 REQUESTED BY: ALEX BERENSTEIN

PREPARED BY  
**MLS & ASSOCIATES, PLC**  
 703 DOUGLAS STREET  
 SIOUX CITY, IOWA 51101  
 (712) 258-6844  
 MLSSURVEYING@GMAIL.COM

<b>CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)</b>	
<b>The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, CED staff:</b>	
	<b>shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per Iowa Code.</b>
	Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law.
	<b>shall accept payment of applicable fees, and distribute copies of the final plat to the Planning &amp; Zoning Commission, the appropriate county departments and public utilities; and</b>
	Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.
	<b>shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and</b>
	Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.
	<b>shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and</b>
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	<b>shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.</b>
	Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff recommends approval of the final plat.

<b>ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)</b>	
<b>The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, the Planning and Zoning Commission:</b>	
	<b>shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and</b>
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	<b>shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and</b>
	Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.
	<b>may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and</b>
	Staff does not recommend any specific conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission.
	<b>shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.</b>
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

<b>EXTRATERRITORIAL REVIEW – CITY RESOLUTION TO BE RECORDED WITH FINAL PLAT</b>
Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311.

**RESOLUTION NO. 2023 - 0311**  
with attachments

RESOLUTION ACCEPTING AND APPROVING THE "FINAL PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA", A ONE LOT AGRICULTURAL SUBDIVISION LOCATED AT 1130 BARKER AVENUE, WITHIN THE CITY OF SIOUX CITY'S TWO-MILE EXTRATERRITORIAL SUBDIVISION JURISDICTION.

WHEREAS, the City has received a request from The Edwin O. Niemeyer Trust for approval of the "Final Plat of Niemeyer Addition, a Minor Subdivision to Woodbury County, Iowa"; and

WHEREAS, the Planning and Zoning Commission on March 14, 2023, recommended approval of the Final Plat.

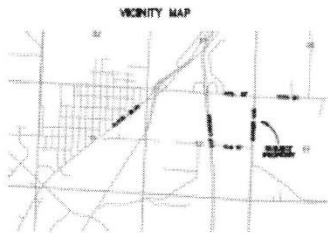
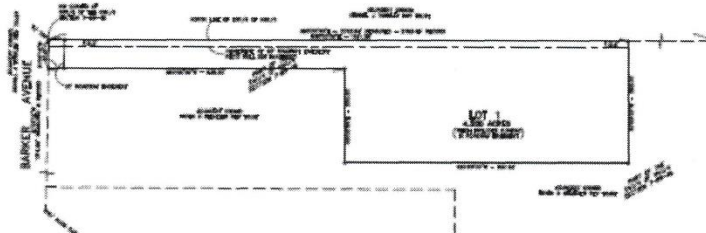
NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY IOWA that said "Final Plat of Niemeyer Addition, a Minor Subdivision to Woodbury County, Iowa", as hereto attached and forming part of this Resolution, be, and the same is hereby accepted and approved, and the Mayor and the City Clerk be and they are hereby directed to furnish to the proprietors a certified copy of this resolution, as required by law.

PASSED AND APPROVED: March 27, 2023

  
\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST:   
\_\_\_\_\_  
Lisa L. McCardle, City Clerk

FINAL PLAN OF  
**NIEMEYER ADDITION**  
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



**LEGAL DESCRIPTION**  
 A 2.50 ACRES OF LAND MORE OR LESS, BEING THE  
 SOUTH 1/2 OF THE NORTH 1/4 OF SECTION 16, TOWNSHIP 35 N., RANGE 10 W.,  
 COUNTY OF WOODBURY, STATE OF IOWA, AS SHOWN ON THE  
 ORIGINAL PLAT OF THE NIEMEYER ADDITION, A MINOR SUBDIVISION,  
 FILED FOR RECORD IN THE OFFICE OF THE CLERK OF WOODBURY COUNTY,  
 IOWA, ON 05/12/2010, AS SHOWN ON THE ORIGINAL PLAT OF THE NIEMEYER  
 ADDITION, A MINOR SUBDIVISION, FILED FOR RECORD IN THE OFFICE OF THE  
 CLERK OF WOODBURY COUNTY, IOWA, ON 05/12/2010.

PLAN OF SUBDIVISION  
 FOR A MINOR SUBDIVISION  
 FILED FOR RECORD IN THE  
 OFFICE OF THE CLERK OF  
 WOODBURY COUNTY, IOWA,  
 ON 05/12/2010.

SCALE: 1" = 100'

SHEET 1 OF 2

**NOTES**

- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 3. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 4. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 5. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 6. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 7. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 8. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 9. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.
- 10. THE AREA OF THIS LOT IS 2.50 ACRES, MORE OR LESS.

**CERTIFICATION**

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Iowa, do hereby certify that the foregoing is a true and correct copy of the original plat of the subdivision as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Iowa relating to the subdivision of land.

DATE OF THIS CERTIFICATE: 05/12/2010

**LEGEND**

- SECTION BOUNDARY
- RIGHT-OF-WAY
- EASEMENT

DATE: 05/12/2010  
 TIME: 10:00 AM  
 PROJECT: NIEMEYER ADDITION  
 SHEET: 1 OF 2

PREPARED BY  
**M/S & ASSOCIATES, PLLC**  
 700 SOUTH 10TH STREET  
 DES MOINES, IOWA 50319  
 (515) 281-1111  
 M/S&A@M/S&A.COM



**EXTRATERRITORIAL REVIEW DEVELOPMENT AGREEMENT WITH SIOUX CITY (TO BE EXECUTED)**

**EXTRATERRITORIAL DEVELOPMENT AGREEMENT**

THIS AGREEMENT made on \_\_\_\_\_ by and between The Edwin O. Niemeyer Revocable Trust of 4250 Fremar Drive, Sioux City, Iowa, (hereinafter "Developer") and the City of Sioux City, Iowa, 405 6<sup>th</sup> Street, Sioux City, Iowa (hereinafter "City").

