

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into amongst the City of Sergeant Bluff, Iowa (“Sergeant Bluff”), the City of Sioux City, Iowa (“Sioux City”), and Woodbury County, Iowa (the “County”) (collectively hereinafter these entities shall be referred to as the “Parties”) as of the 22<sup>nd</sup> day of May, 2023 (the “Commencement Date”).

WHEREAS, pursuant to Chapter 403 of the Code of Iowa, counties have certain urban renewal powers; and

WHEREAS, the County has established the Grow Woodbury County Urban Renewal Area (the “GWC URA”) and has adopted a tax increment ordinance for the GWC URA; and

WHEREAS, in accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a county may exercise urban renewal powers with respect to property which is located inside or within two miles of the boundaries of a city only if the county and city have entered into a joint agreement with respect to such exercise of powers; and

WHEREAS, the Board of Supervisors of the County intends to amend the urban renewal plan for the “Urban Renewal Area to include the real property described as shown on Exhibit A hereto (the “I-29 Interchange Site”); and

WHEREAS, a portion of the I-29 Interchange Site is situated within and/or within two miles of the boundaries of Sioux City and Sergeant Bluff (together, the “Cities”); and

WHEREAS, the Board of Supervisors of the County has requested that the Cities enter into a joint agreement in order to enable the County to exercise urban renewal powers with respect to the I-29 Interchange Site; and

WHEREAS, the initial project to be undertaken with respect to the I-29 Interchange Site will consist of the construction of a new interchange and related infrastructure on and near Interstate 29 in the GWC URA (the “I-29 Interchange Project”); and

WHEREAS, all parties intend that the properties (the “Project Benefit Area”) near to and benefitting from the I-29 Interchange Site will develop to their highest and best use in the future;

NOW THEREFORE, the Parties hereto agree as follows:

**A. County’s Covenants:**

- 1) The County shall take fiscal responsibility for making full and timely payment of the local share of the I-29 Interchange Project costs.
- 2) The County shall expand the boundaries of the GWC URA to include the real property highlighted in blue on Exhibit A hereto. Said property represents the permanent right of way acquisition area necessary for the Interchange Project.

- 3) The County shall declare the I-29 Interchange Project to be an authorized urban renewal project of the County to be undertaken within the GWC URA.
- 4) The County shall issue its bonded indebtedness (the "County Bonds") to pay the local government share of the costs of the I-29 Interchange Project. The County Bonds shall be issued in a manner so as to be payable from incremental property tax revenues to be derived from the GWC URA. Furthermore, the County will (i) structure the County Bonds to be amortized over a period of 10 years; and (ii) issue the County Bonds at the most commercially reasonable pricing and rates as shall be available at the time of their sale.
- 5) The County shall refrain from establishing any ordinances pursuant to Section 403.19 of the Code of Iowa, providing for the division of TIF Revenues from any taxable parcels included in the I-29 Interchange Site.
- 6) The County will support Sioux City and Sergeant Bluff in establishing their own respective urban renewal areas and Tax Increment Finance Districts in the Project Benefit Area. Furthermore, the County will support the annexation of the real estate comprising the Project Benefit Area into the respective cities in the future.

**B. Sergeant Bluff's Covenants:**

- 1) Sergeant Bluff hereby consents to the County's undertaking of the urban renewal action identified in Section A.2 and A.3 above as contemplated in the "Area of Operation" definition of Section 403.17 of the Code of Iowa. Furthermore, Sergeant Bluff hereby ratifies and affirms the prior inclusion of all County road rights of way lying within two miles of its city limits and situated within the GWC URA.
- 2) Sergeant Bluff may, at its discretion and subject to any annexation agreements with Sioux City, pursue annexation of the real property (the "Sergeant Bluff Property") situated within the Project Benefit Area lying east of Interstate 29 as depicted on Exhibit A hereto.
- 3) To the extent that Sergeant Bluff annexes any of the parcels comprising the Sergeant Bluff Property, Sergeant Bluff will commence making an annual payment to the County in compliance with this section. Each annual payment shall be due by no later than each June 15 during the time period commencing on June 15 of the first fiscal year of the City in which property taxes derived from the City property tax levy are paid by the owners of the annexed parcels and ending when the Bonds are fully retired by the County, both as to principal and interest. Each payment shall be in an amount equal to the aggregate taxable valuation (including both the valuation at the time of annexation and increases in valuation which may occur thereafter) of each such annexed parcel as of January 1 of the calendar year immediately preceding the start of the fiscal year in which the payment shall become due, multiplied by the then-current Rural Services property tax levy rate of

