



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(MARCH 29) (WEEK 13 OF 2022)**

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

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 rdewitt@woodburycountyiowa.gov	Keith W. Radig 560-6542 kradig@woodburycountyiowa.gov	Jeremy Taylor 259-7910 jtaylor@woodburycountyiowa.gov	Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov	Justin Wright 899-9044 jwright@woodburycountyiowa.gov
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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held March 29, 2022 at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Board for speakers.

1. Anyone may address the Board on any agenda item after initial discussion by the Board.
2. Speakers will approach the microphone one at a time and be recognized by the Chair.
3. Speakers will give their name, their address, and then their statement.
4. Everyone will have an opportunity to speak. Therefore, please limit your remarks to **three minutes on any one item.**
5. At the beginning of the discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under the first or final agenda item "Citizen Concerns."
7. For the benefit of all in attendance, please turn off all cell phones and other devices while in the Board Chambers.

AGENDA

- 4:00 p.m.** 1. **Grant Township Trustees Meeting**
- a. Approval of the agenda
 - b. Approval of the minutes of the March 1,2022 Grant Township meeting
 - c. Discussion and Approval of the FY21 Summary Statement of Receipts and Disbursements
 - d. Approval of Claims
 - Oto Fire = FY22 - \$7,500.00
 - Oto Fire = additional equipment - \$28,000.00
 - Oto Fire Total = \$35,500.00
 - Anthon Fire = FY22 - \$7,500.00
 - Anthon Fire = additional equipment - \$28,000.00
 - Anthon Fire Total = \$35,500.00
 - Total Fire = \$71,000.00
- 4:15 p.m.**
(Set Time)
- e. Public Hearing on proposed Grant Township FY23 Budget
 - f. Adoption of Grant Township FY23 Budget
 - g. Reports on Committee Meetings
 - h. Township Citizen Concerns
 - i. Township Trustee Concerns
 - j. Adjournment

- 4:30 p.m.** Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence
2. Citizen Concerns Information
3. Approval of the agenda Action

Consent Agenda

Items 4 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.

4. Approval of the minutes of the March 22, 2022 meeting
5. Approval of claims
6. Board Administration – Dennis Butler
- a. Approval of Bond Counsel Engagement Agreement
 - b. Approve the sale of the County Farm and authorize the chairman to sign the purchase agreements
7. Human Resources – Melissa Thomas
- a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process
8. Secondary Roads – Mark Nahra
Approve the permit to work in the right of way for the Brown’s Lake area homeowners and to direct the chair to sign the permit

End Consent Agenda

- 4:35 p.m.** 9. Board Administration – Heather Van Sickle
(Set time) Public hearing and sale of property parcel # 894727230005 (aka 1006 Dubuque Street) Action
- 4:40 p.m.** 10. Community & Economic Development – Daniel Priestley
(Set time)
- a. Public hearing on the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance Action
 - b. Approval of the second reading of the ordinance Action
11. Board Administration – Dennis Butler
- a. Approval of resolution ratifying, confirming and approving publication of notice of public hearing Action
- 4:45 p.m.** b. Public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder Action
(Set time)
- c. Approval of resolution instituting proceedings to take additional action Action
 - d. Approval of resolution ratifying, confirming and approving publication of notice of public hearing Action

- | | | |
|--------------------------------|---|-------------|
| 4:47 p.m.
(Set time) | e. Public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder | Action |
| | f. Approval of resolution instituting proceedings to take additional action | Action |
| | g. Approval of resolution authorizing the issuance and levying a tax for the payment thereof | Action |
| 4:50 p.m.
(Set time) | 12. Board Administration – Dennis Butler | |
| | a. Public hearing to levy General Basic property tax rate which exceed statutory Maximum | Action |
| | b. Public hearing on proposed Fiscal Year 2023 budget | Action |
| | c. Adoption of Fiscal Year 2023 budget and resolution | Action |
| | 13. Board Administration – Dennis Butler | |
| | Approve transfer of up to \$1,200,000 from General Basic Reserves for the Brown’s Lake project, to be reimbursed by Conservation Reserve Fund over a 10-year period | Action |
| | 14. Emergency Services – Andrew Donawa & Board Administration – Dennis Butler | |
| | a. Emergency budget request reference air truck filtration system part | Action |
| | b. Purchase of mortuary cart for medical examiner investigation | Action |
| | 15. Secondary Roads – Mark Nahra | |
| | a. Award bid for annual corrugated metal pipe purchase for 2022, project CP-2022 to Metal Culverts Inc. for \$130,758.00 | Action |
| | b. Approve the resolution supporting the RISE grant application to improve Alicia Avenue and support the new Cold Link Logistics development | Action |
| | 16. Reports on Committee Meetings | Information |
| | 17. Citizen Concerns | Information |
| | 18. Board Concerns | Information |

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

MON., MAR. 28	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
FRI., APR. 1	9:00 a.m.	Hungry Canyons Alliance Spring Quarterly Meeting, Atlantic, Iowa
MON., APR. 4	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., APR. 6	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., APR. 7	10:00 a.m.	COAD Meeting, The Security Institute
	12:00 p.m.	SIMPCO Regional Policy and Legislative Affairs Committee, Hybrid
WED., APR. 13	7:30 a.m.	SIMPCO Executive-Finance Committee, Hybrid
	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	10:00 a.m.	STARComm Board Meeting, The Security Institute, WIT Campus
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
THU., APR. 14	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
FRI., APR. 15	12:00 p.m.	Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
WED., APR. 20	10:00 a.m.	Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
	12:00 p.m.	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
THU., APR. 21	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
	4:30 p.m.	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
MON., APR. 25	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
TUE., APR. 26	2:00 p.m.	Decat Board Meeting, Western Hills AEA, Room F
WED., APR. 27	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
THU., APR. 28	11:00 a.m.	Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
MON., MAY 2	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., MAY 4	10:00 a.m.	Loess Hills Alliance Protection Meeting, Pisgah, Iowa
	11:00 a.m.	Loess Hills Alliance Stewardship Meeting
	1:00 p.m.	Loess Hills Alliance Executive Meeting
	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., MAY 5	10:00 a.m.	COAD Meeting, The Security Institute

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.

The Board of Supervisors met on Tuesday, March 1, 2022 at 4:15 p.m. as Trustees for Grant Township. Trustees present were Taylor, Ung, Radig, De Witt, and Wright. Township Clerk Jean Lillie was not present.

Motion by Ung second by Radig to appoint Pat Gill as temporary clerk. Carried 5-0.

Motion by Ung second by Wright second by to approve the FY23 budget as submitted. Carried 5-0.

Motion by Ung second by Taylor to set public hearing on FY23 budget 3/29/2022 at 4:15 p.m. Carried 5-0.

Motion by De Witt second by Radig to approve a claim for cemetery maintenance. Carried 5-0.

There were no Trustee concerns.

Motion by Radig second by Ung to adjourn. Carried 5-0.

Woodbury COUNTY, Grant TOWNSHIP

SUMMARY STATEMENT OF RECEIPTS AND DISBURSEMENTS

Fiscal Year July 1, 2020 thru June 30, 2021

Code of Iowa 359.23 Receipts and Expenditures - Annual Statement Each township clerk shall prepare, on or before September 30 of each year, a statement in writing, showing all receipts of money and disbursements in the clerk's office for each separate tax levy authorized by law for the preceding fiscal year, showing the current public debt of the township, and showing the balance as of June 30 of all separate reserve accounts held by the township, which shall be certified as correct by the trustees of the township. The statement shall be in a form prescribed by the county finance committee in consultation with the department of management. Each township clerk shall send a copy of this written statement to the county auditor no later than seven days after the statement is certified by the trustees. The county auditor shall post the statement or a summary of the statement in a prominent place in the building where the auditor's office is located. The county treasurer shall withhold disbursement of township taxes until the statement is filed with the county auditor. The county auditor shall notify the county treasurer if taxes are to be withheld.

SUMMARY		TOWNSHIP FUNDS					TOTAL
		Owned Cemetary (38.4618%)	Fire and EMS (61.5382%)	Township Hall			
1							
2	BEGINNING FUND BALANCE JULY 1, <u>2020</u>	31,586.65	50,538.08				82,124.73
	add (+)						
3	TOTAL REVENUE	10,518.33	15,908.77	2,023.15			28,450.25
	less (-)						
4	TOTAL DISBURSEMENTS	12,124.00	10,000.00				22,124.00
	equals (=)						
5	ENDING FUND BALANCE JUNE 30, <u>2021</u>	29,980.98	56,446.85	2,023.15			88,450.98
6	PUBLIC DEBT BALANCES AT YEAR END						
7	RESERVE FUND BALANCES AT YEAR END						

CERTIFICATION

To the County Auditor of the above-named County: We hereby certify that the above statements are correct as appears in the records of the township clerk.

Township Clerk

Date

Township Trustees

Woodbury COUNTY,

Grant

TOWNSHIP CLERK'S STATEMENT OF RECEIPTS AND DISBURSEMENTS

Fiscal Year July 1, 2020 thru June 30, 2021

1	STATEMENT OF RECEIPTS		TOWNSHIP FUNDS					TOTAL
			Owned Cemetery (38.4618%)	Fire and EMS (61.5382%)	Township Hall			
2								
3	BEGINNING FUND BALANCE 07/01/ 2020	+ Cash on hand						
4		+ Checking	31,586.65	50,538.08				82,124.73
5		+ Savings						
6		+ Other						
7		= Total	31,586.65	50,538.08				82,124.73
8	DATE	RECEIPTS DURING FISCAL YEAR						
9	7/7/2020	2018 Real Estate Apportioned in July	140.82	225.31	28.16			394.29
10	8/6/2020	2018 Real Estate Apportioned in August	68.80	110.08	13.76			192.64
11	7/31/2020	July 2020 Interest Security	1.33	2.14				3.47
12	9/3/2020	2019 Real Estate Apportioned in Sept	796.81	497.99	99.61			1,394.41
13	8/31/2020	August 2020 Interest	1.19	1.90				3.09
14	10/7/2020	2019 Real Estate Apporioned in Oct	4,574.37	7,319.15	915.02			12,808.54
15	9/4/2020	From Grinnell Mutual	90.00					90.00
16	9/30/2020	Sept 2020 Interest	1.09	1.74				2.83
17	10/31/2020	Oct 2020 Interest	1.25	2.00				3.25
18	11/6/2020	2018 and 2019 RE Apportioned in Nov	695.45	1,112.75	139.12			1,947.32
19	11/30/2020	Nov 2020 Interest	1.32	2.11				3.43
20	12/3/2020	2019 Real Estate Apportioned in Dec	47.18	75.49	9.43			132.10
21	12/31/2020	Dec 2020 Interest	1.37	2.19				3.56
22	1/8/2021	2019 Real Estate Apportioned in Jan	60.23	96.37	12.04			168.64
23	1/31/2021	Jan 2021 Interest	1.26	2.02				3.28
24	2/4/2021	2019 Real Estate Apportioned in Feb	207.73	332.37	41.55			581.65
25	2/28/2021	Feb 2021 Interest	1.14	1.83				2.97
26	3/3/2021	2019 Real Estate Apportioned in Mar	231.73	370.78	46.35			648.86
27	3/31/2021	Mar 2021 Interest	1.27	2.04				3.31
28	4/2/2021	2019 Real Estate Apportioned in Apr	2,832.72	4,532.44	566.65			7,931.81
29	4/30/2021	Apr 2021 Interest	1.31	2.09				3.40
30	5/10/2021	2019 Real Estate Apportioned in May	416.95	667.13	83.41			1,167.49
31	5/31/2021	May 2021 Interest	1.42	2.27				3.69
32	6/15/2021	2018 and 2019 RE Apportioned in June	340.20	544.35	68.05			952.60
33	6/30/2021	June 2021 Interest	1.39	2.23				3.62
34								
35								
36								
37	TOTAL REVENUE FROM THIS PAGE		10,518.33	15,908.77	2,023.15			28,450.25
38	TOTAL REVENUE FROM ATTACHED PAGES							
39	TOTAL REVENUE FOR YEAR		10,518.33	15,908.77	2,023.15			28,450.25
40	TOTAL TO BE ACCOUNTED FOR (Beginning Balance + Total Revenue)		42,104.98	66,446.85	2,023.15			110,574.98

Woodbury COUNTY,

Grant

TOWNSHIP CLERK'S STATEMENT OF RECEIPTS AND DISBURSEMENTS

Fiscal Year July 1, 2020 thru June 30, 2021

1	STATEMENT OF DISBURSEMENTS	TOWNSHIP FUNDS					TOTAL
		Owned Cemetery (38.4618%)	Fire and EMS (61.5382%)	Township Hall			
2							
3	DATE DISBURSEMENTS DURING FISCAL YEAR						
4	7/27/2020 Oto Fire Dept(Check 3272)		5,000.00				5,000.00
5	7/27/2020 Philip Welte Mowing (check 3271)	3,500.00					3,500.00
6	7/27/2020 EGR Insurance (check 3273)	174.00					174.00
7	7/27/2020 Anthon Fire Dept (Check 3274)		5,000.00				5,000.00
8	7/27/2020 Jake Berning (Check 3275)	700.00					700.00
9	11/15/2020 Pete's tree Service (check 3276)	7,750.00					7,750.00
10							
11							
12							
13							
14							
15							
16							
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22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32	TOTAL DISBURSEMENTS FROM THIS PAGE	12,124.00	10,000.00				22,124.00
33	TOTAL DISBURSEMENTS FROM ATTACHED PAGES						
34	TOTAL DISBURSMENTS FOR YEAR	12,124.00	10,000.00				22,124.00
35	ENDING FUND BALANCE 06/30/ 2021	+ Cash on hand					
36		+ Checking	29,980.98	56,446.85	2,023.15		88,450.98
37		+ Savings					
38		+ Other					
39		= Total	29,980.98	56,446.85	2,023.15		88,450.98
40	TOTAL TO BE ACCOUNTED FOR Total Disbursements+Ending Balance (must=Page R1 line 40)	42,104.98	66,446.85	2,023.15			110,574.98

NOTICE OF PUBLIC MEETING - PROPOSED TOWNSHIP BUDGET

Fiscal Year July 1, 2022 - June 30, 2023

County Name: WOODBURY COUNTY Township Name: Grant

The Board of Trustees of the above-named Township will conduct a public meeting on the proposed fiscal year budget as follows:

Meeting Date: 3/29/2022 Meeting Time: 04:15 PM Meeting Location: 620 Douglas Board Meeting Room Courthouse Basement

At the public meeting any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

Clerk's Telephone Number: (712) 279-6702 Clerk's Name: Acting Clerk Pat Gill

Posting Date: 3/9/2022

File one copy of the Notice of Public Meeting--Proposed Township Budget with the County Auditor no less than 10 days before the date set for the meeting. File one copy of the Adopted Budget Summary with the County Auditor immediately following the public hearing and on or before March 15.

PROPOSED BUDGET SUMMARY

Iowa Code Authority	Levy Limit	FUND (Use Whole Dollars)	A Estimated Beginning Fund Balance July 1, 2022	B Estimated Amount To Be Raised By Taxation	C Estimated Other Receipts	D Estimated Expenditures	E Estimated Ending Fund Balance June 30, 2023
Sec 359.30	Amt. Nec.	Owned Cemetery and Park		9,943		9,943	0
Sec 359.33	0.06750	Non-owned Cemetery		0			0
Sec 360.2	0.20250	Township Hall (requires vote)		0			0
Sec 360.8	0.13500*	Township Hall Repairs		0			0
Sec 336.18	0.06750	Library		0			0
Sec 359.19	Amt. Nec.	Litigation		0			0
Sec 670.7	Amt. Nec.	Tort Liability		0			0
Sec 359.43	**	Fire and Emergency Services (All)		15,909		15,909	0
		Other					0
		Total	0	25,852	0	25,852	0

*.27000 in county with 1960 census population between 17,000 - 17,200

** .60750 fire and emergency service; .54000 fire protection agreement with charter city; .87750 fire protection in a county over 300,000.