**RECITALS**

WHEREAS, Developer has proposed to subdivide and develop the following described real property (hereinafter "Property"):  
All that part of the Southwest ¼ of the Northwest ¼ of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest ¼ of the Northwest ¼ of said Section 7; thence North 90° 00' 00" East along the North line of said Southwest ¼ of the Northwest ¼ for 1241.38 feet; thence South 0° 00' 00" East for 260.00 feet; thence South 90° 00' 00" West for 607.52 feet; thence North 0° 00' 00" East for 200.00 feet; thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest ¼ of the Northwest ¼; thence North 1° 05' 16" East along said West line for 60.01 feet to the point of beginning.

Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

and

WHEREAS, the Property lies within the jurisdiction of the City pursuant to Section 354.8 et. seq. and Section 414.23, The Code; and

WHEREAS, the Parties wish to set forth their various obligations and conditions in conjunction with such development and subdivision.

**AGREEMENT**

NOW, THEREFORE, IT IS AGREED between the City and Developer as follows:

1. Annexation Process: Developer shall, within ninety (90) days of receiving written notice from the City that the Property qualifies for annexation to the City under Chapter 368, The Code, commence and pursue the statutory process for the voluntary annexation of the Property to the City. Developer shall coordinate annexation efforts with the City and shall pursue such annexation in a diligent manner.

The City agrees that it shall provide said written notice to Developer only at such time as, in the City's sole and unreviewable discretion, it has the capacity to extend water and sanitary sewer service to the Property.

2. City Services and Utilities:
  - A. At such time that the City shall determine that it is appropriate and feasible, Developer shall voluntarily petition City, pursuant to Section 384.41, The Code, for the construction of the following public improvements by City to be paid for by special assessments levied upon the Property:
    - (1) Water, including water mains and connections;
    - (2) Sanitary sewer pipes and mains within or abutting the subdivision only;



(3) Storm sewer drainage systems;

- (4) Paving of streets within the subdivision or which abut the subdivision and provide access to the lot or lots therein.

Said improvements shall be connected to any existing utility systems in the subdivision.

B. The City agrees to a moratorium for the connection to the following systems:

- (1) Water system - \_\_\_ years from the date of \_\_\_\_\_  
(2) Sanitary sewer system - \_\_\_ years from the date of \_\_\_\_\_

3. Binding Effect: The Parties agree that this Agreement shall be filed for record in the County in which the Property is located and shall be binding on Developer, its heirs, successors and assigns in title to the Property or any part thereof.

4. Notice: Any notice required or made herein shall be made in writing by certified mail to each party at the following addresses:

A. City of Sioux City, Iowa  
ATTN: City Manager  
405 6<sup>th</sup> Street  
Sioux City, Iowa 51101

B. Edwin O. Niemeyer Rev. Trust  
ATTN: Alex S. Berenstein  
329 Pierce St., #200  
Sioux City, IA 51101

C. Each Party may designate in writing to the other Party all changes in name of the person(s) and/or address(es) to whom or which any notice is to be delivered.

IN WITNESS WHEREOF, the Parties have executed this Agreement the date and year first above written.

CITY OF SIOUX CITY, IOWA  
"City"

  
"Developer"

By: \_\_\_\_\_

By: Marilyn Niemeyer

Title: \_\_\_\_\_

Title: Trustee of the Edwin O. Niemeyer  
Revocable Trust

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF IOWA )  
 : ss.  
COUNTY OF WOODBURY)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared \_\_\_\_\_, \_\_\_\_\_ of the City of Sioux City, Iowa, and \_\_\_\_\_ of said City, each being to me personally known to be the identical persons and officers named in the foregoing instrument, who executed the same under and by virtue of the authority vested in them by the City Council of said City, and each for himself acknowledged the execution thereof to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.

(SEAL)

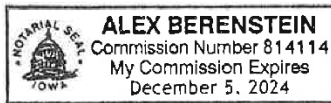
\_\_\_\_\_  
NOTARY PUBLIC in and for said COUNTY and STATE

STATE OF IOWA )  
 : ss.  
COUNTY OF WOODBURY )

On this 29 day of MARCH, 2023, before me, the undersigned a Notary Public in and for said State, personally appeared Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL)

A. Berenstein  
\_\_\_\_\_  
NOTARY PUBLIC in and for said COUNTY and STATE



**SIoux CITY ACTION**

SHEET 2 OF 2  
PLOT DATE: MARCH 29, 2023

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING

COMMISSION DID ON THE 14<sup>th</sup> DAY OF MARCH, 2023 RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED 4-14-2023 [Signature]  
ANDREW GLISAR, CHAIRPERSON

DATED March 27 2023 [Signature]  
JILL WANDERSCHIED  
NEIGHBORHOOD SERVICES MANAGER  
MARTIN S DOUGHERTY  
Economic & Community DEVELOPMENT DIRECTOR

CITY COUNCIL RESOLUTION NO. 2023-0311

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT. NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED

PASSED MARCH 27 2023 [Signature]  
ROBERT E. SCOTT, MAYOR

APPROVED MARCH 27 2023 [Signature]  
ATTEST: LISA MCGARDLE, CITY CLERK  
Heidi Farnens, Deputy City Clerk

STATE OF IOWA }  
}SS

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON

ROLL 23-02197 AND PAGE \_\_\_\_\_ OF THE WOODBURY COUNTY RECORDER'S OFFICE

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF THE FOREGOING PLAT, AND THE CITY COUNCIL OF SAID CITY HAS THEREFORE ACCEPTED AND APPROVED SAID PLAT OF NEW LOTS ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF SAID CITY ON THE 21<sup>ST</sup> DAY OF MARCH 2013, AND THE SAME HEREBY IS ACCEPTED AND APPROVED