the County (as provided for in Sections 331.422 and 331.423 of the Code of Iowa, or successor provisions). This calculation shall be repeated each fiscal year so as to account for any increases in the taxable valuation of annexed parcels and any fluctuations in the levy rate.

For example, if Parcels A and B are annexed into Sergeant Bluff on May 15, 2025 and the City property tax levy is imposed on such property beginning in the 2026-2027 fiscal year, then payment would be due and owing on June 15, 2027. Further, if (i) Parcel A and B have an aggregate taxable valuation of \$200,000 as of January 1, 2026 and (ii) the County Rural Services levy rate then in effect is \$3.95 per thousand; then (iii) the amount of payment owed would be \$790.00.

**C. Sioux City's Covenants:**

- 1) Sioux City hereby consents to the County's undertaking of the urban renewal action identified in Section A.2 and A.3 above as contemplated in the "Area of Operation" definition of Section 403.17 of the Code of Iowa. Furthermore, Sioux City hereby ratifies and affirms the prior inclusion of all County road rights of way lying within two miles of its city limits and situated within the GWC URA.
- 2) Sioux City may, at its discretion and subject to any annexation agreements with Sergeant Bluff, pursue annexation of the real property (the "Sioux City Property") situated within the Project Benefit Area lying west of Interstate 29 as depicted on Exhibit A hereto.
- 3) To the extent that Sioux City annexes any of the parcels comprising the Sioux City Property, Sioux City will commence making an annual payment to the County in compliance with this section. Each annual payment shall be due by no later than each June 15 during the time period commencing on June 15 of the first fiscal year of the City in which property taxes derived from the City property tax levy are paid by the owners of the annexed parcels and ending when the Bonds are fully retired by the County, both as to principal and interest. Each payment shall be in an amount equal to the aggregate taxable valuation (including both the valuation at the time of annexation and increases in valuation which may occur thereafter) of each such annexed parcel, multiplied by the then-current Rural Services property tax levy rate of the County (as provided for in Sections 331.422 and 331.423 of the Code of Iowa, or successor provisions). This calculation shall be repeated each fiscal year so as to account for any increases in the taxable valuation of annexed parcels and any fluctuations in the levy rate.

For example, if Parcels A and B are annexed into Sioux City on May 15, 2025 and the City property tax levy is imposed on such property beginning in the 2026-2027 fiscal year, then payment would be due and owing on June 15, 2027. Further, if (i) Parcel A and B have an aggregate taxable valuation of \$200,000 as of January 1,

2026 and (ii) the County Rural Services levy rate then in effect is \$3.95 per thousand; then (iii) the amount of payment owed would be \$790.00.