Township Tax Levy Name FIRE DIST/CEMETERIES	Record Key	Total Dollars	Taxable Value with G&E Utilities	Tax Rate	Taxable Value without G&E Utilities	Property Taxes Levied	Replacement Tax
GRANT	97K006	25,852	35,127,110	0.73597	34,455,042	25,358	494
FIRE DISTRICTS							
CEMETERIES							
		25,852				25,358	494

TOWNSHIP

PROPERTY TAX/UTILITY TAX REPLACEMENT EXCISE TAX COMPUTATION

TOWNSHIP TAX LEVY NAME: GRANT RECORD KEY: 97K006

FUND (Use Whole Dollars)	Levy Limit	AW Utility Tax Replacement and Property Tax Dollars	BW Taxable Valuation With Gas & Electric Utilities	CW Tax Rate	DW Taxable Valuation Without Gas & Electric Utilities	EW Property Taxes Levied	FW Estimated Utility Tax Replacement Excise Taxes
Owned Cemetery and Park	Amt. Nec.	9,943	35,127,110	0.28306	34,455,042	9,753	190
Non-owned Cemetery	0.06750	0	35,127,110		34,455,042	0	0
Township Hall	0.20250	0	35,127,110		34,455,042	0	0
Township Hall Repairs	0.13500*	0	35,127,110		34,455,042	0	0
Library	0.06750	0	35,127,110		34,455,042	0	0
Litigation	Amt. Nec.	0	35,127,110		34,455,042	0	0
Tort Liability	Amt. Nec.	0	35,127,110		34,455,042	0	0
Fire Service 1	**	15,909	35,127,110	0.45291	34,455,042	15,605	304
Fire Service 2		0	35,127,110		34,455,042	0	0
Fire Service 3		0	35,127,110		34,455,042	0	0
Ambulance Service 1		0	35,127,110		34,455,042	0	0
Ambulance Service 2		0	35,127,110		34,455,042	0	0
Ambulance Service 3		0	35,127,110		34,455,042	0	0
TOTAL		25,852		0.73597		25,358	494

County Auditor: Please direct the County Treasurer to pay
 (% or \$) of taxes levied in the Township for Fire and Emergency Services to the entities providing those services. Additional information, if necessary, is attached. Copies of the emergency services agreements are attached.

ADOPTED BUDGET SUMMARY

Iowa Code Authority	Levy Limit	FUND (Use Whole Dollars)	A Estimated Beginning Fund Balance July 1, 2022	B Estimated Amount To Be Raised By Taxation	C Estimated Other Receipts	D Estimated Expenditures	E Estimated Ending Fund Balance June 30, 2023
Sec 359.30	Amt. Nec.	Owned Cemetery and Park	0	9,943	0	9,943	0
Sec 359.33	0.06750	Non-owned Cemetery	0	0	0	0	0
Sec 360.2	0.20250	Township Hall (requires vote)	0	0	0	0	0
Sec 360.8	0.13500*	Township Hall Repairs	0	0	0	0	0
Sec 336.18	0.06750	Library	0	0	0	0	0
Sec 359.19	Amt. Nec.	Litigation	0	0	0	0	0
Sec 670.7	Amt. Nec.	Tort Liability	0	0	0	0	0
Sec 359.43	**	Fire and Emergency Services (All)	0	15,909	0	15,909	0
		Other	0	0	0	0	0
		Total	0	25,852	0	25,852	0

*.27000 in county with 1960 census population between 17,000 - 17,200

** .60750 fire and emergency service; .54000 fire protection agreement with charter city; .87750 fire protection in a county over 300,000.

ADOPTED BUDGET Fiscal Year July 1, 2022 - June 30, 2023

County Name: WOODBURY COUNTY Township Name: Grant Date Budget Adopted : (entered upon adoption)

Township Tax Levy Name	Record Key	Total Dollars	Taxable Value with G&E Utilities	Tax Rate	Taxable Value without G&E Utilities	Property Taxes Levied	Replacement Tax
GRANT	97K006	25,852	35,127,110	0.73597	34,455,042	25,358	494
FIRE DISTRICTS							
CEMETERIES							
		25,852				25,358	494

CERTIFICATION

(Complete this section only after the budget has been adopted.)

Clerk's Telephone Number: (712) 279-6702 Clerk's Name: Acting Clerk Pat Gill

To the County Auditor and Board of Supervisors of the above-named County, in the State of Iowa: At a lawful meeting of the Board of Trustees for the Township, on the date indicated, the budget for Fiscal Year beginning July 1 and ending June 30, was adopted as presented above. In addition, taxes on all taxable property in this Township that require a vote of the people have been properly approved as required by law.

	Date Adopted
Clerk's Signature of Certification	(entered upon certification)
	Date Certified
(County Auditor)	

Anthon Fire Department

403 South Hwy. 31
PO Box C
Anthon, IA 51004
712-373-5227

INVOICE

DATE	3/23/2022
INVOICE #	1

BILL TO
Grant Township

DESCRIPTION	AMOUNT
Fiscal Year 2022 Township Payment	7,500.00

Subtotal	7,500.00
Taxable	-
Tax rate	-
Tax due	-
Other	-
TOTAL	\$ 7,500.00

OTHER COMMENTS
This invoice is for our annual payment from Grant Township. We are requesting \$7,500 for fiscal year 2022. This is \$2,500 more than we have been receiving, which split between us and Oto's fire department is within Grant's annual fire budget. The reason for requesting this increase is due to the increase in our annual operating budget due to higher costs such as equipment, repairs, and fuel.

Make all checks payable to
Anthon Fire Department

If you have any questions about this invoice, please contact
Ross Baldwin, 712-870-0556
Thank You For Your Support!

Anthon Fire Department

403 South Hwy. 31
PO Box C
Anthon, IA 51004
712-373-5227

INVOICE

DATE	3/23/2022
INVOICE #	2

BILL TO
Grant Township

DESCRIPTION	AMOUNT
Grant Township's fire protection money that has been being saved	28,000.00

OTHER COMMENTS
This invoice is for half of the \$56,000 that Grant Township has saved up for fire protection services. We are requesting half of the total amount with Oto receiving the other half. We have immediate needs for fire protection equipment which is attached with this invoice.

Subtotal	28,000.00
Taxable	-
Tax rate	
Tax due	-
Other	-
TOTAL	\$ 28,000.00

Make all checks payable to
Anthon Fire Department

If you have any questions about this invoice, please contact
Ross Baldwin, 712-870-0556
Thank You For Your Support!

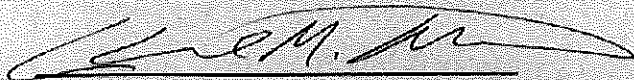
Anthon Fire Immediate Needs

- 27 pairs of structural FF boots @ \$425 a pair = \$11,475
 - 27 sets of Wildland coveralls @ \$350 = \$9,450
 - 92' Ford Pumper/Tender steel rims w/ tires = \$3,600 (has dangerous to work on split rims on steer tires and 20+ yr old tires equipped)
 - 3 sets of structural firefighting gear (coat and pants with liners) to replace 3 ff out of date or damaged gear to be compliant with NFPA and OSHA requirements/standards @ \$1,500 a piece for = \$4,500 total
 - 16' ft Flat bottom boat for river rescue for the motor we have already \$5,000 for boat.
 - 2- 100' hose reels for our grass rigs - \$3,000
- Total cost = \$37,025

Anthon Fire Chief's assessment not including fire hose that needs updated for safety reasons, and other equipment needed to increase firefighting capabilities.

Chad M. Maier 3/23/2022

Anthon Community Fire Chief



The Anthon Fire Department shares Grant township with Oto Fire Department 50/50. It has been agreed upon by Anthon and Oto Fire chiefs to split any amount of monies given by Grant township for fire protection services at this current time. Anthon and Oto have an automatic aid agreement with the communication center to be dispatched together for any structural fire in Grant township. Anthon and Oto Fire have worked together in the past very well and do not wish to create any grievances over the matter of Grant Township.

Anthon Fire Chief

23 March 2022

Chad M. Maier

A handwritten signature in black ink, appearing to read "Chad M. Maier", is written over a horizontal line.

Michelle Skaff

From: Jason Weber <the3weberboyz@gmail.com>
Sent: Thursday, March 24, 2022 10:27 AM
To: Michelle Skaff
Subject: Oto fire invoice

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.

Oto fire request invoice for fire protection for Grant Township. Oto fire would like to request 50% of the levied money from grant Township for fire protection for this fiscal year. 50% of the fire protection levee for the following years form this day forward . Oto fire would also like to request additional 50% of the fire protection funding from the surplus of Grant Township . We would buy wild fire gear tools foam hoses which would total up around \$30,000 . Oto fire has 50% of Grant Township; Anthon fire has 50% of Grant Township. We have a mutual aid agreement at comm Center. We are both dispatched at structure fires we work hand-in-hand with Anthon fire . We're only requesting 50% because we do not want to cause turmoil with Anthon Fire . We feel that Anthon Fire deserves their 50% of fire protection levitd money . Wildfire gear is around \$15600.00 dollars , camel packs are around \$200.00 a set we would to buy 6 packs for around \$1200.00 breathing apparatuses are around \$200 set we would by 13 of them at \$2600.00 Hose is around \$160.00 also like to purchase a side-by-side to get to spots where our trucks cannot go we have a fire skid and a trailer already for a side-by-side .Kawasaki side by side would run close to \$16,000 Kawasaki used to loan them to fire departments for nine months we were in that program they have now ended that program . Thank you for your consideration I will see you at the meeting sincerely fire chief of Oto fire Jason Weber

Sent from my iPhone

verified by phone w/ Jason M&S
FY22 = \$7,500
FY23 = \$7,500
Additional = \$28,000-

MARCH 22, 2022 TWELFTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, March 22, 2022 at 4:30 p.m. Board members present were Ung (by phone), Radig, De Witt, and Wright; Taylor was absent. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget Tax/Analyst, Joshua Widman, Assistant County Attorney, Melissa Thomas, Human Services Director, and Patrick Gill, Auditor/Clerk to the Board.

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

1. Val Uken, Sioux City, addressed the Board with concerns about programs to reduce recidivism.
2. Motion by Radig second by De Witt to approve the agenda for March 22, 2022. Carried 4-0. Copy filed.
- 9a. A public hearing was held at 4:40 p.m. for the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance. The Chairperson called on anyone wishing to be heard.

Motion by De Witt second by Radig to close the public hearing. Carried 4-0.
- 9b. Motion by Radig second by De Witt to conduct the first reading of the ordinance. Carried 4-0. Copy filed.

Motion by Radig second by De Witt to approve the following items by consent:
 3. To approve minutes of the March 15, 2022 meeting. Copy filed.
 4. To approve the claims totaling \$1,278,389.33. Copy filed.
 5. To approve the appointment of Ian Pinkelman, Civilian Jailer, County Sheriff Dept., effective 03-28-22, \$21.02/hour. Job Vacancy Posted 2-09-22. Entry Level Salary: \$21.02/hour.; and the reclassification of Kathryn Jones, P/T Youth Worker, Juvenile Detention Dept., effective 04-04-22, \$21.19/hour, 4%=\$0.81/hour. Per AFSCME Juvenile Detention Contract agreement, from Grade 1/Step 1 to Grade 1/Step 2. Copy filed.
 6. To approve the permit to work in the right of way for Brown's Lake area homeowners. Copy filed.
 7. To approve an application for a 12-month, Class B Beer License (BB) (includes Wine Coolers) Class C Native Wine Permit, with Outdoor Service and Sunday sales privileges for the Oscar Carl Vineyard, effective 05/01/22 through 04/30/23. Copy filed.

Carried 4-0.

- 8a. Bid letting was held for project #CP-2022. The bids are as follows:

Northern Iowa Const Products, Cedar Falls, IA	\$134,424.91
Metal Culverts, Inc., Maryville, MO	\$130,758.00
TrueNorth Steel, Fargo, ND	\$192,512.59
Contech, Ankeny, IA	\$151,935.60

Motion by Radig second by De Witt to receive the bids and return them to the County Engineer for recommendation. Carried 4-0. Copy filed.

- 8b. There was no action taken to award the bid for project #CP-2022.
10. The Board heard reports on committee meetings.
11. There were no citizen concerns
12. Board concerns were heard.

March 22, 2022 Cont'd.

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The Board adjourned the regular meeting until March 29, 2022.

Meeting sign in sheet. Copy filed.



Ahlers & Cooney, P.C.
Attorneys at Law

100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Phone: 515-243-7611

Fax: 515-243-2149

www.ahlerslaw.com

Jason L. Comisky

515.246.0337

jcomisky@ahlerslaw.com

March 22, 2022

Sent via Email

Mr. Dennis Butler
Finance/Budget Director
Woodbury County Courthouse
620 Douglas Street, Room 104
Sioux City, Iowa 51101

RE: Woodbury County, Iowa – Bond Counsel Engagement Agreement
Not to Exceed \$421,000 General Obligation Capital Loan Notes (ECP #1)
Not to Exceed \$1,995,000 General Obligation Capital Loan Notes (ECP #2)

Dear Board of Supervisors:

The purpose of this Engagement Agreement (the "Agreement") is to disclose and memorialize the terms and conditions under which services will be rendered by Ahlers & Cooney, P.C. as bond counsel to the Woodbury County, Iowa (the "County" or "Issuer") in connection with the above-referenced issuance (the "Bonds"). While additional members of our firm may be involved in representing the Issuer on other matters unrelated to the Bonds, this Agreement relates to the agreed-upon scope of bond counsel services described herein (the "Services").

A. SCOPE OF SERVICES -- *Bond Counsel*

As Bond Counsel, we will represent the County and cooperate with the following persons and firms: the underwriters or other bond purchasers who purchase the Bonds from the County (all of whom are referred to as the "Bond Purchasers"), counsel for the Bond Purchasers, the Municipal Advisor, trustee, paying agent and bond registrar and their designated counsel (you and all of the foregoing persons or firms collectively, the "Participants"). We intend to undertake each of the following as are necessary:

1. Review relevant Iowa law, including pending legislation and other recent developments, relating to the legal status and powers of the County or otherwise relating to the issuance of the Bonds.
2. Obtain information about the Bond transaction and the nature of use of the facilities or purposes to be financed (the "Project").
3. Review the proposed timetable and consult with the Participants as to the issuance of the Bonds in accordance with the timetable.
4. Consider issues arising under the Internal Revenue Code of 1986, as amended, and applicable tax regulations and other sources of law relating to the issuance of the Bonds on a tax-exempt basis; these issues include, without limitation, ownership and use of the project, use and investment of Bond proceeds prior to expenditure and security provisions or credit enhancement relating to the Bonds.

5. Prepare or review major Bond documents, including tax compliance certificates, review the bond purchase agreement, if applicable, and, at your request, draft descriptions of the documents which we have drafted. As Bond Counsel, we assist you in reviewing only those portions of an official statement or any other disclosure document to be disseminated in connection with the sale of the Bonds involving the description of the Bonds, the security for the Bonds (excluding forecasts, projections, estimates or any other financial or economic information in connection therewith), the description of the federal tax exemption of interest on the Bonds and the "bank-qualified" status of the Bonds.
6. Prepare or review all pertinent proceedings to be considered by the governing body of the County; confirm that the necessary quorum, meeting and notice requirements are contained in the proceedings and draft pertinent excerpts of minutes of the meetings relating to the financing.
7. Attend or host such drafting sessions and other conferences as may be necessary, including a preclosing, if needed, and closing; and prepare and coordinate the distribution and execution of closing documents and certificates, opinions and document transcripts.
8. Render our legal opinion regarding the validity of the Bonds, the sources of payment for the Bonds and the federal income tax treatment of interest on the Bonds, which opinion (the "Bond Opinion") will be delivered in written form on the date the Bonds are exchanged for their purchase price (the "Closing"). The Bond Opinion will be based on facts and law existing as of its date. Please note that our opinion represents our legal judgment based upon our review of the law and the facts so supplied to us that we deem relevant and is not a guarantee of a result.
9. Subsequent to the Closing, we will prepare and provide the Participants a bond transcript pertaining to the Bonds and make certain the appropriate Federal Information Reporting Form 8038 is filed for each series.

B. LIMITATIONS

The duties covered by this Agreement are limited to those expressly set forth above. Our fee *does not* include the following services, or any other matter not required to render our Bond Opinion:

1. Preparing requests for tax rulings from the Internal Revenue Service, or "no action" letters from the Securities and Exchange Commission.
2. Drafting state constitutional or legislative amendments.
3. Pursuing test cases or other litigation, such as contested validation proceedings.
4. Representing the Issuer in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations.
5. After Closing, providing continuing advice to the Issuer or any other party concerning actions necessary to assure that interest paid on the Bonds will continue to be excludable from gross income for federal income tax purposes (e.g. this Bond Counsel engagement for the Bonds does not include rebate calculations, nor continuing post-issuance compliance activities).
6. Opining on a continuing disclosure undertaking pertaining to the Bonds and, after the execution and delivery of the Bonds, providing advice concerning any actions necessary to assure compliance with any continuing disclosure requirements.

7. After Closing, providing continuing advice to the Issuer or any other party concerning disclosure issues or questions that relate to the Bonds, (e.g., questions regarding actions necessary to assure fulfillment of continuing disclosure responsibilities).
8. Undertake responsibility as disclosure counsel engaged as recognized counsel specially experienced in Iowa law and federal law relating to disclosure requirements that pertain to governmental debt obligations, whose primary responsibility will be to render objective written advice with respect to the Issuer's issuance of Bonds and its compliance with applicable rules promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

We will provide one or more of the services listed in subsections (1)–(8) of this Section B upon your request, however, a separate, written engagement or request for services will be required before we assume one or more of these duties. The remaining services in this list, specifically those listed in subsections (9)–(14) of this Section B below, are not included in this Agreement, nor will they be provided by us at any time.