PASSED MARCH 27 2013

Robert E. Scott  
ROBERT E. SCOTT, MAYOR

APPROVED MARCH 27 2013

Heidi Warrick  
ATTEST: HEIDI WARRICK, CITY CLERK  
Heidi Warrick, Sioux City Clerk

STATE OF IOWA }  
WOODBURY COUNTY }

I, THE UNDERSIGNED, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAT OF NEW LOTS ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY

COUNCIL OF SAID CITY ON THE 21<sup>ST</sup> DAY OF MARCH 2013 AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK

DATED MARCH 27 2013

Robert E. Scott  
ROBERT E. SCOTT, MAYOR

Heidi Warrick  
ATTEST: HEIDI WARRICK, CITY CLERK  
Heidi Warrick, Sioux City Clerk

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF SAID SUBDIVISION PLAT (AS REQUIRED BY IOWA LAW SECTION 354.8(2)).

DATED \_\_\_\_\_

**LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING**

Published in the Sioux City Journal Legals section on **April 8, 2023**.

**\*\*\* 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

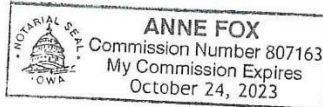
ORDER NUMBER 57903

Subscribed and sworn before me in Sioux City, in said County,  
this 10<sup>th</sup> day of April, 2023.

Shelby Gimsley

[Signature] Notary Public

In and for Woodbury County.



Section: Legal  
Category: 015 Attorneys & Legals  
PUBLISHED ON: 04/08/2023

TOTAL AD COST: 22.25  
FILED ON: 4/10/2023

**NOTICE OF A PUBLIC HEARING REGARDING  
A MINOR SUBDIVISION PROPOSAL  
BEFORE THE WOODBURY COUNTY ZONING  
COMMISSION**

The Woodbury County Zoning Commission will hold a public hearing on the following item hereafter described in detail on April 24, 2023 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearing will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or call: 712-454-1133 and enter the Conference ID: 516 721 135# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)  
**PROPOSED MINOR SUBDIVISION:** To be known as Niemeier Addition, a one-lot minor subdivision in a 4,500-acre portion of Section 7, T89N R46W (Concord Township) in the SW ¼ of the NW ¼ on Parcel #89460710006. The parent parcel abuts the corporate boundary of Sioux City along Barker Avenue. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Marilyn Niemeier, as Trustee of the Edwin O. Niemeier Revocable Trust, 1130 Barker Avenue, Sioux City, IA 51103.

## PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The 8 property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **April 14, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **April 24, 2023**.

As of **April 19, 2023**, the Community and Economic Development office has received the following comments. The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.



Name	Address	City	State	Zip	COMMENTS:
Marilyn Niemeyer, Trustee of the Edwin O. Niemeyer Revocable Trust	4250 Fremar Dr.	Sioux City	IA	51104	No comments.
Justine B. Barkley	1140 Barker Ave.	Sioux City	IA	51108	See letter below
Mark W. Zenk	1152 Barker Ave.	Sioux City	IA	51108	See letter below.
Hunter A. Rockman	1176 Barker Ave.	Sioux City	IA	51108	See letter below.
Derrill J. Townley, Trustee of the Derrill J. Townley Revocable Trust	1414 110th St.	Sioux City	IA	51108	
Edward Townley and Marie Townley	1418 110th St.	Sioux City	IA	51108	See letter below.
City of Sioux City	405 6th St.	Sioux City	IA	51102-0447	No comments.
Michael J. Barkley and Mary E. Barkley	5701 41st St.	Sioux City	IA	51108	See letter below.

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment  
Woodbury County Court House  
620 Douglas St. #600  
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

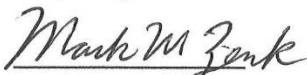
Folks:

This letter is to communicate positive support for the plans of Mosher Landscaping to locate its business to property at 1130 Barker Avenue, including support for Mosher's zoning application being presented to you.

I am familiar with the property and have been advised of Mosher's plans for it. Mosher Landscaping will be an excellent addition to the neighborhood area and will fit in well.

Thank you for registering my support for the Mosher landscaping project.

Very truly,

  
Mark W. Zenk

1152 Barker Ave.  
Sioux City, IA. 51108



March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment  
Woodbury County Court House  
620 Douglas St. #600  
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

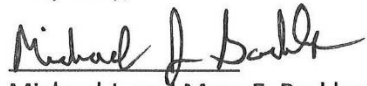
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Very truly,



Michael J. and Mary E. Barkley

5701 41st St.  
Sioux City, IA. 51108

March 30, 2023

Woodbury County Zoning Commission and Board of Adjustment  
Woodbury County Court House  
620 Douglas St. #600  
Sioux City, IA 51104

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Very truly,



Justine B. Barkley

1140 Barker Ave.  
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment  
Woodbury County Court House  
620 Douglas St. #600  
Sioux City, IA 51104

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Very truly,



Hunter A. Rockman

1176 Barker Ave.  
Sioux City, IA. 51108

April 2  
March \_\_\_\_, 2023

Woodbury County Zoning Commission and Board of Adjustment  
Woodbury County Court House  
620 Douglas St. #600  
Sioux City, IA 51104

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Thank you for registering my support for the Mosher landscaping project.