**D. Administrative Provisions:**

- 1) The term (the "Term") of this Agreement shall commence on the Commencement Date and end on the date on which the Bonds are fully retired both as to principal and interest.
- 2) This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.
- 3) No party shall have the right to cause the Agreement to be amended, assigned, assumed or otherwise transferred without the prior written consent of the other parties.
- 4) This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

The County, Sergeant Bluff, and Sioux City have caused this Agreement to be signed in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

WOODBURY COUNTY, IOWA

By:   
Chairperson, Board of Supervisors

Attest:   
County Auditor

CITY OF SERGEANT BLUFF, IOWA

By:   
Mayor Jon Winkel

Attest:   
City Clerk Danny Christoffers

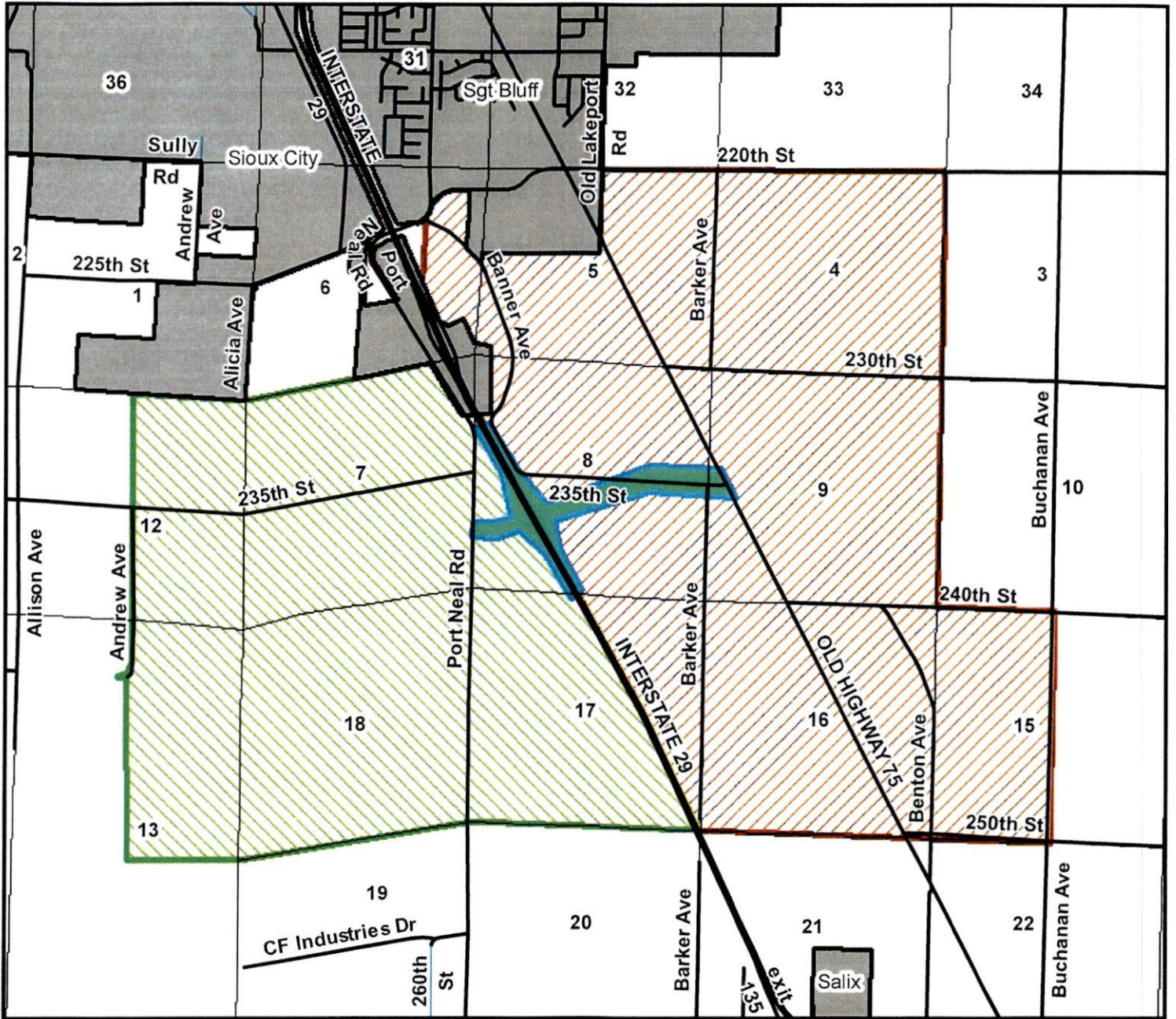
CITY OF SIOUX CITY, IOWA




By:   
Mayor Robert E. Scott

Attest:

  
City Clerk Lisa L. McCardle

# Exhibit A



-  I-29 Addition Property / GWC URA
-  Project Benefit Area, Sergeant Bluff
-  Project Benefit Area, Sioux City

The attached document goes with the following Item which is on the May 22, 2023, agenda:

Resolution Authorizing and Approving an Intergovernmental Agreement with the City of Sergeant Bluff, Iowa and Woodbury County, Iowa for the I-29 Interchange Project.

Please return all copies to City Legal.

14E (3)

**STATE OF IOWA**

**Woodbury County**

**CITY OF SIOUX CITY**

**Office of the City Clerk**

I, Lisa L. McCardle, City Clerk of the City of Sioux City and City Clerk of the City Council thereof, and as such, having charge of and in my possession, all the records and documents pertaining to said office now remaining therein, do hereby certify that it appears from such records that the foregoing is a true and correct copy of the Resolution 2023-0515 adopted by the City Council of the City on the 22<sup>nd</sup> day of May 2023 upon the call of yeas and nays thereof duly had and recorded.

Dated at Sioux City, Iowa this 23<sup>rd</sup> day of May 2023.



  
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LISA L. McCARDLE  
CITY CLERK



**RESOLUTION NO. 2023 - 0515**  
with attachments

**RESOLUTION AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SERGEANT BLUFF, IOWA AND WOODBURY COUNTY, IOWA IN CONNECTION WITH THE I-29 INTERCHANGE PROJECT.**

WHEREAS, the Cities of Sioux City and Sergeant Bluff, Woodbury County, The Siouxland Initiative, and the Iowa Department of Transportation have completed the initial step with the Federal Highway Administration to construct a new interchange located at approximately mile marker 139 on Interstate 29 to improve access to the Southbridge area; and

WHEREAS, Woodbury County has entered into an Agreement with the Iowa Department of Transportation as the Local Public Agency leading this project; and

WHEREAS, the Cities of Sergeant Bluff and Sioux City are working with Woodbury County to secure funding for the construction of the interchange and associated roadways; and

WHEREAS, pursuant to Chapter 403 of the Code of Iowa, Woodbury County has established the Grow Woodbury County Urban Renewal Area and has adopted a tax increment ordinance for said area; and

WHEREAS, in accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a county may exercise urban renewal powers with respect to property which is located inside or within two miles of the boundaries of a city only if the county and city have entered into a joint agreement with respect to such exercise of powers; and

WHEREAS, the Board of Supervisors of Woodbury County intends to amend the urban renewal plan for the Grow Woodbury County Urban Renewal Area to include the real property located at approximately mile marker 139 for said new I-29 Interchange site; and

WHEREAS, a portion of the new I-29 Interchange site is situated within and/or within two miles of the boundaries of Sioux City, Iowa and Sergeant Bluff, Iowa; and

WHEREAS, the Board of Supervisors of Woodbury County has requested that the Cities of Sioux City and Sergeant Bluff enter into an Intergovernmental Agreement in order to enable Woodbury County to exercise urban renewal powers with respect to the new I-29 Interchange Site.


NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY that the attached Intergovernmental Agreement with the City of Sergeant Bluff, Iowa and Woodbury County, Iowa in connection with the I-29 Interchange Project, as referred to in the preamble hereof, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized and directed to execute said Intergovernmental Agreement for and on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk, be and she is hereby authorized and directed to file a certified copy of this resolution with the Intergovernmental Agreement with the Iowa Secretary of State.

PASSED AND APPROVED: May 22, 2023

  
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Robert E. Scott, Mayor

ATTEST:   
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Lisa L. McCardle, City Clerk