9. Providing any advice, opinion or representation as to the financial feasibility or the fiscal prudence of issuing the Bonds, the financial condition of the Issuer, or to any other aspect of the financing, such as the proposed financing structure, use of a financial advisor, or the investment of proceeds of the Bonds.
10. Independently establishing the veracity of certifications and representations of the County or the other Participants.
11. Acting as an underwriter, or otherwise marketing the Bonds.
12. Acting in a financial advisory role.
13. Preparing blue sky or investment surveys with respect to the Bonds.
14. Making an investigation or expressing any view as to the creditworthiness of the Issuer or of the Bonds.

C. ATTORNEY-CLIENT RELATIONSHIP; OTHER REPRESENTATIONS

Upon execution of this Agreement and upon notification by the Issuer that our Bond Counsel services are requested with regard to a specific issue of Bonds, the Issuer will be our client and an attorney-client relationship will exist between us with respect to the issuance of the Bonds. We assume that all other parties will retain such counsel as they deem necessary and appropriate to represent their interests in this transaction. We further assume that all parties understand that in this transaction we represent only the Issuer, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services are limited to those contracted for in this Agreement; the Issuer's execution of this Agreement will constitute an acknowledgement of those limitations. Our representation of the Issuer will not affect, however, our responsibility to render an objective Bond Opinion.

Our representation of the Issuer and the attorney-client relationship created by this Agreement with respect to a series of Bonds will be concluded upon issuance of such Bonds. Nevertheless, subsequent to Closing, we will mail the appropriate completed Internal Revenue Service Form 8038 and prepare and distribute to the Participants a transcript of the proceedings pertaining to the Bonds.

As you are aware, our firm represents many political subdivisions, companies and individuals. It

is possible that during the time that we are representing the Issuer, one or more of our present or future clients will have transactions with the Issuer. We do not believe such representation, if it occurs, will adversely affect our ability to represent you as provided in this Agreement, either because such matters will be sufficiently different from the issuance of the Bonds so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the Bonds. We will decline to participate in any matter where the interests of our clients, including the Issuer, may differ to the point where separate representation is advisable. The firm historically has arranged its practice to hold such occasions to a minimum, and intends to continue doing so. Execution of this Agreement will signify the Issuer's consent to our representation of others consistent with the circumstances described in this paragraph.

D. OTHER TERMS OF THE ENGAGEMENT; CERTAIN OF YOUR UNDERTAKINGS

Please note our understanding with respect to this Agreement and your role in connection with the issuance of the Bonds:

1. In rendering the Bond Opinion and in performing any other Services hereunder, we will rely upon the certified proceedings and other certifications you and other persons furnish us. Other than as we may determine as appropriate to rendering the Bond Opinion, we are not engaged and will not provide services intended to verify the truth or accuracy of these proceedings or certifications. Except by request, we do not ordinarily attend meetings of the governing body of the County at which proceedings related to the Bonds are discussed or passed unless special circumstances require our attendance.
2. The factual representations contained in those documents which are prepared by us, and the factual representations which may also be contained in any other documents that are furnished to us by you are essential for and provide the basis for our conclusions that there is compliance with State law requirements for the issue and sale of valid bonds and with the Federal tax law for the tax exemption of interest paid on the Bonds. Accordingly, it is important for you to read and understand the documents we provide to you because you will be confirming the truth, accuracy and completeness of matters contained in those documents at the issuance of the Bonds.
3. If the documents contain incorrect or incomplete factual statements, you must call those to our attention. We are always happy to discuss the content or meaning of the transaction documents with you. Any untruth, inaccuracy or incompleteness may have adverse consequences affecting either the tax exemption of interest paid on the Bonds or the adequacy of disclosures made in the Official Statement under the State and Federal securities laws, with resulting potential liability for you. During the course of this engagement, we will further assume and rely on you to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds and their security. We understand that you will cooperate with us in this regard.
4. You should carefully review all of the representations you are making in the transaction documents. We are available and encourage you to consult with us for explanations as to what is intended in these documents. To the extent the facts and representations stated in the documents we provide to you appear reasonable to us, and are not corrected by you, we are then relying upon your signed certifications for their truth, accuracy and completeness.
5. Issuing the Bonds as "securities" under State and Federal securities laws and on a tax-exempt basis is a serious undertaking. As the issuer of the Bonds, the County is obligated under the State and Federal securities laws and the Federal tax laws to disclose all material facts. The County's lawyers, financial advisors and bankers can assist the County in fulfilling these duties, but the

County in its corporate capacity, including your knowledge, has the collective knowledge of the facts pertinent to the transaction and the ultimate responsibility for the presentation and disclosure of the relevant information. Further, there are complicated Federal tax rules applicable to the Bonds. The IRS has an active program to audit such transactions. The documents we prepare are designed so that the Bonds will comply with the applicable rules, but this means you must fully understand the documents, including the representations and the covenants relating to the continuing compliance with the federal tax requirements. Accordingly, we want you to ask questions about anything in the documents that is unclear.

6. As noted, the members of the governing body of the County also have duties under the State and Federal Securities and tax laws with respect to these matters and should be knowledgeable as to the underlying factual basis for the bond issue size, use of proceeds and related matters.

E. FEES

1. It is our practice to bill our fees as Bond Counsel on a transactional basis instead of hourly. Factors which affect our billing include: (a) the amount of the issuance; (b) an estimate of the time necessary to do the work; (c) the complexity of the issue (number of parties, timetable, type of financing, legal issues and so forth); (d) recognition of the partially contingent nature of our fee, since it is customary that in the case no financing is ever completed, we render a greatly reduced statement of charges; and (e) a recognition that we carry the time for services rendered on our books until a financing is completed, rather than billing monthly or quarterly.
2. We estimate that our fee for Bond Counsel services will not exceed \$8,400. If, at any time, we believe that circumstances require an adjustment of our original fee estimate(s), we will advise you of such requirement. Such adjustment might be necessary in the event: (a) the principal amount of Bonds actually issued differs significantly from the amount anticipated at the time we initially estimated our fee(s); (b) material changes in the structure or schedule of the financing occur; or (c) unusual or unforeseen circumstances arise which require a significant increase or decrease in our time or responsibility, such as personal attendance at meetings, significant travel, or unexpected revision of the issuance documents at the request of the Issuer, any agent acting on your behalf (such as a financial advisor), the purchaser, a bond insurer, other counsel providing services with respect to issuance of a particular issuance of obligations.
3. In addition to our flat fees, we will charge for any incidental costs incurred (copies, overnight charges, bond printing, travel reimbursement, deliveries, etc.). We estimate that such charges will not exceed \$500. We will contact you prior to incurring expenses that exceed this amount.
4. The delivery of written advice, or opinions beyond the Bond Opinion, to third parties at the request of the Issuer with respect to a series of Bonds shall be subject to a separate opinion charge in an amount established at the time of the request.

F. BILLING MATTERS:

We will submit a summary invoice for the professional services described herein after Closing. In the event of a substantial delay in completing the financing, we reserve the right to present an interim statement for payment. Unless other arrangements have been agreed upon in advance, we anticipate our statements to be paid in full within thirty (30) days of receipt.

If, for any reason, the financing represented by an issue of Bonds is not consummated or is completed without the delivery of our Bond Opinion, or our services are otherwise terminated, we will

expect to be compensated at our normal hourly rates¹, plus incidental costs, as described above (not to exceed the fee we would have received if we had rendered our Bond Opinion).

G. RISK OF AUDIT BY THE INTERNAL REVENUE SERVICE (IRS)

The IRS has an ongoing program of auditing tax-exempt obligations to determine whether, in the view of the IRS, interest on such tax-exempt obligations is excludable from gross income of the owners for federal income tax purposes. We can give no assurances as to whether the IRS might commence an audit of the Bonds or whether, in the event of an audit, the IRS would agree with our opinions. If an audit were to be commenced, the IRS may treat the County as the taxpayer for purposes of the examination. As noted above, the scope of our representation does not include responding to such an audit. However, if we were separately engaged at the time, and subject to the applicable rules of professional conduct, we may be able to represent the County in the matter.

H. RECORDS

1. At your request, papers and property furnished by you will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this Agreement. It is our practice to retain transcripts for each financing for at least the life of the Bonds. We may store some or all client file materials in a digital format. In the process of digitizing such documents, any original paper documents provided by you will be returned to you. Any copies of paper documents provided by you will not be returned to you unless you request such copies in writing. You will be notified prior to destruction of our file, and will have the option to request them, should you desire.
2. In the interest of facilitating our services to you, we may send documents, information or data electronically or via the Internet or store electronic documents or data via computer software applications hosted remotely or utilize cloud-based storage. Your confidential electronic documents or data may be transmitted or stored using these methods. We may use third party service providers to store or transmit these documents or data. In using these electronic communication and storage methods, we employ reasonable efforts to keep such communications, documents and data secure in accordance with our obligations under applicable laws, regulations, and professional standards; however, you recognize and accept that we have no control over the unauthorized interception or breach of any communications, documents or data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us or by our third party vendors. By your acceptance of this letter, you consent to our use of these electronic devices and applications and submission of confidential client information to or through third party service providers during this engagement.

1. The firm reviews hourly rates on an annual basis, and reserves the right to implement rate adjustments. If implemented in any particular year, adjustments generally become effective on January 1. Accordingly, our work on this matter will be billed at the hourly rate in effect at the time services are performed. Our current (2022) hourly rates are as follows:

- a. Attorneys: \$200-\$355/hour (for reference purposes, the undersigned's hourly rate as of 01/01/22 is \$320/hour).
- b. Legal Assistants: \$125/hour.

I. OTHER ADVICE

1. If requested, we will maintain one or more separate accounts for periodic services rendered to the Issuer in connection with other matters unrelated to any particular Bond financing. Such services may involve the rendering of advice, opinions or other assistance in connection with such issues including, but not limited to (a) financing alternatives in connection with a particular project, (b) compliance with lending programs, (c) the impact of specified actions on tax-exempt status of outstanding Bonds, (d) interpretation and/or required actions with regard to other "financial obligations" under a continuing disclosure certificate, or (e) other matters the Issuer may seek advice or guidance upon. Billings for such separate services will be based on our standard hourly rate of the individual attorney at the time of performing such separate services.

Please carefully review the terms and conditions of this Agreement. ***If the above correctly reflects our mutual understanding, please so indicate by returning a signed and dated copy of this Agreement, retaining an original for your file as well.***

If you have questions regarding any aspect of the above or our representation as Bond Counsel, please do not hesitate to contact me.

Very truly yours,



Jason L. Comisky
FOR THE FIRM

JLC:ks

cc: Tina Bertrand (via email)
Karen James (via email)
Heather Satterwhite (via email)

Accepted:
Woodbury County, Iowa

By: _____ Date: _____

*Approved by action of the governing body on _____, 2022.

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

Date: 3/24/2022 Weekly Agenda Date: 3/29/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Dennis Butler - Finance/Budget Director

WORDING FOR AGENDA ITEM:

Approval of the sale of the County Farm and authorize the chairman to sign purchase agreements

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The county farm was sold at auction on Tuesday, March 22. The chairman will need to sign the purchase agreements.

BACKGROUND:

Results of the sale: Parcel #1: \$1,052,601, Parcel #2: \$232,225, Parcel #3: \$2,024,250 for a total of \$3,309,076 Any costs associated with the sale (survey, auctioneer fees, abstracts, ect.) will be deducted from the proceeds of the sale.

FINANCIAL IMPACT:

Net proceeds of the sale of the county farm are to be deposited in the General Basic Fund restricted reserves.

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

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

Motion by _____, second by _____, to approve the sale of the County Farm and authorize the chairman to sign the purchase agreements.

REAL ESTATE PURCHASE AGREEMENT

March 22, 2022

To: Woodbury County Board of Supervisors (designated as the Sellers)

I, Morningside University the undersigned, (herein designated as Buyers), hereby agree to purchase the real property situated in Woodbury County State of Iowa, legally described as:

PARCEL 1: 63.03 surveyed acres in the West Half of the Southwest Quarter (W ½ SW ¼) of Section 14, Township 88 North, Range 47 West of the 5th P.M., lying North of Old Highway 141

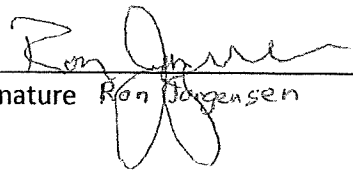
including all fixtures and equipment attached thereto, subject to all easements, road right-of-way, reservation restrictions, covenants, and leases of record.

Buyer agrees to pay \$ 16,750 per acre x 63.03 acres or \$ 1,055,752.50 on the following terms:

\$ 105,575.25 cash as down payment

\$ 950,177.25 cash on delivery of warranty deed

1. EARNEST: Down payment shall be deposited in the **Stalcup Agricultural Service Real Estate Trust** account within five banking days after both Buyer and Seller execute this agreement. If earnest money is held in a separate interest bearing trust account, the interest will accrue to the benefit of the Seller. The interest earned shall not be credited as part of the total purchase price but will be in addition to the total sale price.
2. ABSTRACT: The Seller is to furnish a complete abstract showing merchantable title and convey the property by deed subject to all reservations and easements of record. It is hereby further agreed that in case the title is found not merchantable and cannot be made merchantable, the earnest money hereby paid is to be refunded.
3. RIGHT OF FORFEITURE: If Buyer fails to timely perform this contract, all rights will be forfeited as provided by Iowa law. All payments made shall be forfeited and sellers may utilize all other available remedies.
4. If money paid is refunded to Buyer, or if said money is forfeited to the Seller, the Buyer will immediately abandon all claims upon said premises to title or any right or interest of the property, and this Purchase Agreement shall be considered canceled and the Seller shall have unqualified right to full possession of the premises described herein.
5. It is understood that this property has not been offered to the Buyer by any other person and that representations made by the agent are not being relied upon unless incorporated into this document.
6. Property to be free and clear of all liens.
7. CLOSING: Closing shall be at the office of Stalcup Agricultural Service Inc. in Storm Lake, Iowa on or before the 29th day of April, 2022, or at such time and place as mutually agreed.
8. Interest shall commence upon the unpaid balance of the purchase price on May 2, 2022 at 7% per annum and be paid by the buyer if the closing is delayed by Buyer.


Signature Ron Jensen

9. POSSESSION: It is understood and agreed that this agreement shall not be construed to convey title to said property, to create a lien thereon, or to give any right to take possession thereof. Possession shall be delivered to Buyers at the time of closing, subject to the existing Tenant's leasehold rights.
10. TAXES: Sellers agree to pay all taxes prorated to the date of closing. Sellers shall also pay all special assessments which are a lien upon the property as of the date of closing. Buyers agree to pay all taxes thereafter.
11. INSURANCE: If loss or damage to any building occurs on the property prior to sale closing date, Buyer agrees to accept insurance settlement in lieu of replacement or repair of building. It is further agreed that if coverage in addition to that already carried by the seller is desired by the buyer, the Buyer will arrange for same at Buyer's expense.
12. CURRENT LEASE: The buyer accepts the terms of the cash rent lease with Rick Bousquet, Bousquet Dairy, Inc. for the 2022 crop year, and shall receive 10/12ths the total cash rent as pro-rated for this parcel. 4/12ths shall be credited or paid by check at closing, and the remaining 6/12ths shall become due to the buyer on December 1, 2022 per existing terms of the lease. The lease termination for 2023 shall be handled by Stalcup Ag Service.
13. At closing a Groundwater Hazard Statement will be provided by the SELLERS to the Buyers regarding the following items which may be located on the property: 1. wells; 2. solid waste disposal; 3. hazardous wastes; 4. underground storage tanks; and 5. private burial grounds. If any of these listed items are located on the property, they are as follows: N/A

Brokers, their Agents, Employees and Associates shall not be responsible for any hazardous materials which may be found on this property which have not been disclosed by the Sellers or any other parties in interest.

14. If Buyer and/or Seller wish to participate in a 1031 tax-free exchange, it is agreed that this purchase agreement may be assigned to a qualified intermediary by the exchanging taxpayer. Non-exchanging taxpayer agrees to cooperate in the exchange process with no expense to the non-exchanging party.

IF 1031 is to take place, also include the following language:

It is the intention of Buyer/Seller to purchase the above-listed property pursuant to Internal Revenue Code Section 1031. Buyer's/Seller's rights, but not its obligations, under this purchase agreement may be assigned to a Qualified Intermediary for the purpose of completing an exchange. Seller/Buyer agrees to cooperate with Buyer/Seller and the Qualified Intermediary as it relates to the exchange. Such cooperation shall be at no additional cost or liability to Seller/Buyer.