Very truly,



Edward and Marie Townley

1418 110<sup>th</sup> St.  
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment  
Woodbury County Court House  
620 Douglas St. #600  
Sioux City, IA 51104

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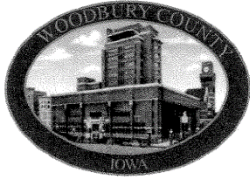
Very truly,

  
Derril / Don Townley

1414 110<sup>th</sup> St.  
Sioux City, IA. 51108

**STAKEHOLDER COMMENTS**

911 COMMUNICATIONS CENTER:	No comments.
CITY OF SIOUX CITY	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following minor subdivision application for MEC electric: We have no conflicts. – Casey Meinen, 4/3/23
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	No comments.
NUSTAR PIPELINE:	I confirmed this has no impact to our pipeline. Thanks – Matt McGee, 3/31/23
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	<b>SEE REVIEW MEMO BELOW</b>
WOODBURY COUNTY RECORDER:	I see no issues with this subdivision. Thank you – Diane Swoboda Peterson, 3/31/23
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposed sub-division. – Neil Stockfleth, 3/31/23
WOODBURY COUNTY TREASURER:	Taxes are current at this time. Please note that subdivision would need to be completed prior to certification of taxes which generally takes place at the beginning of August each year. Additionally, I did find a retracement plat of survey filed 1/31/23 that records the roadway easement that we discussed. – Tina Bertrand, 3/31/23



## Woodbury County Secondary Roads Department

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

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

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

SECRETARY  
Tish Brice  
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: April 7, 2023

Subject: Niemeyer Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated March 31, 2023.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa. We noted that the description and the plat are inconsistent in the description of the east lot line. The plat illustration shows the line bearing to be S 0 degrees W, 260.00 feet, while the legal description shows the line as S 0 degrees E. While the bearing is the same regardless, the description should be consistent with the description.
- I reviewed the individual lot for access. The existing driveway has adequate sight distance and can be used for access for the lot. Access for the remaining land will need to be a new driveway permit application unless an easement agreement is to be included. The documentation was silent on the planned access for the remaining parcel outside lot 1.
- I have no other concerns or issues with this minor subdivision application.

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

Cc: File

# PARCEL REPORT

3/31/23, 11:02 AM

Beacon - Woodbury County, IA / Sioux City - Parcel Report: 894607100006

## Beacon™ Woodbury County, IA / Sioux City

### Summary

Parcel ID 894607100006  
Alternate ID 883590  
Property 1130 BARKER AVE  
Address SIOUX CITY IA 51106  
Sec/Twp/Rng 7-89-46  
Brief EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC  
Tax Description NELY 481.46 FT THEC SELY 361.90 FT THEC SWLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S  
1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46  
*(Note: Not to be used on legal documents)*  
Deed Book/Page [2020-13775 \(10/27/2020\)](#)  
Gross Acres 60.53  
Net Acres 60.53  
Adjusted CSR Pts 3075.32  
Zoning AP - AGRICULTURAL PRESERVATION  
District 0057 CONCORD/SIOUX CITY  
School District SIOUX CITY COMM  
Neighborhood N/A



### Owner

Deed Holder  
[Niemeyer Edwin O Revocable Trust](#)  
[4125 Fremar Dr](#)  
Sioux City IA 51104  
Contract Holder  
Mailing Address  
Niemeyer Marilyn  
4250 Fremar Dr  
Sioux City IA 51104

### Land

Lot Area 60.53 Acres ; 2,636,687 SF

### Residential Dwellings

Residential Dwelling  
Occupancy Single-Family / Owner Occupied  
Style 1 Story Frame  
Architectural Style N/A  
Year Built 1994  
Condition Normal  
Roof Asph / Hip  
Flooring  
Foundation TILE  
Exterior Material METAL SIDING  
Interior Material Drwl  
Brick or Stone Veneer  
Total Gross Living Area 1,104 SF  
Main Area Square Feet 1104  
Attic Type None;  
Number of Rooms 4 above; 0 below  
Number of Bedrooms 2 above; 0 below  
Basement Area Type Full  
Basement Area 1,104  
Basement Finished Area  
Plumbing 1 Standard Bath - 3 Fi;  
Appliances  
Central Air Yes  
Heat Yes  
Fireplaces  
Porches  
Decks  
Additions  
Garages Basement Stall - 2 stalls;

### Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building	MACHINE SHED	46	72	1994	1

### Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
10/26/2020	NIEMEYER EDWIN O & MARILYN	NIEMEYER EDWIN O REVOCABLE TRUST	2020-13775	Quit Claim Deed	Deed		\$0.00



**Valuation**

	2023	2022	2021	2020	2019
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$100,250	\$77,880	\$77,880	\$73,590	\$73,590
+ Assessed Building Value	\$6,890	\$5,750	\$5,750	\$5,250	\$5,250
+ Assessed Dwelling Value	\$188,920	\$143,470	\$143,470	\$120,810	\$120,810
= Gross Assessed Value	<b>\$296,060</b>	<b>\$227,100</b>	<b>\$227,100</b>	<b>\$199,650</b>	<b>\$199,650</b>
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	<b>\$296,060</b>	<b>\$227,100</b>	<b>\$227,100</b>	<b>\$199,650</b>	<b>\$199,650</b>

**Sioux City Special Assessments and Fees**

[Click here to view special assessment information for this parcel.](#)

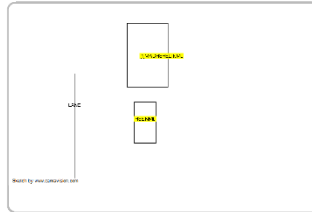
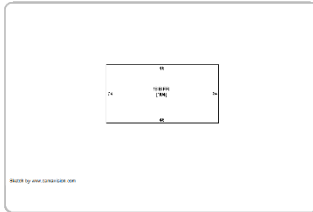
**Woodbury County Tax Credit Applications**

[Apply for Homestead, Military or Business Property Tax Credits](#)

**Photos**



**Sketches**



No data available for the following modules: Commercial Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications.

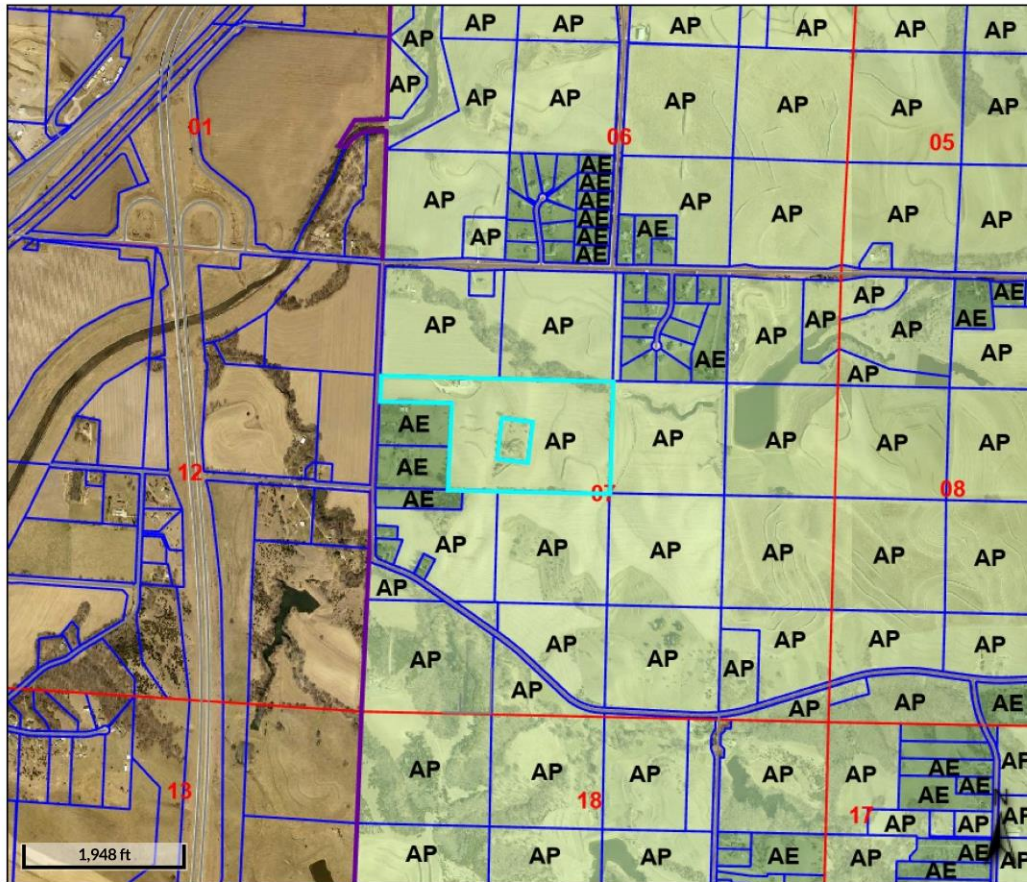


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ZONING MAP

**Beacon™** Woodbury County, IA / Sioux City



Overview



Legend

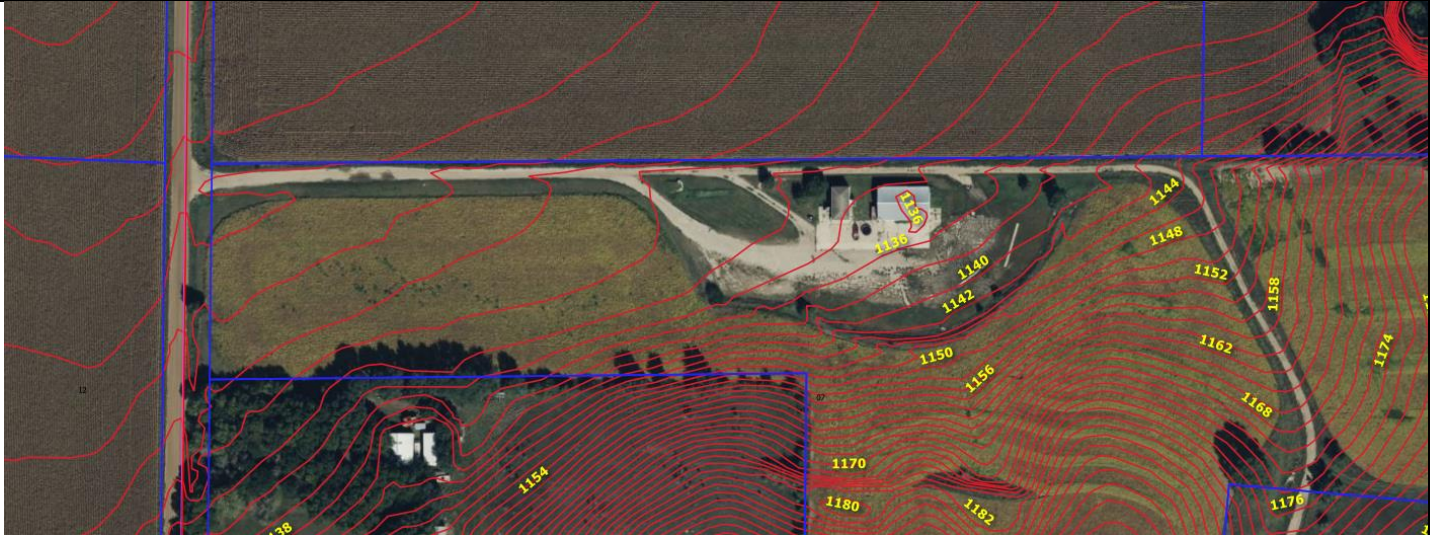
- Roads
  - ▭ Corp Boundaries
  - ▭ Townships
  - ▭ Sections
  - ▭ Parcels
- County Zoning
- AE
  - AP
  - GC
  - GC-PD
  - GI
  - LI
  - LI-PD
  - SR
  - WR

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIoux CITY, IA 51104
	SIoux CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/31/2023  
 Last Data Uploaded: 3/30/2023 9:08:57 PM