15. ADDITIONAL PROVISIONS:


Subject to approval of the Woodbury County Board of Supervisors.

This offer is subject to written approval and acceptance by Seller on or before March 25, 2022, at 5 o'clock P.M. If this offer is not accepted by Seller before the above date and time, this offer is null and void.


Buyer Minnery State University Date _____ Attorney for Buyer is: _____

Buyer Ron Jorgensen Date 3-22-22 Attorney phone/email: _____
 by Ron Jorgensen

RECEIPT: Received from Morningside University \$ 105,575.25 to apply on the purchase of the property, or as otherwise provided herein.

Stalcup Agricultural Service, Inc. By: 
Dennis Reyman

ACCEPTANCE: Seller hereby accepts Buyer's offer subject to the conditions contained herein and agrees to perform as stated herein.

Seller  Date 3/22/22
By: Keith Radig, Chairman
For: Woodbury County Board of Supervisors

REAL ESTATE PURCHASE AGREEMENT

March 22, 2022

To: Woodbury County Board of Supervisors, (designated as the Sellers)

I, Morningside University the undersigned, (herein designated as Buyers), hereby agree to purchase the real property situated in Woodbury County State of Iowa, legally described as:

PARCEL 2: 13.27 net surveyed acres in the West Half of the Southwest Quarter (W ½ SW ¼) of Section 14, Township 88 North, Range 47 West of the 5th P.M.

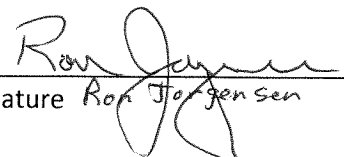
including all fixtures and equipment attached thereto, subject to all easements, road right-of-way, reservation restrictions, covenants, and leases of record.

Buyer agrees to pay \$ 17,500 per acre x 13.27 acres or \$ 232,225 on the following terms:

\$ 23,222.50 cash as down payment

\$ 209,002.50 cash on delivery of warranty deed

1. **EARNEST:** Down payment shall be deposited in the **Stalcup Agricultural Service Real Estate Trust** account within five banking days after both Buyer and Seller execute this agreement. If earnest money is held in a separate interest bearing trust account, the interest will accrue to the benefit of the Seller. The interest earned shall not be credited as part of the total purchase price but will be in addition to the total sale price.
2. **ABSTRACT:** The Seller is to furnish a complete abstract showing merchantable title and convey the property by deed subject to all reservations and easements of record. It is hereby further agreed that in case the title is found not merchantable and cannot be made merchantable, the earnest money hereby paid is to be refunded.
3. **RIGHT OF FORFEITURE:** If Buyer fails to timely perform this contract, all rights will be forfeited as provided by Iowa law. All payments made shall be forfeited and sellers may utilize all other available remedies.
4. If money paid is refunded to Buyer, or if said money is forfeited to the Seller, the Buyer will immediately abandon all claims upon said premises to title or any right or interest of the property, and this Purchase Agreement shall be considered canceled and the Seller shall have unqualified right to full possession of the premises described herein.
5. It is understood that this property has not been offered to the Buyer by any other person and that representations made by the agent are not being relied upon unless incorporated into this document.
6. Property to be free and clear of all liens.
7. **CLOSING:** Closing shall be at the office of Stalcup Agricultural Service Inc. in Storm Lake, Iowa on or before the 29th day of April, 2022, or at such time and place as mutually agreed.
8. Interest shall commence upon the unpaid balance of the purchase price on May 2, 2022 at 7% per annum and be paid by the buyer if the closing is delayed by Buyer.


Signature Ron Jorgensen

- 9. POSSESSION: It is understood and agreed that this agreement shall not be construed to convey title to said property, to create a lien thereon, or to give any right to take possession thereof. Possession shall be delivered to Buyers at the time of closing, subject to the existing Tenant's leasehold rights.
- 10. TAXES: Sellers agree to pay all taxes prorated to the date of closing. Sellers shall also pay all special assessments which are a lien upon the property as of the date of closing. Buyers agree to pay all taxes thereafter.
- 11. INSURANCE: If loss or damage to any building occurs on the property prior to sale closing date, Buyer agrees to accept insurance settlement in lieu of replacement or repair of building. It is further agreed that if coverage in addition to that already carried by the seller is desired by the buyer, the Buyer will arrange for same at Buyer's expense.
- 12. CURRENT LEASES: The buyer accepts the terms of the cash rent lease with Rick Bousquet, Bousquet Dairy, Inc. for the 2022 crop year, and shall receive 10/12ths the total cash rent as pro-rated for this parcel. 4/12ths shall be credited or paid by check at closing, and the remaining 6/12ths shall become due to the buyer on December 1, 2022 per existing terms of the lease. The lease termination for 2023 shall be handled by Stalcup Ag Service.
- 13. At closing a Groundwater Hazard Statement will be provided by the SELLERS to the Buyers regarding the following items which may be located on the property: 1. wells; 2. solid waste disposal; 3. hazardous wastes; 4. underground storage tanks; and 5. private burial grounds. If any of these listed items are located on the property, they are as follows:

Brokers, their Agents, Employees and Associates shall not be responsible for any hazardous materials which may be found on this property which have not been disclosed by the Sellers or any other parties in interest.

- 14. If Buyer and/or Seller wish to participate in a 1031 tax-free exchange, it is agreed that this purchase agreement may be assigned to a qualified intermediary by the exchanging taxpayer. Non-exchanging taxpayer agrees to cooperate in the exchange process with no expense to the non-exchanging party.

IF 1031 is to take place, also include the following language:

It is the intention of *Buyer/Seller* to purchase the above-listed property pursuant to Internal Revenue Code Section 1031. *Buyer's/Seller's* rights, but not its obligations, under this purchase agreement may be assigned to a Qualified Intermediary for the purpose of completing an exchange. *Seller/Buyer* agrees to cooperate with *Buyer/Seller* and the Qualified Intermediary as it relates to the exchange. Such cooperation shall be at no additional cost or liability to *Seller/Buyer*.


- 15. ADDITIONAL PROVISIONS:
Subject to approval of the Woodbury County Board of Supervisors.

This offer is subject to written approval and acceptance by Seller on or before March 25, 2022 at 5 o'clock P.M. If this offer is not accepted by Seller before the above date and time, this offer is null and void.


Buyer Macgregor University Date _____ Attorney for Buyer is: _____

Buyer Ron Jorgensen Date 3-22-22 Attorney phone/email: _____

RECEIPT: Received from Morningside University \$ 23,222.50 to apply on the purchase of the property, or as otherwise provided herein.

Stalcup Agricultural Service, Inc. By: 
Dennis Reyman

ACCEPTANCE: Seller hereby accepts Buyer's offer subject to the conditions contained herein and agrees to perform as stated herein.

Seller  Date 3/22/22
By: Keith Radig, Chairman
For: Woodbury County Board of Supervisors

AGENCY POLICY DISCLOSURE AND ACKNOWLEDGMENT

When you enter into a discussion with a real estate licensee regarding a real estate transaction, you should from the outset understand who the licensee is representing in the transaction. More importantly, you should understand how that agency relationship impacts your relationship with the licensee. **The term "Broker" shall hereinafter refer to: Stalcup Ag Service Inc. and Broker's affiliated sales associates (licensees).**

A. IT IS THE POLICY OF THE BROKER NAMED ABOVE TO OFFER THE FOLLOWING TYPES OF AGENCY RELATIONSHIPS TO THE CONSUMER IN THE REAL ESTATE TRANSACTION. Iowa law requires a brokerage company to clearly disclose their company's policy on representing buyers and sellers in the transaction. The appropriately checked boxes indicate the types of relationships available through the Brokerage/Firm listed above.

1. Seller Agency. Single Seller Agency exists when the Broker and the Seller enter into an "Exclusive Right to Sell Real Estate" listing agreement and the property is sold to a buyer not represented by this Broker, a "Customer". The Broker and Broker's affiliated sales associates' policy is to represent the Seller exclusively as their "Client."

2. Buyer Agency. Single Buyer Agency exists when the Broker and the Buyer, by agreement or through a written "Buyer Agency Agreement", enter into a brokerage agreement for the Broker and affiliated sales associates to represent the Buyer as a "Client" in the transaction. The seller would either be represented by another Brokerage Company or would be representing himself and would be considered the "Customer" in the transaction.

3. Consensual Dual Agency. Brokerage Dual Agency exists when the Broker has previously represented the Seller exclusively as a "Client" through the "Exclusive Right to Sell Real Estate" listing agreement and also has previously represented the Buyer exclusively as a "Client" through agreement or a written discussion, view, or negotiate for purchase a property that is listed by the Broker, therefore representing the "Seller Client" as well. It is the Policy of the Broker to offer to act as a Consensual Dual Agency in this transaction. Under this circumstance, prior to acting as a Dual Agent, the Buyer and the Seller **MUST** sign a **consent to Dual Agency Representation**.

4. No Agency Representation. A person(s), partnership, or company may represent themselves in a real estate transaction. If a Buyer or Seller elect to represent themselves in the transaction, it is the policy of the Broker to treat that Buyer or Seller as a "Customer" and not as a "Client" and will provide the duties listed in "B" below to you as a Customer. If you are the "Customer" in the transaction, you are advised not to disclose your negotiating position about such things as price that you, as a seller may accept other than your list price or as a buyer, the price you might offer other than the price in the offer to purchase. Except for information required to be disclosed, if you have reason to believe information about your financial status, motivation to sell or buy, as well as other personal information, will adversely affect your negotiating position, this should not be disclosed to anyone. Each party to the transaction has the responsibility to exercise good judgement in protecting his/her respective interests.

5. It is the Policy of the Broker to offer /accept subagency with other Brokers, not to offer/accept subagency with other Brokers.

IOWA LAW (543.B56) Requires the Broker to Disclose to All Parties the Duties that the Broker Owes to the Consumer(s) in the Transaction.

B. DUTIES OF A REAL ESTATE LICENSEE TO ALL PARTIES TO THE TRANSACTION

In providing brokerage services to all parties (Customer or Client) to a transaction, a licensee shall do all of the following:

1. Provide brokerage services to all parties to the transaction honestly and in good faith.
2. Diligently exercise reasonable skill and care in providing brokerage services to all parties.
3. Disclose to each party all material adverse facts that the licensee knows except for the following:
 - a. Material adverse facts known by the party
 - b. Material adverse facts the party could discover through a reasonably diligent inspection and which would be discovered by a reasonably prudent person under like or similar circumstances.
 - c. Material adverse facts the disclosure of which is prohibited by law.
 - d. Material adverse facts that are known to a person who conducts an inspection on behalf of the party.
4. Account for all property coming into the possession of a licensee that belongs to any party within a reasonable time of receiving the property.

C. DUTIES OF A REAL ESTATE LICENSEE TO A CLIENT TO THE TRANSACTION

In addition to the licensee's duties under subsection (B), a licensee providing brokerage services to a client shall do all of the following:

1. Place the client's interests ahead of the interest of any other party, unless loyalty to a client violates the licensee's duties under subsection B, section 543.58 (Licensees representing more than one client in a transaction) or under other applicable law.
2. Disclose to the client all information known by the licensee that is material to the transaction and that is not known by the client or could not be discovered by the client through a reasonably diligent inspection.
3. Fulfill any obligation that is within the scope of the agency agreement, except those obligations that are inconsistent with other duties that the licensee has under this chapter or any other law.
4. Disclose to a client any financial interest the licensee or the brokerage has in any business entity to which the licensee or brokerage refers a client for any service or product related to the transaction.

Note: Broker/Licensee has a financial interest in the following business entity: N/A

ACKNOWLEDGEMENT OF AGENCY DISCLOSURE

The undersigned have read this disclosure and understand the type of representation being offered to them by the Broker. The undersigned acknowledge receipt of this agency disclosure. This is a disclosure notice ONLY! The providing of the disclosure is required by the Iowa Law of all Licensees. Signing of the disclosure does not obligate you in any way. If you do not understand this document, seek the advice of the legal counsel of your choice, before signing. The undersigned is being offered the following agency relationship with the Broker/Licensee signed below:

Seller's Agent, no possibility of Dual Agency Seller's Agent, possibility of Dual Agency Consensual Dual Agency
 Buyer's Agent, no possibility of Dual Agency Buyer's Agent, possibility of Dual Agency No Agency Relationship

Morningside University
 Print Prospective Buyer name

[Signature]
 Signature by Ron Jorgensen 3-22-2022
 Date

Print Prospective Buyer name

Signature Date

Stalcup Agricultural Service Inc.
 Seller's Agent

[Signature]
 Licensee – Dennis Reyman 3-22-2022
 Date

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: March 29, 2022

*** PERSONNEL ACTION CODE:**

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

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Tyler, Aaron	Juvenile Detention	4-06-22	Youth Worker			S	Resignation.

APPROVED BY BOARD DATE: _____

MELISSA THOMAS, HR DIRECTOR: Melissa Thomas HR Director

HUMAN RESOURCES DEPARTMENT

WOODBURY COUNTY, IOWA

DATE: March 29, 2022

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
Juvenile Detention	F/T Youth Worker	AFSCME Juvenile Detention: \$20.38/hour		
Juvenile Detention	P/T Youth Worker	AFSCME Juvenile Detention: \$20.38/hour		

Chairman, Board of Supervisors

-----Original Message-----

From: Ryan Weber

Sent: Wednesday, March 23, 2022 9:12 PM

To: Melissa Thomas <melissathomas@woodburycountyiowa.gov>

Subject: Request

I requesting to hire (1) full-time male to replace AT.

Sent from my iPhone

-----Original Message-----

From: Ryan Weber

Sent: Wednesday, March 23, 2022 9:12 PM

To: Melissa Thomas <melissathomas@woodburycountyiowa.gov>

Subject: Request

I am requesting to hire (1) part time male.

Sent from my iPhone

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

Date: 03/24/2022 Weekly Agenda Date: 03/29/2022

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

WORDING FOR AGENDA ITEM:

Consideration of permits to work in the county right of way

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Siouxland District health has requested permits to work in the right of way to install septic system outlets into county ditches.

BACKGROUND:

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa. SDHD is assisting landowners in the Brown's Lake area with a grant program that will install upgraded septic systems for the affected homes. These systems can legally and cleanly outlet to county road ditches. Attached are permits for the outlets.

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 permits for Brown's Lake area homeowners.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the permit to work in the right of way for the Brown's Lake area homeowners 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. Nabra, P.E.
mnabra@woodburycountyiowa.gov

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

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

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

Name of Permittee: Scott Cleveland Phone No.: 712-899-2457

Mailing Address: 3 Lakeview Lane Salix, IA 51052

Township: 87 Section: 33

Woodbury County, State of Iowa, and Scott Cleveland (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:

2-inch discharge line will be bored under Lakeview Lane. Outlet for legal septic system will be installed in backslope of county ditch. Outlet pipes will be marked. Septic system has been approved by Siouxland District Health Department and issued a permit to install a septic system.

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.

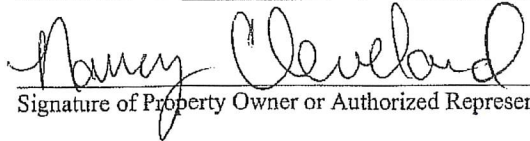
J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

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 _____ day of _____, 2022.

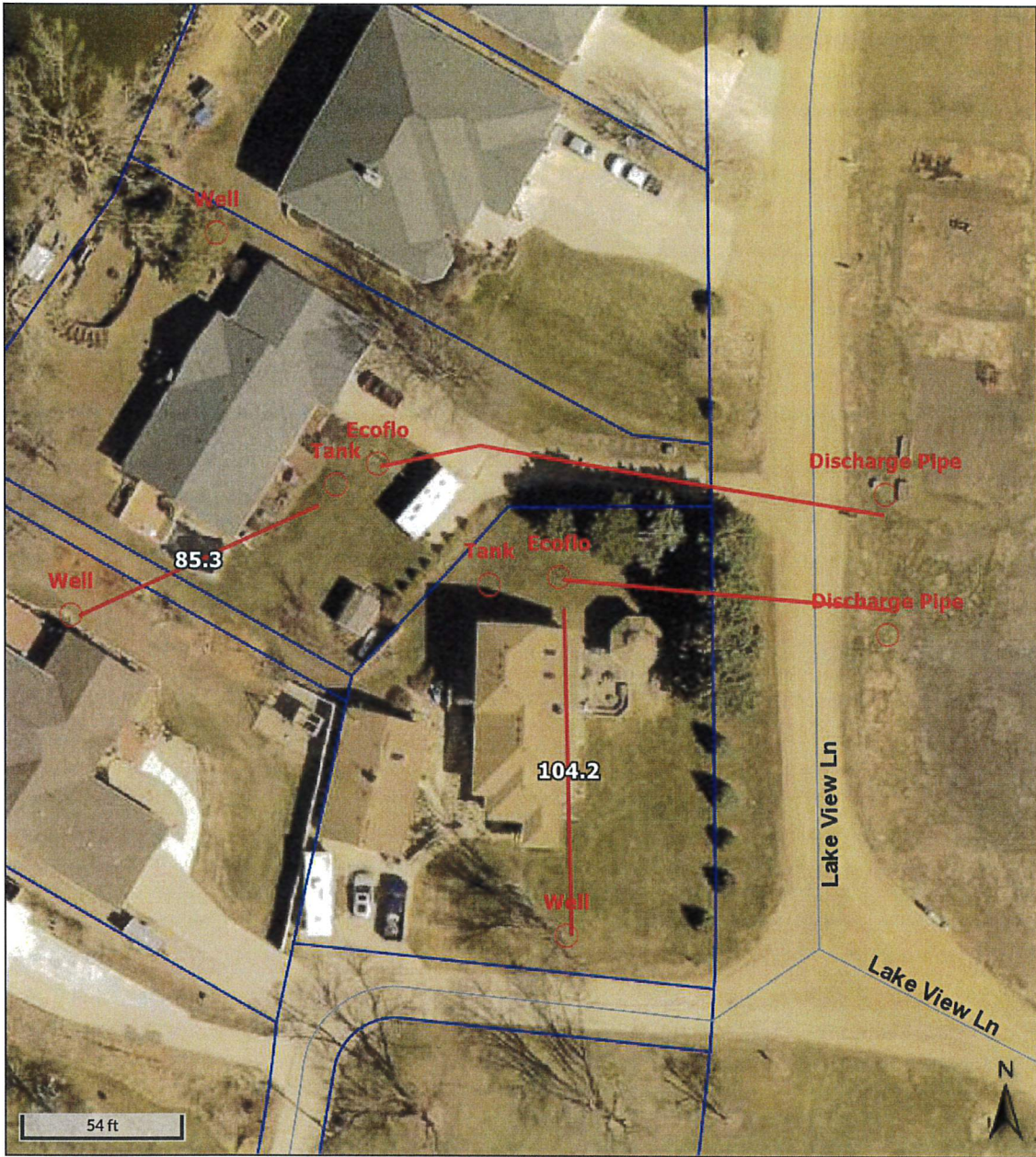
Entered into this _____ day of _____, 2022.



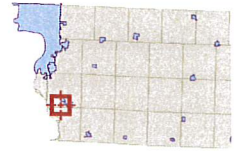
Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Overview



Legend

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

Date created: 3/3/2022
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RESOLUTION

NOTICE OF PROPERTY SALE

Parcel #894727230005

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

**Lot Five (5) in Block Nineteen (19) of Coles Addition to Sioux City, in the County of Woodbury and State of Iowa
(1006 Dubuque Street)**

NOW THEREFORE,

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

1. That a public hearing on the aforesaid proposal shall be held on the **29th Day of March, 2022 at 4:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **29th Day of March, 2022**, immediately following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$212.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 15th Day of March, 2022.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor
and Recorder

Keith W. Radig, Chairman

REQUEST FOR MINIMUM BID

Name: Bonnie Silbernagel Date: 4-28-17
Address: 1010 Dubuque St. Phone: 203-6427

Address or approximate address/location of property interested in:

1006 Dubuque St.

GIS PIN # 894727230005

**This portion to be completed by Board Administration **

Legal Description:

Lot 5 Bk 19 Cotes Acdln.

Tax Sale #/Date: 1290/2007 Parcel # _____

Tax Deeded to Woodbury County on: 2/15/2002

Current Assessed Value: Land \$7,600 Building 0 Total \$7,600

Approximate Delinquent Real Estate Taxes: \$2,392.00

Approximate Delinquent Special Assessment Taxes: \$30,964.00

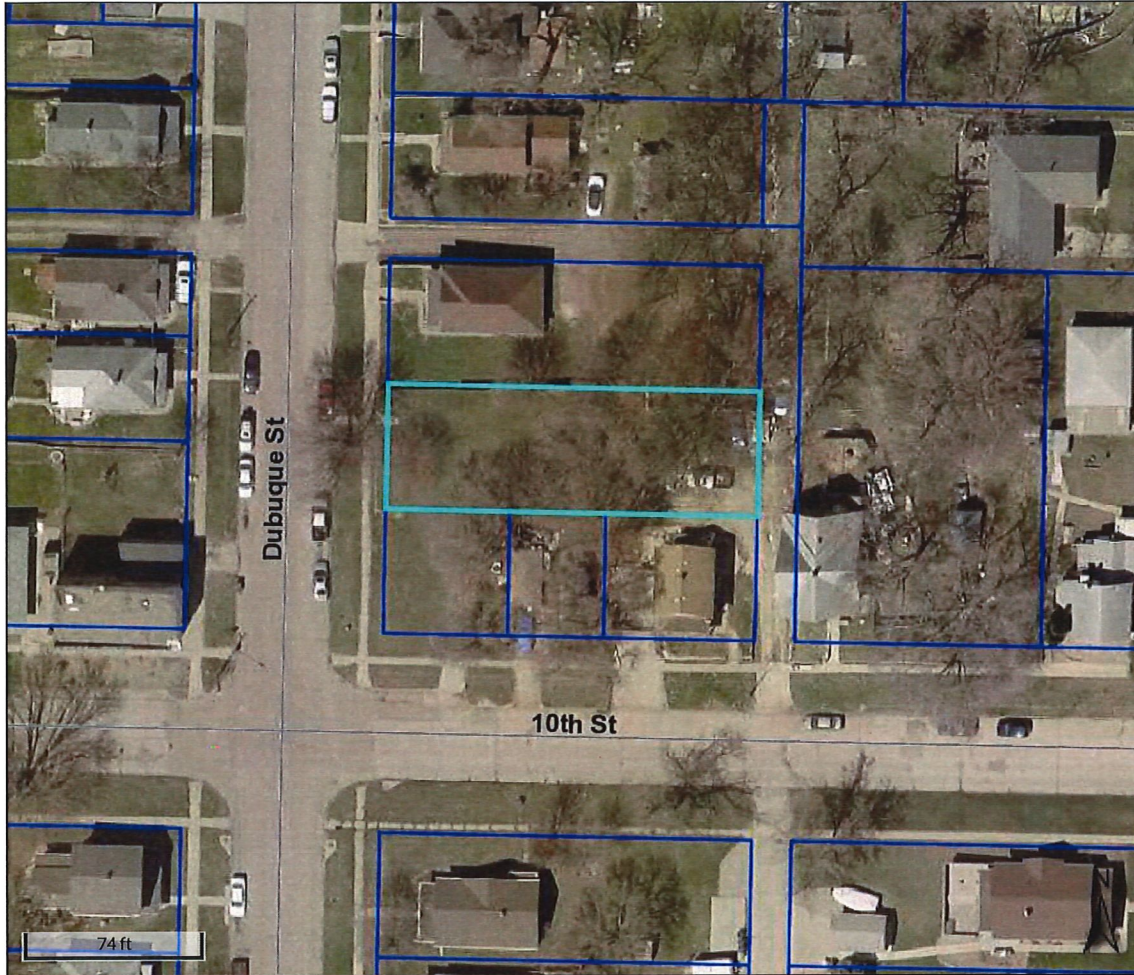
*Cost of Services: \$132

Inspection to: Matthew Ung Date: _____

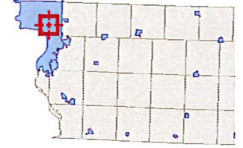
Minimum Bid Set by Supervisor: \$80 plus \$132 for costs. Total: \$212

Date and Time Set for Auction: Tuesday, March 29th @ 4:35

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



Overview



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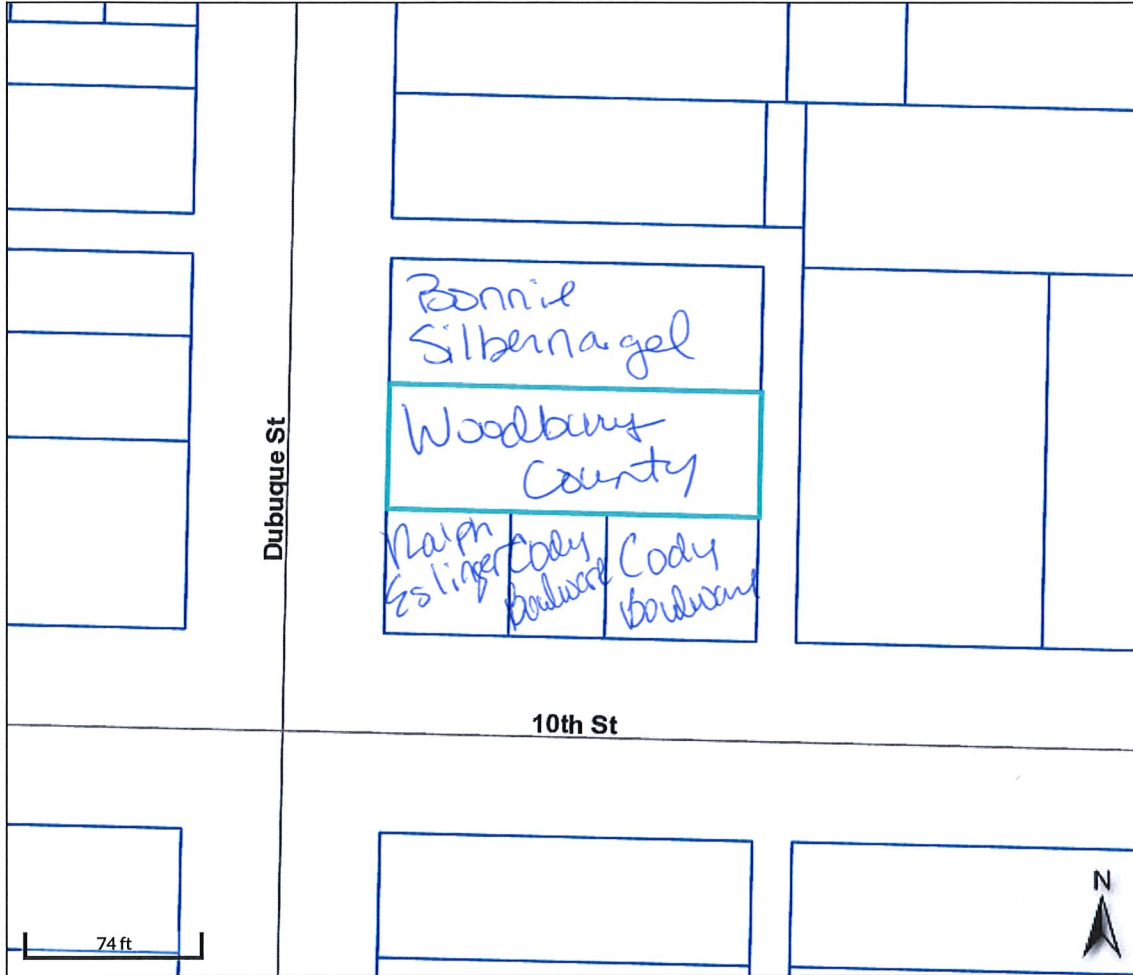
Parcel ID	894727230005	Alternate ID	113625	Owner Address	WOODBURY COUNTY IOWA
Sec/Twp/Rng	n/a	Class	R		620 DOUGLAS ST
Property Address	1006 DUBUQUE ST	Acreage	n/a		SIOUX CITY, 51101
	SIOUX CITY				
District	0087				
Brief Tax Description	COLES LOT 5 BLK 19				
	(Note: Not to be used on legal documents)				

Date created: 3/8/2022
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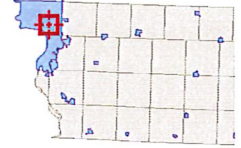
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Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
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Parcel ID	894727230005	Alternate ID	113625	Owner Address	WOODBURY COUNTY IOWA
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	SIOUX CITY				
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Brief Tax Description	COLES LOT 5 BLK 19				
	(Note: Not to be used on legal documents)				

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

Date: 3/24/22

Weekly Agenda Date: 3/29/22 4:40

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

WORDING FOR AGENDA ITEM:

A) Public Hearing on the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance. B) Approval of the Second Reading of the Ordinance.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board will hold a public hearing on 3/29/22 at 4:40 PM to discuss a proposed amendment to the Zoning Ordinance. Upon closing the public hearing and subject to the Board's will based on public testimony, the Board may conduct and approve the second reading of the proposed amendment.

BACKGROUND:

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review and approval authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission held its required public hearing on May 24, 2021 to discuss the proposed amendment to the Zoning Ordinance. There were no persons from the public/county in attendance and no written or verbal comments were received via mail, email, fax or phone. After review, the Commission voted unanimously (5-0) in favor to recommend the Board of Supervisors approve the ordinance amendments as proposed. As required, the IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

The adoption of this ordinance is in anticipation of the ongoing adoption process of FEMA's draft floodplain maps (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>) as well as bringing the ordinance into compliance with FEMA's latest regulations. The IDNR stated that their approved floodplain ordinance has been adopted by the following regional counties: Cherokee; Crawford; O'Brien; Emmet; Lyon; Palo Alto; Clay; and Osceola. Also, the following counties are currently in the process of updating their ordinances: Monona; Ida; Sac; and Sioux. Lastly, Plymouth, Dickinson, and Buena Vista are expected to be adopted before this fall.

Staff recommends approval of the amendment as proposed.

FINANCIAL IMPACT:

0

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

Yes No

RECOMMENDATION:

Open and close the public hearing.

Conduct the 2nd reading of the Ordinance.

The 3rd public hearing and 3rd reading of the amendment has been scheduled for 4/5/22 at 4:40 PM.

ACTION REQUIRED / PROPOSED MOTION:

Motion to open the public hearing.

Motion to close the public hearing.

Motion to approve the second reading of the amendment of the Text in Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance.



WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

REPORT – March 17, 2022

ZONING ORDINANCE TEXT AMENDMENT PROPOSAL

Section 5.03: FLOODPLAIN MANAGEMENT ORDINANCE

BACKGROUND, ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION:

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review and approval authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission held its required public hearing on May 24, 2021 to discuss the proposed amendment to the Zoning Ordinance. There were no persons from the public/county in attendance and no written or verbal comments were received via mail, email, fax or phone. After review, the Commission voted unanimously (5-0) in favor to recommend the Board of Supervisors approve the ordinance amendments as proposed. As required, the IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

The adoption of this ordinance is in anticipation of the ongoing adoption process of FEMA's draft floodplain maps (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>) as well as bringing the ordinance into compliance with FEMA's latest regulations. The IDNR stated that their approved floodplain ordinance has been adopted by the following regional counties: Cherokee; Crawford; O'Brien; Emmet; Lyon; Palo Alto; Clay; and Osceola. Also, the following counties are currently in the process of updating their ordinances: Monona; Ida; Sac; and Sioux. Lastly, Plymouth, Dickinson, and Buena Vista are expected to be adopted before this fall.

Staff recommends approval of the amendment as proposed.

PUBLIC COMMENTS:

No public comments have been received as of March 17, 2022.

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT: Floodplain Management Ordinance. A proposal to amend the text of the Woodbury County Zoning Ordinance to repeal and replace Section 5.03: Floodplain Management Ordinance with a revised Floodplain Management Ordinance. The ordinance establishes floodplain zoning overlay districts for the flood hazard areas within the unincorporated area of Woodbury County as identified by the flood insurance study and regulates development only in those floodplain zones. This ordinance establishes a development permit system which requires a permit for all development within the floodplain zones. The proposed ordinance is designed to meet the minimum requirements for acceptance in the National Flood Insurance Program as required by the Federal Emergency Management Agency. Specific floodplain management criteria are set forth in Section 60.3(d) of the rules and regulations as published in the October 1, 1994, Federal Register. This ordinance is a special-purpose zoning ordinance established under authority of Chapter 335 of the Iowa Code. Violations of the provision of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as it is necessary to prevent or remedy violation.

PUBLICATION:

Publication of the public hearing dates and times before the Woodbury County Board of Supervisors was placed in the public notices sections of the following papers: Danbury Review (March 16, 2022); Merville Record (March 17, 2022); Sergeant Bluff Advocate (March 17, 2022); and the Sioux City Journal (March 17, 2022).

ZONING COMMISSION MINUTES – MAY 24, 2021

Minutes - Woodbury County Zoning Commission Meeting – May 24, 2021

The Zoning Commission (ZC) meeting convened on the 24th of May 2021 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeffrey O'Tool
County Staff Present: David Gleiser, Dan Priestley
Public Present: Joshua Watson, Agent of US Cellular (USC)

Call to Order

Chair Zellmer Zant formally called the meeting to order at 6:02 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 4/26/21 minutes were approved. Motion to approve: O'Tool. Second: Parker. Vote: 5-0.