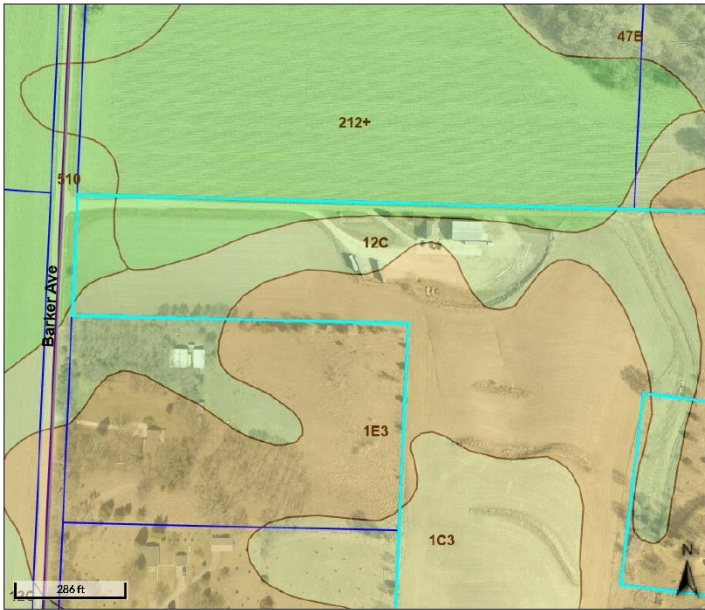
Developed by Schneider GEOSPATIAL

# ELEVATION



# SOIL REPORT

**Beacon**™ Woodbury County, IA / Sioux City



### Overview



### Legend

- Roads
- Soils
  - 0.000000 - 5.000000
  - 5.000001 - 20.000000
  - 20.000001 - 30.000000
  - 30.000001 - 40.000000
  - 40.000001 - 50.000000
  - 50.000001 - 60.000000
  - 60.000001 - 70.000000
  - 70.000001 - 80.000000
  - 80.000001 - 90.000000
  - 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acres	60.53		SIOUX CITY, IA 51104
	SIOUX CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG; THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				

(Note: Not to be used on legal documents)

**Summary**

Parcel ID 894607100006  
 Gross Acres 60.53  
 ROW Acres 0.00  
 Gross Taxable Acres 60.53  
 Exempt Acres 0.00  
 Net Taxable Acres 60.53 (Gross Taxable Acres - Exempt Land)  
 Average Unadjusted CSR2 54.75 (3313.83 CSR2 Points / 60.53 Gross Taxable Acres)

Agland Active Config 2017 CSR2

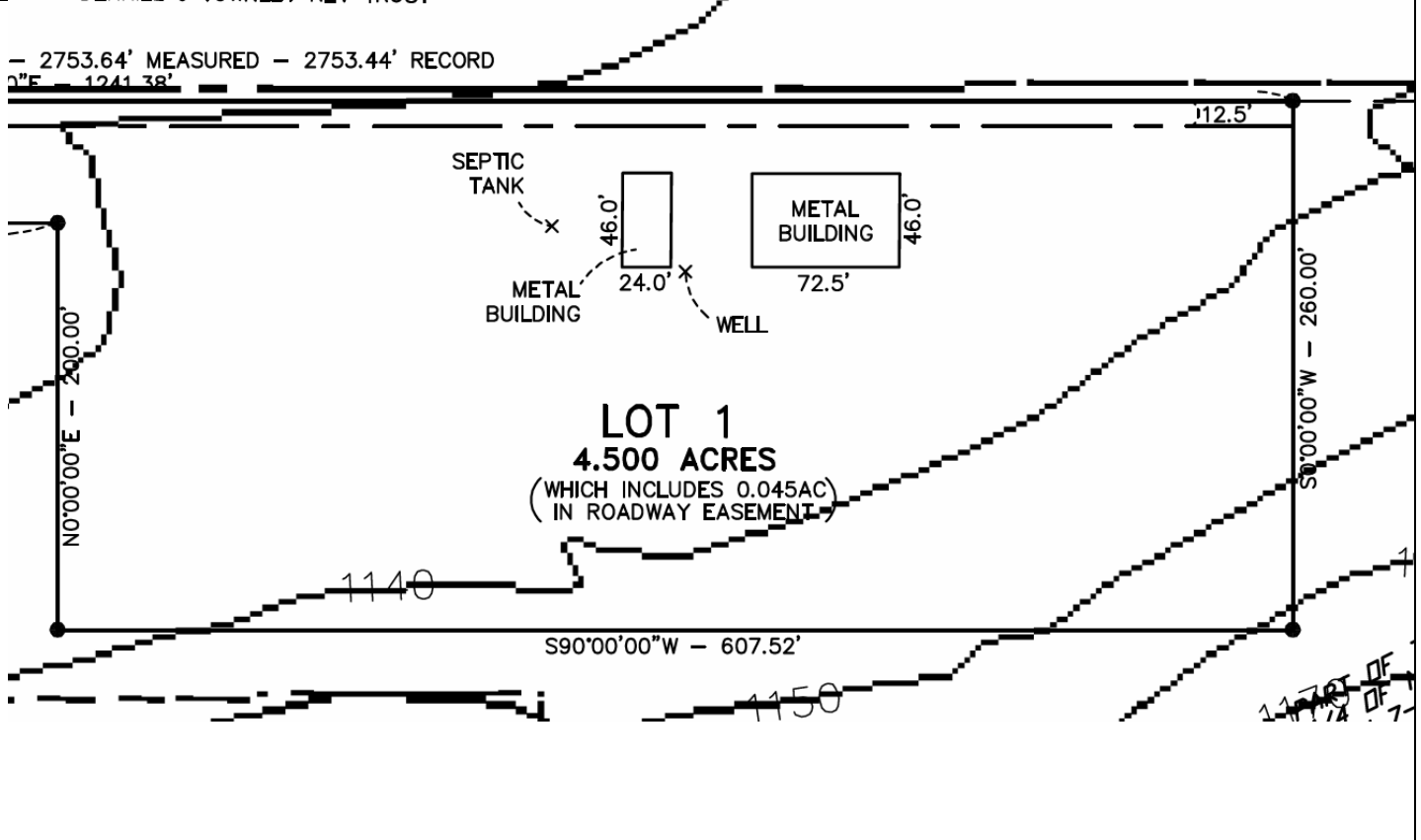
**Sub Parcel Summary**

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	50.56	53.97	2,728.72	2,728.72
Non-Crop	9.97	58.69	585.11	346.60
<b>Total</b>	<b>60.53</b>		<b>3,313.83</b>	<b>3,075.32</b>