Public Hearing on Floodplain Management Ordinance Proposal

Director Gleiser read the summary of zoning ordinance text amendment into the record and provided a chronological timeline of the county's work with the floodplain management ordinance. The Commission recognized reviewing the ordinance at 5 of their previous public meetings and during their current public hearing. Throughout the Commission's review of the ordinance, there has been unanimous consensus on adopting the least restrictive criteria possible. As proposed, the ordinance complies with both federal and state regulations. Motion to recommend approval of the ordinance as proposed to the Board of Supervisors: Parker. Second: Bride. Motion passed: 5-0.

Conditional Use Permit (CUP) – Cellular Tower Proposal

Director Gleiser read the preliminary report and staff recommendation into the record. Gleiser noted the application was complete, thorough, and adequately met the criteria to be issued a CUP. Joshua Watson, representative agent of USC was present and addressed the Commission's general questions relating the CUP application. Coordinator Priestley stated that since the printing/distribution of the meeting packet, Northern Natural Gas (NNG) was the only entity to contact the CED office regarding the project. NNG stated they have no issues with the project. Motion to recommend approval of the CUP application the Board of Adjustment: O'Tool. Second: Parker. Motion passed: 5-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Adjourn

Motion to adjourn: Parker. Second: Meister. Motion passed: 5-0. Meeting adjourned at 6:22 PM.

ZONING COMMISSION DRAFT MINUTES – FEBRUARY 28, 2022

Minutes - Woodbury County Zoning Commission Meeting – February 28, 2022

The Zoning Commission (ZC) meeting convened on the 28th of February at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley
Public Present: Gwendolyn Hodges (teleconference), Craig Beedle (teleconference)

Call to Order

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 1/24/22 minutes were approved. Motion to approve: Bride. Second: Meister. Motion approved 3-0 with 1 Abstention: O'Tool.

Public Hearing: Infinite View Addition Minor Subdivision Proposal

Priestley read the staff report into the record. Gwendolyn M. Hodges has filed an application for a three-lot minor subdivision on the property as referenced above. The purpose is to divide the parcel into three lots including one for the homestead and two for agricultural lots that will continue to be farmed. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2022. The neighbors within 1000 FT have been duly notified via a February 11, 2022 letter about the February 28, 2022 Zoning Commission Public Hearing. As of February 21, 2022, two phone inquiries and one written comment about the potential for industrial development were received. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review was waived by the City of Salix via Resolution No. 2022-3 on January 12, 2022. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). The applicant received the Base Flood Elevation (BFE) determination from the Iowa DNR and that data will be subsequently recorded in the Woodbury County Recorder's office (Lot 1: 1083.7 FT; Lot 2: 1084.2 FT; Lot 3: 1084.3 FT). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Bride inquired if the well and septic were contained on Lot 1. Priestley stated that according to the surveyor, they are contained on the lot. Motion to close the public hearing: O'Tool. Second: Meister. Motion approved. 4-0. Motion to recommend approval of the Infinite View Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Rules of Procedure for Zoning Commission Adoption

Priestley presented the Zoning Commission Rules of Procedure that were formally approved by the Woodbury County Board of Supervisors on February 8, 2022. Motion to adopt: Meister. Second: O'Tool. Motion approved 4-0.

Draft Floodplain Ordinance Update

Priestley offered an update about the status of the draft floodplain development ordinance that was recommended for approval to the Board of Supervisors by the Zoning Commission on May 24, 2021. The approval process was placed on hold during the summer of 2021. The Iowa Department of Natural Resources (IDNR) reviewed the ordinance draft on June 1, 2021 and February 17, 2022 and provided approval with some minor adjustments for clarification and formatting. The IDNR revisions were presented to Zoning Commission for their review and recommendation to the Board of Supervisors. Motion to accept the IDNR changes and recommend approval of the draft floodplain ordinance to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Staff Update

Priestley stated that the approval of the draft floodplain maps are being delayed by FEMA due to an issue with the proposed panel numbers. The draft floodplain maps are the same. The FEMA public notice process will likely begin again around July of 2022 and the maps could likely be adopted in February of 2024.

Adjourn

Motion to adjourn: O'Tool. Second: Meister. Motion approved 4-0. Meeting adjourned at 6:30 PM.

WOODBURY COUNTY, IOWA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SECTION 5.03 ENTITLED "FLOODPLAIN MANAGEMENT ORDINANCE" WITH A REVISED "FLOODPLAIN MANAGEMENT ORDINANCE" THAT MEETS THE MINIMUM REQUIREMENTS FOR ACCEPTANCE IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COUNTIES WHICH HAVE A DETAILED FLOOD INSURANCE STUDY (FIS) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGAUGE AMENDMENT BE MADE:

Amendment #1 –

Beginning on page 56: remove Section 5.03: Floodplain Management Ordinance and replace with the following:

Section 5.03: Floodplain Management Ordinance

1. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- F. Enclosed Area Below Lowest Floor** – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - (1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 5.03-7 B(4)(a) of this Ordinance, and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - (4) The enclosed area is not a "basement" as defined in this section.

- G. Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- I. Expansion Of Existing Factory-Built Home Park Or SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home** - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park Or Subdivision** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood** – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- N. Flood Insurance Rate Map (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- O. Flood Insurance Study (FIS)** – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain** - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- S. Floodway** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe** - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- V. Historic Structure** - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. Minor Projects - Small development activities (except for filling, grading and excavating) valued at less than \$500.

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

CC. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (3) Basement sealing;
- (4) Repairing or replacing damaged or broken window panes;
- (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

EE. Start Of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

FF. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:

- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
- (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
- (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.

JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

2. Statutory Authority, Findings of Fact and Purpose

A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

- (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

- (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
- (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. **Statement of Purpose.** It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 5.03-2.B(1) of this Ordinance with provisions designed to:

- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - (i) Development placed within the Floodway (Overlay) District results in any of the following:
 - (1) An increase in the Base Flood Elevations, or
 - (2) Alteration to the floodway boundary
 - (ii) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - (iii) Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (j) Perform site inspections to ensure compliance with the standards of this Ordinance.
- (k) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes..
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the base flood.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

5. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
- B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;

- C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
- D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

6. Floodway (Overlay) District (FW)

A. Permitted Uses

All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (2) All development within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (3) No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (4) Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (5) Structures, if permitted, shall have low flood damage potential and shall not be for human habitation.
- (6) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(1) All development shall:

- (a) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

(3) Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator.

(4) All new and substantially improved structures:

- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
 - (d) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- (5) Factory-built homes:
- (a) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
 - (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
- (6) Utility and Sanitary Systems:
- (a) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

(10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

(11) Accessory Structures to Residential Uses

- (a) 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
- (i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) f. The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
- b. 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
- (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

(13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual

chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

8. General Floodplain (Overlay) District (GF)

A. Permitted Uses

(1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District. .

(2) Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
- (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

B. Performance Standards

(1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.

(2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

9. Shallow Flooding (Overlay) District (SF)

A. Permitted Uses. All development within the Shallow Flooding District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

(1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

(2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

- (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- C. Hearings and Decisions of the Board of Adjustment
 - (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the

Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.

- (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.
- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the

floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

13. Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

ADOPTED AND PASSED by the Board of Supervisors of Woodbury County, Iowa

Dated this ____ day of _____ 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew Ung

Justin Wright

ATTEST

Patrick F. Gill, Woodbury County Auditor

Adoption Timeline

Public Hearing & 1st Reading:

2nd Reading:

3rd Reading:

Adopted:

Effective:

CURRENT - EFFECTIVE ORDINANCE

8. Standards for off-premise advertising signs.

A. Standards for off-premise advertising signs (e.g. billboards) are set forth in the following table:

	Allowed?	Required Separation	Maximum Size	Required Setbacks	Maximum Height
AP	No	N/A	N/A	N/A	N/A
AE					
NR					
SR					
GC	Conditional Use approved by Board of Adjustment	1000 ft. between off-premise signs; 1000 ft. from AE, NR, SR zones	500 sq. ft. + 1 add'l. sq.ft. per 1' add'l separation up to 672 sq.ft.	Zoning district setbacks	35 ft.
HC					
LI	No	N/A	N/A	N/A	N/A
GI					

B. No off-premise advertising signs shall be located within 660 feet of the nearest right-of-way line or in a location visible from the nearest right-of-way line of U.S. Highway 75 between its intersection with U.S. Highway 20 and the Plymouth County line.

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by:
 - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

SUPPLEMENTAL REQUIREMENTS

- C. **Statement of Purpose.** It is the purpose of this Section 5.03 (referred to as “this Ordinance” within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 5.03-1.B(1) of this Ordinance with provisions designed to:
- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated June 17, 1991 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provi-

SUPPLEMENTAL REQUIREMENTS

sion of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway District (FW),
- B. Floodway Fringe District (FF),
- C. General Floodplain District (FP),
- D. Shallow Flooding District (SF) and
- E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

SUPPLEMENTAL REQUIREMENTS

hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (2) All uses within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
 - (e) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

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- (g) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (h) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (j) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

5. Floodway Fringe (Overlay) District FF

- A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
- B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.
 - (1) All structures shall:
 - (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
 - (3) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) ele-

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vated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Director.

- (4) All new and substantially improved structures:
- (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
 - (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Factory-built homes:
- (a) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
 - (b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may in-

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clude, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (6) Utility and Sanitary Systems:
 - (a) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-

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year flood elevation data for those areas located within the Floodplain (Overlay) District.

(11) Accessory Structures

- (a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
- (b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

(12) Recreational Vehicles

- (a) Recreational vehicles are exempt from the requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of

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structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
- (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

- (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

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tion of the effects of any development on inundation levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- (2) All uses within the DI District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
 - (e) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the DI District within the time available after flood warning.
 - (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

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- (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
- (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
- (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.

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- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels

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shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (e) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- (5) Hearings and Decisions of the Board of Adjustment
- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (b) Decisions. the Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
 - (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

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- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the County.
 - The requirements of the facility for a floodplain location.
 - The availability of alternative locations not subject to flooding for the proposed use.
 - The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - Such other factors which are relevant to the purpose of this Ordinance.
- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise,

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hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

12. Amendments.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be

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interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Base Flood - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. Development - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Existing Construction - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. Existing Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- J. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- K. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, in-

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- cluding but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- O. Floodway - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- Q. Historic Structure - Any structure that is:
- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
- R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - (4) The enclosed area is not a "basement" as defined in this subsection.

SUPPLEMENTAL REQUIREMENTS

- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
- T. New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
- U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
- V. Recreational Vehicle - A vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. Start of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SUPPLEMENTAL REQUIREMENTS

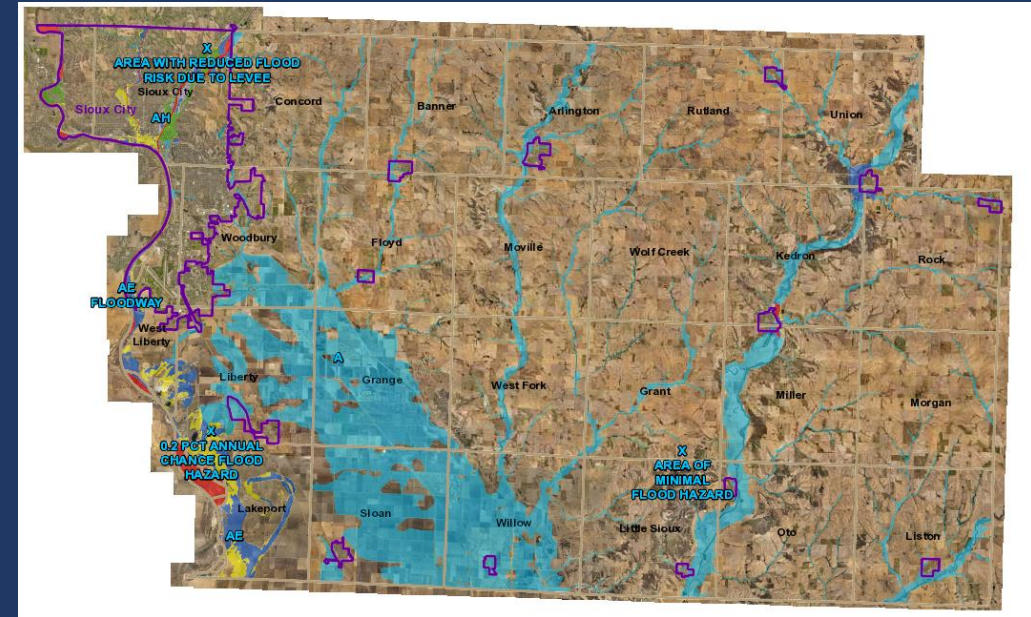
- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

Section 5.04: Adult Use Regulations

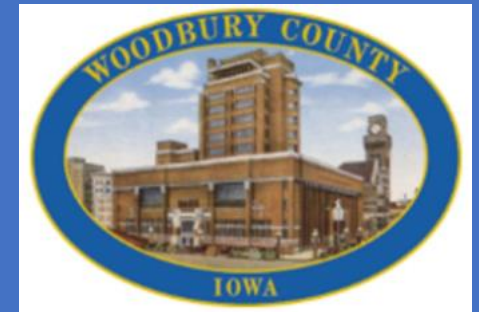
1. **Applicability.** The regulations in this section apply to adult uses as allowed in Section 3.03-4 (i.e., as allowed uses in the GI, General Industrial Zoning District) and hereby establish specific locational and development requirements intended to minimize potential negative secondary effects of those adult uses.
2. **Locational requirements.** No adult use shall be established less than 1000 feet from any of the following:
 - A. Any other adult use.
 - B. Residentially zoned or used property.
 - C. Public parks or recreational areas.
 - D. A church or similar place of religious worship or study.
 - E. A public or private elementary or secondary school.
 - F. A library, museum or other cultural facility.

Floodplain Management Ordinance Comparison

Current vs. Draft Ordinance



The following slides illustrate a side-by-side comparison of the current floodplain management ordinance and the proposed draft ordinance.



CURRENT ORDINANCE

1	Statutory Authority, Findings of Fact and Purpose
2	General Provisions
3	Establishment of Zoning (Overlay) Districts
4	Floodway (Overlay) District (FW)
5	Floodway Fringe (Overlay) District FF
6	General Floodplain (Overlay) District FP
7	Shallow Flooding (Overlay) District (SF)
8	Dam Failure Inundation (Overlay) District (DI)
9	Administration
10	Nonconforming Uses
11	Penalties for Violation
12	Amendments
13	Definitions

DRAFT ORDINANCE

1	Definitions
2	Statutory Authority, Findings of Fact and Purpose
3	General Provisions
4	Administration
5	Establishment of Zoning (Overlay) Districts
6	Floodway (Overlay) District (FW)
7	Floodway Fringe (Overlay) District FF
8	General Floodplain (Overlay) District FP
9	Shallow Flooding (Overlay) District (SF)
10	Appointment and Duties of Board of Adjustment
11	Nonconforming Uses
12	Penalties for Violation
13	Amendments

The following slides provide a comparison of the current floodplain ordinance and the proposed draft floodplain ordinance. Any highlighted areas include the addition, revision, and/or content that must be present in the local ordinance to meet federal guidelines.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. **Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. **Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. **Development** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. **Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. **Existing Factory-Built Home Park or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

PROPOSED ORDINANCE – 5.03.1

Section 5.03: Floodplain Management Ordinance

1. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. **Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. **Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. **Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. **Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. **Development** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- F. **Enclosed Area Below Lowest Floor** – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - (1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 5.03-7 B(4)(a) of this Ordinance, and
 - (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
 - (4) The enclosed area is not a "basement" as defined in this section.
- G. **Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. **Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.



Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- J. Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
- K. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- O. Floodway - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

PROPOSED ORDINANCE – 5.03.1

- I. Expansion Of Existing Factory-Built Home Park Or SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park Or Subdivision - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- N. Flood Insurance Rate Map (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- O. Flood Insurance Study (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- S. Floodway - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

CURRENT ORDINANCE – 5.03.13

Q. Historic Structure - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance and
- (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- (3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- (4) The enclosed area is not a "basement" as defined in this subsection.
- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

T. New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

PROPOSED ORDINANCE – 5.03.1

V. Historic Structure - Any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. Minor Projects - Small development activities (except for filling, grading and excavating) valued at less than \$500.

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

CURRENT ORDINANCE – 5.03.13

- V. Recreational Vehicle - A vehicle which is:
- (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. Start of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

PROPOSED ORDINANCE – 5.03.1

- CC. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - (3) Basement sealing;
 - (4) Repairing or replacing damaged or broken window panes;
 - (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
- DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
- EE. Start Of Construction - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- FF. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.
- GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

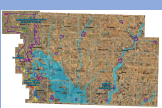
Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

PROPOSED ORDINANCE – 5.03.1

- HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.