**Soil Summary**

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.45	43.20	43.20
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	9.82	913.26	913.26
100% Value	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.02	91.80	91.80
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	5.36	477.04	477.04
100% Value	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	0.56	47.60	47.60
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	2.18	130.80	130.80
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	7.70	446.60	446.60
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	11.14	356.48	356.48
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	12.33	221.94	221.94
Non-Crop	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.10	9.60	4.79
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.01	0.93	0.47
Non-Crop	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.18	106.20	54.68
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	2.19	194.91	100.92
Non-Crop	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	1.75	148.75	78.82
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.88	51.04	33.46
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.30	9.60	9.38
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	3.56	64.08	64.08
<b>Total</b>				<b>60.53</b>	<b>3,313.83</b>	<b>3,075.32</b>

**WELL & SEPTIC LOCATIONS**



ROLL 229 PAGE 227

RIGHT-OF-WAY AND EASEMENT AGREEMENT

Whereas, Franklyn F. Conley and Lorraine F. Conley, husband and wife, (Conley) are owners of the real estate described as:

The S 1/2 of the NW 1/4 of Section 7, Township 89, North of Range 46, except the South 500 feet of the West 875 feet, in the County of Woodbury and State of Iowa;

and,

Whereas, Frances P. Geuss and Linda L. Geuss, husband and wife, (Geuss) are owners of the real estate described on Exhibit A, attached hereto, and by reference incorporated herein (Parcel B), and,

Whereas, Conley, their heirs and assigns, and Geuss, their heirs and assigns, desire to create an easement over Parcel A for the benefit of Parcel B, it is therefore agreed by and between the undersigned that:

- 1. The rights created herein shall be perpetual and run with the land for the benefit of Parcel B.
2. The easement shown on Exhibit A shall be used for a driveway for ingress and egress to Parcel B for the sole and exclusive benefit of Parcel B.
3. The owners of Parcel B shall maintain said easement at their sole expense and the owners of Parcel A shall have no duty or obligation to maintain said easement.
4. No fence shall be erected on either side of said easement and no gate shall be erected where said easement enters the west side of Parcel A.

March 20, 1990

March 20, 1990

Francis P. Geuss
Francis P. Geuss

Franklyn F. Conley
Franklyn F. Conley

Linda L. Geuss
Linda L. Geuss

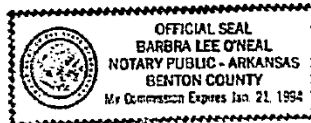
Lorraine F. Conley
Lorraine F. Conley

STATE OF ARKANSAS )
)SS
COUNTY OF BENTON )

On this 20 day of March, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Franklyn F. Conley and Lorraine F. Conley, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

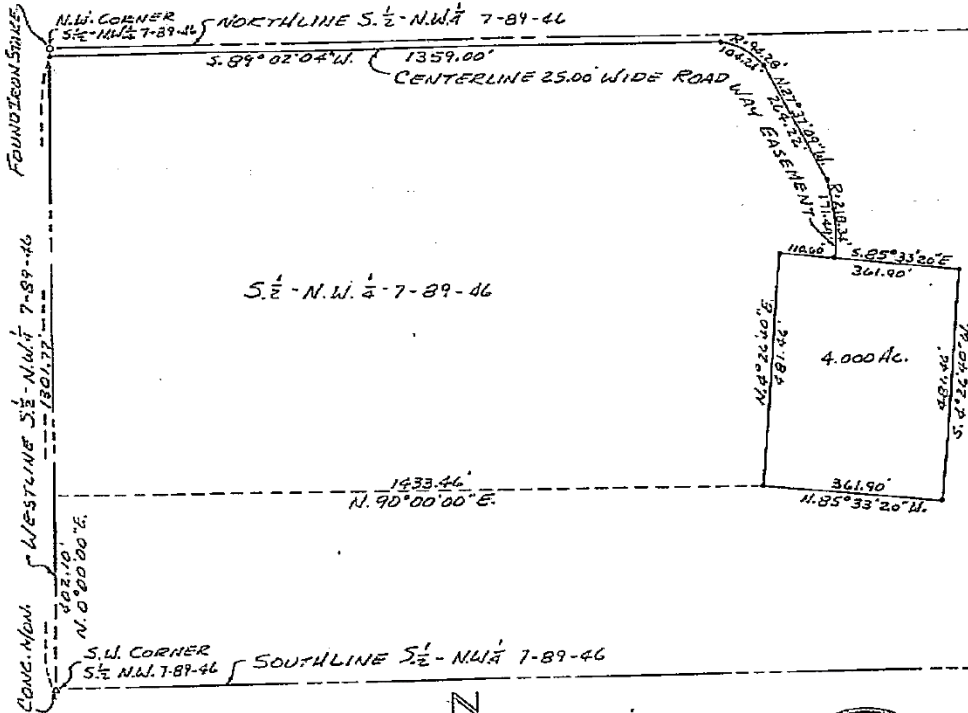
12427
Doc. No. Fee \$ 15.00
WOODBURY COUNTY, IOWA - Filed for Record
7:09 PM Mo. April 20 Yr. 1990
MOSE YANNEY, RECORDER
By [Signature] Deputy

Barbra Lee O'Neal
Notary Public in and for
the State of Arkansas



SURVEY PLAT SHOWING PART OF THE S. 1/2 OF THE N.W. 1/4 OF SECTION 7 T89N, R46W. OF THE 5TH P.M. WOODBURY COUNTY, IOWA.