Statutory Authority, Findings of Fact and Purpose (5.03.2)

CURRENT ORDINANCE – 5.03.1

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by:
 - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and
 - (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- C. Statement of Purpose. It is the purpose of this Section 5.03 (referred to as "this Ordinance" within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 5.03-1.B(1) of this Ordinance with provisions designed to:
 - (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

PROPOSED ORDINANCE – 5.03.2

2. Statutory Authority, Findings of Fact and Purpose

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- C. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 5.03-2.B(1) of this Ordinance with provisions designed to:
 - (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
 - (3) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

General Provisions (5.03.3)

CURRENT ORDINANCE – 5.03.2

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated September 29, 2011 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

PROPOSED ORDINANCE – 5.03.3

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

CURRENT ORDINANCE – 5.03.9

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

PROPOSED ORDINANCE – 5.03.4

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved **structures** or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) **Maintain the accuracy of the community's Flood Insurance Rate Maps when:**
 - (i) **Development placed within the Floodway (Overlay) District results in any of the following:**
 - (1) **An increase in the Base Flood Elevations, or**
 - (2) **Alteration to the floodway boundary**
 - (ii) **Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or**
 - (iii) **Development relocates or alters the channel.****Within 6 months of the completion of the development, the applicant shall submit to FEMA a scientific and technical data necessary for a Letter of Map Revision.**
 - (j) **Perform site inspections to ensure compliance with the standards of this Ordinance.**
 - (k) **Forward all requests for Variances to the Board of Adjustment for consideration. Ensure requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.**

CURRENT ORDINANCE – 5.03.9

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) Elevation of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

PROPOSED ORDINANCE – 5.03.4

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, **storage of materials and equipment**, excavation or drilling operations), including the placement of factory-built homes.
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions**
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the **base flood**.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For **structures** being improved or rebuilt, the estimated cost of improvements and market value of the **structure** prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, **structure** floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.



Establishment of Zoning (Overlay) Districts (5.03.5)

CURRENT ORDINANCE – 5.03.3

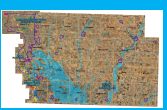
3. **Establishment of Zoning (Overlay) Districts.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:
- A. Floodway District (FW),
 - B. Floodway Fringe District (FF),
 - C. General Floodplain District (FP),
 - D. Shallow Flooding District (SF) and
 - E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

PROPOSED ORDINANCE – 5.03.5

5. **Establishment of Zoning (Overlay) Districts.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:
- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
 - B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;
 - C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
 - D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.



Floodway (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.4

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

PROPOSED ORDINANCE – 5.03.6

6. Floodway (Overlay) District (FW)

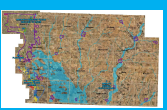
A. Permitted Uses

All **development** within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No **development** shall be permitted in the Floodway District that would result in any increase in the **base flood elevation**. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (2) All **development** within the Floodway District shall:
 - (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (3) No **development** shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (4) Structures, buildings, **recreational vehicles**, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (5) **Structures**, if permitted, shall have low flood damage potential and shall not be for human habitation.
- (6) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (9) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.



CURRENT ORDINANCE – 5.03.4

- (2) All uses within the Floodway District shall:
- (a) Be consistent with the need to minimize flood damage.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (d) No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
 - (e) Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.
 - (g) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
 - (h) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
 - (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
 - (j) Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

PROPOSED ORDINANCE – 5.03.6

See previous page. Conditional Uses Section removed.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

5. Floodway Fringe (Overlay) District FF

A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

- (1) All structures shall:
 - (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

- (3) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Director.

PROPOSED ORDINANCE – 5.03.6

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All **development** within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All **development** must be consistent with the need to minimize flood damage and meet the following applicable performance standards. **Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot.** The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- (1) All **development** shall:
 - (a) Be **designed and adequately** anchored to prevent flotation, collapse or lateral movement.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
- (2) **Residential structures** - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the **base flood elevation**. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the **base flood elevation** and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or **extended foundations**) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

- (3) **Non-residential structures** - All new or substantially improved non-residential **structures** shall have the lowest floor (including basement) elevated a minimum of one (1) foot above **the base flood elevation**, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the **base flood elevation** is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

- (4) All new and substantially improved structures:
 - (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
 - (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Factory-built homes:
 - (a) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
 - (b) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

PROPOSED ORDINANCE – 5.03.6

- (4) All new and substantially improved structures:
 - (a) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.
 - (b) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (c) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
 - (d) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- (5) Factory-built homes:
 - (a) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
 - (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

- (6) Utility and Sanitary Systems:
- (a) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

PROPOSED ORDINANCE – 5.03.6

- (6) Utility and Sanitary Systems:
- (a) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - (b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the **base flood elevation**.
 - (c) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the **base flood elevation**.
 - (d) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- (7) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the **base flood** with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- (10) Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the **base flood**. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include **base flood elevation** data for those areas located within the Floodway Fringe (Overlay) District.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

- (11) Accessory Structures
 - (a) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
 - (b) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.
- (12) Recreational Vehicles
 - (a) Recreational vehicles are exempt from the requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
 - (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.
- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

PROPOSED ORDINANCE – 5.03.6

- (11) Accessory Structures to Residential Uses
 - (a) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the **base flood elevation** requirements where the following criteria are satisfied:
 - (i) **The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.**
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
 - b. 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.
- (12) Recreational Vehicles
 - (a) Recreational vehicles are exempt from the requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
 - (b) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.
- (13) Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.



CURRENT ORDINANCE – 5.03.5

Added Section →

PROPOSED ORDINANCE – 5.03.6

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

General Floodplain (Overlay) District (5.03.8)

CURRENT ORDINANCE – 5.03.6

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

PROPOSED ORDINANCE – 5.03.8

8. General Floodplain (Overlay) District (GF)

- A. Permitted Uses
- (1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
 - (2) Any **development** which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
 - (3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
 - (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.
- B. Performance Standards
- (1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.
 - (2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

CONDITIONAL USES SECTION REMOVED



Shallow Flooding (Overlay) District (5.03.9)

CURRENT ORDINANCE – 5.03.7

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
 - (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.
 - (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

PROPOSED ORDINANCE – 5.03.9

9. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All **development** within the Shallow Flooding District shall be permitted to the extent that **it is** not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
 - (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.
 - (2) In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.
 - (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.



Dam Failure Inundation (Overlay) District REMOVED

CURRENT ORDINANCE – 5.03.8

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

tion of the effects of any development on inundation levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

(2) All uses within the DI District shall:

- (a) Be consistent with the need to minimize flood damage.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.
- (d) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
- (e) Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the DI District within the time available after flood warning.
- (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

PROPOSED ORDINANCE – NONE

Dam Failure Inundation (Overlay) District Removed from draft ordinance.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE – 5.03.9(C)

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (a) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (b) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (e) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

PROPOSED ORDINANCE – 5.03.10

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE

(5) Hearings and Decisions of the Board of Adjustment

- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- (b) Decisions. The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
- (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- The importance of the services provided by the proposed facility to the County.
- The requirements of the facility for a floodplain location.
- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- The safety of access to the property in times of flood for ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- Such other factors which are relevant to the purpose of this Ordinance.

PROPOSED ORDINANCE 5.03.10

C. Hearings and Decisions of the Board of Adjustment

- (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.
- (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE

- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

PROPOSED ORDINANCE – 5.03.10

- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.



Nonconforming Uses (5.03.11)

CURRENT ORDINANCE – 5.03.10

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

PROPOSED ORDINANCE – 5.03.11

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. **This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.**
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.



Penalties for Violation (5.03.12)

CURRENT ORDINANCE – 5.03.11

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

PROPOSED ORDINANCE – 5.03.12

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.



Amendments (5.03.13)

CURRENT ORDINANCE – 5.03.12

12. Amendments.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

PROPOSED ORDINANCE – 5.03.13

13. Amendments

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.



Ahlers & Cooney, P.C.
Attorneys at Law

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Jason L. Comisky

515.246.0337

jcomisky@ahlerslaw.com

March 22, 2022

Via E-Mail Only

Mr. Dennis Butler
Finance/Budget Director
Woodbury County Courthouse
620 Douglas Street, Room 104
Sioux City, Iowa 51101

Re: Woodbury County, State of Iowa
Not to Exceed \$421,000 General Obligation Capital Loan Notes (ECP #1)
Not to Exceed \$1,995,000 General Obligation Capital Loan Notes (ECP #2)

Dear Dennis:

We enclose suggested proceedings to be acted upon by the Board on the date fixed for the hearing on the authorization to enter into a loan agreement and the issuance of the above mentioned Notes, pursuant to the provisions of Code Sections 331.402 and 331.443. A certificate to attest the proceedings is also enclosed. **A separate set is enclosed for each purpose.**

The proceedings are prepared to show as a first step, action to ratify the hearing date and publishing of the hearing notices, and then the receipt of any oral or written objections from any resident or property owner to the proposed action of the Board to enter into a loan agreement and issue the Notes. A summary of objections received or made, if any, should be attached to the proceedings. After all objections have been received and considered if the Board decides not to abandon the proposal to issue the Notes, a form of resolution follows that should be introduced and adopted, entitled "Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$421,000 General Obligation Capital Loan Notes and Not to Exceed \$1,995,000 General Obligation Capital Loan Notes."

Action Must Be Taken At The Hearing.

The Board is required by statute to adopt the resolution instituting proceedings to enter into a loan agreement and issue the Notes at the hearing or an adjournment thereof. If necessary to adjourn, the minutes are written to accommodate that action.

In the event the Board decides to abandon the proposal, then the form of resolution included in the proceedings should not be adopted. We would suggest that, in this event, a motion merely be adopted to the effect that such proposal is abandoned.

Section 331.443 of the Code provides that any resident or property owner may appeal the decision to take additional action to the District Court for the County within 15 days after the additional action is taken. The additional action is final and conclusive unless the court finds that the Board exceeded its authority.

In the event an appeal is filed by any resident or property owner, please see that we are notified immediately; and, as soon as available, a copy of the notice of appeal should be furnished our office for review.

Please return a completed copy of each proceeding, via email followed up by hard copies, filled in as the original and certified back to us.

If you have any questions pertaining to the proceedings enclosed or this letter, please do not hesitate to either write or call.

Ahlers & Cooney, P.C.

Sincerely,



Jason L. Comisky
FOR THE FIRM

JLC:ks

Enclosures

cc: Tina Bertrand (via email)
Karen James (via email)
Heather Satterwhite (via email)

ITEMS TO INCLUDE ON AGENDA FOR MARCH 29, 2022

WOODBURY COUNTY, IOWA

Not to Exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1)

- Resolution Ratifying, Confirming and Approving Publication of Notice of Public Hearing.
- Public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE COUNTY.

March 29, 2022

The Board of Supervisors of Woodbury County, State of Iowa, met in _____ session, in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at _____ .M., on the above date. There were present Chairperson _____, in the chair, and the following named Board Members:

Absent: _____

Vacant: _____

* * * * *

Board Member _____ introduced the following Resolution entitled "RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE ISSUANCE OF NOT TO EXCEED \$421,000 GENERAL OBLIGATION CAPITAL LOAN NOTES (ESSENTIAL COUNTY PURPOSE #1)", and moved that the same be adopted. Board Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Chairperson declared the following Resolution duly adopted:

RESOLUTION RATIFYING, CONFIRMING AND
APPROVING PUBLICATION OF NOTICE OF PUBLIC
HEARING FOR THE ISSUANCE OF NOT TO EXCEED
\$421,000 GENERAL OBLIGATION CAPITAL LOAN NOTES
(ESSENTIAL COUNTY PURPOSE #1)

WHEREAS, Woodbury County, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center; and

WHEREAS, it is deemed necessary and advisable that Woodbury County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$421,000, as authorized by Sections 331.402 and 331.443, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s); and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before said Notes may be issued, it is necessary to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes and of the time and place of the meeting at which it is proposed to take action for the issuance of the Notes and to receive oral and/or written objections from any resident or property owner to such action; and

WHEREAS, the notice of above meeting has been published as required by Sections 331.402 and 331.443 of the Code of Iowa, as amended, and the following action is now considered to be in the best interests of the County and its residents.

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

Section 1. That the action of the Auditor setting a public hearing before the Board of Supervisors to meet in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at _____ .M., the 29th day of March, 2022, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), for essential county purpose project(s), the proceeds of which will be used to provide funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center, is hereby ratified, confirmed and approved.

Section 2. That the Auditor has caused publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County, said publication to be not less than four (4) nor more than twenty (20) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 29th day of March, 2022.

Chairperson

ATTEST:

County Auditor

The Chairperson announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), in order to provide funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center, for essential county purposes, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes had been published as provided by Sections 331.402 and 331.443 of the Code of Iowa.

The Chairperson then asked the Auditor whether any written objections had been filed by any resident or property owner of the County to the issuance of the Notes. The Auditor advised the Chairperson and the Board that _____ written objections had been filed. The Chairperson then called for oral objections to the issuance of the Notes and _____ were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Chairperson declared the hearing on the authorization of entering into a Loan Agreement and the issuance of the Notes to be closed.

The Board then considered the proposed action and the extent of objections thereto.

Whereupon, Board Member _____ introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$421,000 GENERAL OBLIGATION CAPITAL LOAN NOTES (ESSENTIAL COUNTY PURPOSE #1)", and moved:

- that the Resolution be adopted.
- to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of notes to the meeting to be held at _____ .M. on the _____ day of _____, 2022, at this place.

Board Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO
EXCEED \$421,000 GENERAL OBLIGATION CAPITAL LOAN
NOTES (ESSENTIAL COUNTY PURPOSE #1)

WHEREAS, pursuant to notice published as required by law, the Board of Supervisors has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), for the essential county purposes, in order to provide funds to pay the costs of erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; front windows for the public building used by District Health; and remodeling the data center, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Notes; and following action is now considered to be in the best interests of the County and residents thereof.

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

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$421,000 General Obligation Capital Loan Notes (Essential County Purpose #1), for the foregoing essential county purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Notes. The amounts so advanced shall be reimbursed from the proceeds of the Notes not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 29th day of March, 2022.

Chairperson

ATTEST:

County Auditor

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF WOODBURY)

I, the undersigned County Auditor of Woodbury County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective County offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this _____ day of _____, 2022.

County Auditor, Woodbury County, State of Iowa

(SEAL)

ITEMS TO INCLUDE ON AGENDA FOR MARCH 29, 2022

WOODBURY COUNTY, IOWA

Not to Exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2)

- Resolution Ratifying, Confirming and Approving Publication of Notice of Public Hearing.
- Public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the County thereunder.
- Resolution instituting proceedings to take additional action.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE COUNTY.

March 29, 2022

The Board of Supervisors of Woodbury County, State of Iowa, met in _____ session, in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at _____ .M., on the above date. There were present Chairperson _____, in the chair, and the following named Board Members:

Absent: _____

Vacant: _____

* * * * *

Board Member _____ introduced the following Resolution entitled "RESOLUTION RATIFYING, CONFIRMING AND APPROVING PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE ISSUANCE OF NOT TO EXCEED \$1,995,000 GENERAL OBLIGATION CAPITAL LOAN NOTES (ESSENTIAL COUNTY PURPOSE #2)", and moved that the same be adopted. Board Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Chairperson declared the following Resolution duly adopted:

RESOLUTION RATIFYING, CONFIRMING AND
APPROVING PUBLICATION OF NOTICE OF PUBLIC
HEARING FOR THE ISSUANCE OF NOT TO EXCEED
\$1,995,000 GENERAL OBLIGATION CAPITAL LOAN NOTES
(ESSENTIAL COUNTY PURPOSE #2)

WHEREAS, Woodbury County, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment; and

WHEREAS, it is deemed necessary and advisable that Woodbury County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$1,995,000, as authorized by Sections 331.402 and 331.443, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s); and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before said Notes may be issued, it is necessary to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes and of the time and place of the meeting at which it is proposed to take action for the issuance of the Notes and to receive oral and/or written objections from any resident or property owner to such action; and

WHEREAS, the notice of above meeting has been published as required by Sections 331.402 and 331.443 of the Code of Iowa, as amended, and the following action is now considered to be in the best interests of the County and its residents.

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

Section 1. That the action of the Auditor setting a public hearing before the Board of Supervisors to meet in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at _____ .M., the 29th day of March, 2022, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2), for essential county purpose project(s), the proceeds of which will be used to provide funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment, is hereby ratified, confirmed and approved.

Section 2. That the Auditor has caused publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County, said publication to be not less than four (4) nor more than twenty (20) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 29th day of March, 2022.

Chairperson

ATTEST:

County Auditor

The Chairperson announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2), in order to provide funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment, for essential county purposes, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes had been published as provided by Sections 331.402 and 331.443 of the Code of Iowa.

The Chairperson then asked the Auditor whether any written objections had been filed by any resident or property owner of the County to the issuance of the Notes. The Auditor advised the Chairperson and the Board that _____ written objections had been filed. The Chairperson then called for oral objections to the issuance of the Notes and _____ were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Chairperson declared the hearing on the authorization of entering into a Loan Agreement and the issuance of the Notes to be closed.