REQUESTED BY: FRANKLYN CONLEY, HIWASSE A&K.



FOUND IRON STAKE  
FOUND CONC. MON.

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly licensed land surveyor under the laws of the State of Iowa.

*Leoland V. Fagan*  
Leoland V. Fagan, Reg. No. 5542

JAN 5, 1989  
Date



200'

SCALE

= IRON STAKE SET

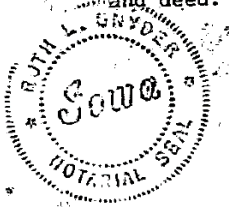


LEGAL DESCRIPTION

PART OF THE S. 1/2 OF THE N.W. 1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS; COMMENCING AT THE S.W. CORNER OF SAID S. 1/2 OF THE N.W. 1/4 THENCE N. 0°00'00" E. ALONG THE WESTLINE OF SAID S. 1/2 OF THE N.W. 1/4 FOR 402.10 FEET; THENCE N. 90°00'00" E. FOR 1433.46 FEET TO THE POINT OF BEGINNING; THENCE N. 4°26'40" E. FOR 481.46 FEET; THENCE S. 85°33'20" E. FOR 361.90 FEET; THENCE S. 4°26'40" W. FOR 481.46 FEET; THENCE N. 85°33'20" W. FOR 361.90 FEET TO THE POINT OF BEGINNING. CONTAINING 4.000 ACRES. TOGETHER WITH A 25.00 FOOT WIDE ROADWAY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWESTERLY CORNER OF THE BEFORE DESCRIBED PARCEL; THENCE S. 85°33'20" E. ALONG THE NORTHERLY LINE OF SAID BEFORE DESCRIBED PARCEL FOR 110.60 FEET TO THE POINT OF BEGINNING, AND THE CENTERLINE OF SAID 25.00 FOOT WIDE ROADWAY EASEMENT; THENCE NORTHERLY ALONG SAID CENTERLINE AND A 218.34 FOOT RADIUS CURVE CONCAVE WESTERLY FOR 171.99 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 5°07'08" W. AND A CHORD LENGTH OF 167.12 FEET; THENCE N. 27°37'09" W. ALONG SAID CENTERLINE FOR 264.22 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE AND A 94.28 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY FOR 104.24 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 59°17'34" W. AND A CHORD LENGTH OF 99.01 FEET; THENCE S. 89°02'04" W. ALONG SAID CENTERLINE FOR 1359.00 FEET TO A POINT ON THE WESTLINE OF SAID S. 1/2 OF THE N.W. 1/4, SAID POINT BEING N. 0°00'00" E. AND 1301.77 FEET FROM THE S.W. CORNER OF SAID S. 1/2 OF THE N.W. 1/4, SAID POINT ALSO BEING THE END OF SAID ROADWAY DESCRIPTION.

STATE OF IOWA )  
 )SS  
COUNTY OF WOODBURY )

On this 14<sup>th</sup> day of ~~March~~ April, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Francis P. Geuss and Linda L. Geuss, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



*Ruth L. Snyder*  
Notary Public in and for  
the State of Iowa Ruth L. Snyder  
My Commission Expires 8-29-90

## ACCESS CLARIFICATION

### Daniel Priestley

---

**From:** John Daniels <[john@danielsosborn.com](mailto:john@danielsosborn.com)>  
**Sent:** Monday, April 17, 2023 11:14 AM  
**To:** Daniel Priestley  
**Cc:** Sid Mosher; Alex Berenstein  
**Subject:** Re: Access to Niemeyer Property after Subdivision  
**Attachments:** Mosher.Niemeyer purchase agmt excerpt re easement for future access.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. **If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.**

Dan,

Attached is excerpt from the parties' purchase agreement referencing the agreed-upon plan to provide access to the balance of the Niemeyer property via new access easement. While the agreement references granting the easement after closing, I'm thinking that as a practical matter the easement agreement will be prepared, executed and filed contemporaneously with the deed and other closing documents. Closing will follow all zoning and subdivision final approvals.

I believe this should suffice to satisfy the engineer's comments; let me know if there's any further follow up or other comments.

Thank you.

John D.

John D. Daniels, Attorney  
Daniels Osborn Law Firm, PLC  
600 4th St.-#302  
Sioux City, IA 51102  
712.253.1807  
[john@danielsosborn.com](mailto:john@danielsosborn.com)



conform to standards adopted by the Department of Natural Resources. Seller agrees to pay for all necessary repairs to the septic system identified by the inspector's report. Seller shall attach the inspection report to the Groundwater Hazard Statement to be filed at closing.


**22. CLOSING COSTS.**

- a. Seller shall be responsible for the following: the cost of the preliminary abstract continuation; one-half of the closing and escrow fee for the sale portion of the transaction; the transfer tax payable to the Woodbury County Recorder upon the filing of the deed; Seller's attorney fees.
- b. Buyer shall be responsible for the following: the cost of the title opinion; one-half of the closing and escrow fee for the sale portion of the transaction; the cost of any fees associated with obtaining a mortgage loan or similar financing; the cost of any inspections required by Buyer or Buyer's lender; the filing fee payable to the Woodbury County Recorder for the filing of the deed and mortgage.

**23. ACCESS EASEMENT.** After closing, Buyer agrees to grant an access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate.

Dated as of the Effective Date.

SELLER

  
Marilyn Niemeyer, as Trustee of the  
Edwin O. Niemeyer Revocable Trust

BUYER

MOSHER ASSET MANAGEMENT, LLC

  
Sid Mosher, Manager