The Board then considered the proposed action and the extent of objections thereto.

Whereupon, Board Member _____ introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,995,000 GENERAL OBLIGATION CAPITAL LOAN NOTES (ESSENTIAL COUNTY PURPOSE #2)", and moved:

- that the Resolution be adopted.
- to ADJOURN and defer action on the Resolution and the proposal to institute proceedings for the issuance of notes to the meeting to be held at _____ .M. on the _____ day of _____, 2022, at this place.

Board Member _____ seconded the motion. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,995,000 GENERAL OBLIGATION CAPITAL LOAN NOTES (ESSENTIAL COUNTY PURPOSE #2)

WHEREAS, pursuant to notice published as required by law, the Board of Supervisors has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2), for the essential county purposes, in order to provide funds to pay the costs of demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and optical scan voting system and related equipment, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Notes; and following action is now considered to be in the best interests of the County and residents thereof.

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

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of not to exceed \$1,995,000 General Obligation Capital Loan Notes (Essential County Purpose #2), for the foregoing essential county purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Notes. The amounts so advanced shall be reimbursed from the proceeds of the Notes not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 29th day of March, 2022.

Chairperson

ATTEST:

County Auditor

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF WOODBURY)

I, the undersigned County Auditor of Woodbury County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective County offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this _____ day of _____, 2022.

County Auditor, Woodbury County, State of Iowa

(SEAL)



Ahlers & Cooney, P.C.
Attorneys at Law

100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Phone: 515-243-7611

Fax: 515-243-2149

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Jason L. Comisky

515.246.0337

jcomisky@ahlerslaw.com

March 22, 2022

Via E-Mail Only

Mr. Dennis Butler
Finance/Budget Director
Woodbury County Courthouse
620 Douglas Street, Room 104
Sioux City, Iowa 51101

RE: Woodbury County, State of Iowa
\$2,416,000 General Obligation Capital Loan Notes, Series 2022A

Dear Dennis:

Enclosed are the proceedings to certify the tax levy for the payment of General Obligation Capital Loan Notes to be issued after the budget filing deadline. The "pre-levy" resolution imposes a levy for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023. The amount should be included in the budget or in an amended budget. This resolution will satisfy the requirements for the resolution and levy as required by Iowa Code Chapter 76. When the Notes are issued (the sizing of which may change as directed by the Board), the authorizing resolution will incorporate this levy.

A copy of this Resolution must be filed with the Woodbury County Auditor. **It is essential that the Resolution be adopted and filed with the Woodbury County Auditor prior to April 1, 2022.** However, to be included in the certified budget, the Resolution should be adopted and filed prior to certification of the budget.

Also enclosed is the Certificate for the Auditor to verify that this Resolution was filed.

Please return a completed copy of the proceeding, via email followed up by a hard copy, filled in as the original and certified back to us.

If you have any questions pertaining to the proceedings enclosed or this letter, please do not hesitate to either write or call.

Ahlers & Cooney, P.C.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason L. Comisky".

Jason L. Comisky
FOR THE FIRM

JLC:ks

Enclosures

cc: Tina Bertrand (via email)
Karen James (via email)
Heather Satterwhite (via email)

ITEMS TO INCLUDE ON AGENDA FOR MARCH 29, 2022

WOODBURY COUNTY, IOWA

\$2,416,000 General Obligation Capital Loan Notes, Series 2022A

- Resolution authorizing the issuance and levying a tax for the payment thereof.

NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE COUNTY.

March 29, 2022

The Board of Supervisors of Woodbury County, State of Iowa, met in _____ session, in the Basement Boardroom, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at _____ .M., on the above date. There were present Chairperson _____, in the chair, and the following named Board Members:

Absent: _____

Vacant: _____

* * * * *

Board Member _____ introduced the following Resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,416,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2022A, AND LEVYING A TAX FOR THE PAYMENT THEREOF", and moved that the same be adopted. Board Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

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

RESOLUTION AUTHORIZING THE ISSUANCE OF
\$2,416,000 GENERAL OBLIGATION CAPITAL LOAN
NOTES, SERIES 2022A, AND LEVYING A TAX FOR THE
PAYMENT THEREOF

WHEREAS, Woodbury County, State of Iowa ("Issuer"), is a political subdivision, organized and existing under the Constitution and laws of the State of Iowa, and is not affected by any special legislation; and

WHEREAS, the Issuer is in need of funds to pay costs of (a) erecting, equipping, remodeling or reconstructing of the Courthouse including audio/visual equipment, software, hardware and other equipment; (b) front windows for the public building used by District Health; (c) remodeling the data center; (d) demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance including Prairie Hills demolition and related costs; (e) peace officer communication equipment and other emergency services communication equipment and systems including software and hardware; and (f) optical scan voting system and related equipment (the "Project"), and it is deemed necessary and advisable that General Obligation Capital Loan Notes, Series 2022A, in the amount of \$2,416,000 be issued; and

WHEREAS, the Board of Supervisors has taken such acts as are necessary to authorize issuance of the Notes.

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

Section 1. Authorization of the Issuance. General Obligation Capital Loan Notes, Series 2022A, in the amount of \$2,416,000 shall be issued pursuant to the provisions of Iowa Code Sections 331.402 and 331.443 for the purposes covered by the hearings.

Section 2. Levy of Annual Tax. For the purpose of providing funds to pay the principal and interest as required under Chapter 76, there is levied for each future year the following direct annual tax upon all the taxable property in Woodbury County, State of Iowa, to wit:

AMOUNT	FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION
\$525,278.67	2022/2023
\$515,091.20	2023/2024
\$507,118.40	2024/2025
\$499,145.60	2025/2026
\$491,172.80	2026/2027

Principal and interest coming due at any time when the proceeds of the tax on hand are insufficient to pay the amount due shall be promptly paid when due from current funds available for that purpose and reimbursement must be made.

Section 3. Amendment of Levy of Annual Tax. Based upon the terms of the future sale of the Notes to be issued, this Board will file an amendment to this Resolution ("Amended Resolution") with the County Auditor.

Section 4. Filing. A certified copy of this Resolution shall be filed with the County Auditor of County of Woodbury, State of Iowa, who shall, pursuant to Iowa Code Section 76.2, levy, assess and collect the tax in the same manner as other taxes and, when collected, these taxes shall be used only for the purpose of paying principal and interest on the Notes.

PASSED AND APPROVED this 29th day of March, 2022.

Chairperson

ATTEST:

County Auditor

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF WOODBURY)

I, the undersigned County Auditor of Woodbury County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective County offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this _____ day of _____, 2022.

County Auditor, Woodbury County, State of Iowa

(SEAL)

COUNTY AUDITOR'S CERTIFICATE

I, _____, County Auditor of Woodbury County, State of Iowa, hereby certify that on the _____ day of _____, 2022 there was filed in my office the Resolution of the Board of Supervisors of Woodbury County, State of Iowa, adopted on the 29th day of March, 2022, the Resolution authorizing execution of a Loan Agreement and authorizing the issuance of \$2,416,000 of General Obligation Capital Loan Notes, Series 2022A, and levying a tax therefor.

(COUNTY SEAL)

County Auditor of Woodbury County, State of
Iowa

NOTICE OF PUBLIC HEARING THE BOARD OF SUPERVISORS INTENDS TO LEVY RURAL BASIC PROPERTY TAX RATES WHICH EXCEED STATUTORY MAXIMUMS The accompanying budget summary requires a Rural Basic property tax rate that exceeds the maximum rate as established by the General Assembly. Comparison of the proposed general basic rate with the statutory maximum 3.95 Rural Basic tax rate and the dollar amount of the difference between the proposed rate and the maximum rate:

Proposed Rural Basic Tax Rate per \$1,000 of Taxable Value:	
Maximum Rural Basic Tax Rate per \$1,000 of Taxable Value:	3.95000
Rural Basic Tax Dollars to be Generated in Excess of Maximum:	

Major reasons for the difference between the proposed Rural Basic tax rate and the maximum basic tax rate:

-

NOTICE OF PUBLIC HEARING THE BOARD OF SUPERVISORS INTENDS TO LEVY GENERAL BASIC PROPERTY TAX RATES WHICH EXCEED STATUTORY MAXIMUMS The accompanying budget summary requires a general basic property tax rate that exceeds the maximum rate as established by the general assembly. Comparison of the proposed general basic rate with the statutory maximum 3.50000 general basic tax rate and the dollar amount of the difference between the proposed rate and the maximum rate:

Proposed General Basic Tax Rate per \$1,000 of Taxable Value:	3.78190
Maximum General Basic Tax Rate per \$1,000 of Taxable Value:	3.50000
General Basic Tax Dollars to be Generated in Excess of Maximum:	1,448,230

Major reasons for the difference between the proposed general basic tax rate and the maximum basic tax rate:

The major reasons for the difference is the continuing problem of a low tax base, wage & benefits increases and a tax rebate.

Comparison of the proposed general basic rate with the statutory maximum 3.95000 Rural Basic tax rate and the dollar amount of the difference between the proposed rate and the maximum rate:

Proposed Rural Basic Tax Rate per \$1,000 of Taxable Value:	
Maximum Rural Basic Tax Rate per \$1,000 of Taxable Value:	3.95000
Rural Basic Tax Dollars to be Generated in Excess of Maximum:	

Major reasons for the difference between the proposed Rural Basic tax rate and the maximum basic tax rate:

-



Woodbury County Board of Supervisors

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

MEMBERS

ROCKY L. DE WITT
 SIOUX CITY

MARK A. MONSON
 SIOUX CITY

KEITH W. RADIG
 SIOUX CITY

MATTHEW A. UNG
 SIOUX CITY

JUSTIN D. WRIGHT
 SIOUX CITY

FINANCE / BUDGET DIRECTOR
 DENNIS BUTLER

ADMINISTRATIVE ASSISTANT
 KAREN JAMES

EXECUTIVE SECRETARY / PUBLIC BIDDER
 HEATHER SATTERWHITE

To: Woodbury County Supervisors
 From: Dennis D. Butler, Finance/Budget Director *wob*
 RE: FY 2023 Tax Rates
 Date: March 29, 2022

New Amended Tax Rates for FY 2023

<u>Fund</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>Increase or Decrease by Dollars</u>	<u>Increase or Decrease by %</u>
General Basic	3.65946	3.78190	0.12244	
General Supplemental	2.48601	2.34312	-0.14289	
Mental Health Services	0.4461	0.00000	-0.44610	
Debt Service	0.57362	1.02355	0.44993	
Countywide for Cities & Townships	7.16519	7.14857	-0.01662	-0.23%
Rural Basic - Townships Only	2.46608	2.46117	-0.00491	
Total for Townships	9.63127	9.60974	-0.02153	-0.22%

Budget Totals for Woodbury County

	<u>FY 2022</u>	<u>FY 2023</u>	FY 2023 Increase or (Decrease)
Operating Budgets	51,610,944	52,281,587	670,643
Debt Service	3,701,998	7,540,015	3,838,017
Capital Budgets - CIP	3,942,224	13,186,430	\$9,244,206
Total	59,255,166	73,008,032	13,752,866

Effects on Different Land Classes With a Assessed Value of \$ 100,000

	<u>FY 2022</u>	<u>FY 2023</u>	Dollar Increase	% Increase
Cities:				
Residential	\$404.18	\$387.00	(\$17.19)	-4.25%
Commercial & Industrial	\$644.86	\$643.37	(\$1.49)	-0.23%
Townships:				
Residential	\$543.29	\$520.18	(\$23.11)	-4.25%
Commercial & Industrial	\$866.81	\$864.88	(\$1.93)	-0.22%
Ag Lands	\$809.32	\$855.66	\$46.34	6.12%

State Ordered Rollbacks - %

	<u>FY 2022</u>	<u>FY 2023</u>	FY 2023 Increase or (Decrease)
Residential	56.4094	54.1302	-4.04%
Agricultural	84.0305	89.0412	5.96%
Commercial & Industrial	90.0000	90.0000	0.00%

Memo To: Rocky De Witt, Chairperson
Woodbury County Board of Supervisors
From: Woodbury County Compensation Board
Date: December 9, 2021
Re: Recommended Compensation Schedule for Elected Officials

The Woodbury County Compensation Board met at 5:30 p.m. on December 8, 2021, to discuss the compensation schedule for elected officials in FY 22-23. The Board unanimously recommends that the salary of each elected official be increased as follows:

Attorney	13%
Supervisors	22%
Auditor	9%
Treasurer	9%
Sheriff	31.35%

/s/ Douglas L. Phillips

NOTICE OF PUBLIC HEARING -- PROPOSED BUDGET

Fiscal Year July 1, 2022 - June 30, 2023

County Name: **WOODBURY COUNTY** County Number: **97**

The County Board of Supervisors will conduct a public hearing on the proposed Fiscal Year County budget as follows:

Meeting Date: **3/29/2022** Meeting Time: **04:50 PM** Meeting Location: **Woodbury County Courthouse, Board of Supervisor's Meeting Room, Lower Level**

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget. This notice represents a summary of the supporting detail of revenues and expenditures on file with the County Auditor. A copy of the supporting detail will be furnished upon request.

County budgets are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult dom.iowa.gov/local-gov-appeals

Average annual percentage changes between "Actual" and "Budget" amounts for "Taxes Levied on Property", "Other County Taxes/ TIF Tax Revenues", and for each of the ten "Expenditure Classes" must be published. Expenditure classes proposing "Budget" amounts, but having no "Actual" amounts, are designated "NEW".

County Website (if available)
woodbury county iowa

County Telephone Number
(712) 234-2910

		Budget 2022/2023	Re-Est 2021/2022	Actual 2020/2021	AVG Annual % CHG
REVENUES & OTHER FINANCING SOURCES					
Taxes Levied on Property	1	37,831,351	35,175,691	35,679,266	2.97
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0	
Less: Credits to Taxpayers	3	1,504,648	1,548,499	2,555,871	
Net Current Property Taxes	4	36,326,703	33,627,192	33,123,395	
Delinquent Property Tax Revenue	5	18,500	17,500	318,242	
Penalties, Interest & Costs on Taxes	6	283,000	203,000	513,449	
Other County Taxes/TIF Tax Revenues	7	7,693,350	7,043,148	7,233,102	3.13
Intergovernmental	8	9,950,547	21,264,586	22,583,429	
Licenses & Permits	9	34,650	54,650	78,685	
Charges for Service	10	2,475,231	2,395,300	3,112,453	
Use of Money & Property	11	271,050	270,465	545,592	
Miscellaneous	12	647,311	796,820	2,237,250	
Subtotal Revenues	13	57,700,342	65,672,661	69,745,597	
Other Financing Sources:					
General Long-Term Debt Proceeds	14	2,676,430	1,942,224	1,800,000	
Operating Transfers In	15	11,273,666	9,983,958	9,967,213	
Proceeds of Fixed Asset Sales	16	0	0	0	
Total Revenues & Other Sources	17	71,650,438	77,598,843	81,512,810	
EXPENDITURES & OTHER FINANCING USES					
Operating:					
Public Safety and Legal Services	18	21,702,575	20,052,562	19,792,314	4.71
Physical Health and Social Services	19	4,045,447	4,917,258	5,169,895	-11.54
Mental Health, ID & DD	20	0	2,531,799	4,035,557	
County Environment and Education	21	3,857,763	3,751,241	3,617,436	3.27
Roads & Transportation	22	10,586,610	9,589,251	10,749,033	-0.76
Government Services to Residents	23	2,815,236	2,663,289	2,637,246	3.32
Administration	24	8,587,746	6,854,055	7,058,414	10.30
Nonprogram Current	25	1,050,000	1,251,489	957,105	4.74
Debt Service	26	7,540,015	3,701,998	1,594,058	117.49
Capital Projects	27	13,186,430	3,942,224	5,751,176	51.42
Subtotal Expenditures	28	73,371,822	59,255,166	61,362,234	
Other Financing Uses:					
Operating Transfers Out	29	11,273,666	9,983,958	9,967,213	
Refunded Debt/Payments to Escrow	30	0	0	0	
Total Expenditures & Other Uses	31	84,645,488	69,239,124	71,329,447	
Excess of Revenues & Other Sources					
over (under) Expenditures & Other Uses	32	-12,995,050	8,359,719	10,183,363	
Beginning Fund Balance - July 1,	33	34,610,916	26,251,197	16,067,834	
Increase (Decrease) in Reserves (GAAP Budgeting)	34	0	0	0	
Fund Balance - Nonspendable	35	0	0	1,603,746	
Fund Balance - Restricted	36	14,752,057	4,093,866	6,343,194	
Fund Balance - Committed	37	0	0	202,337	
Fund Balance - Assigned	38	0	0	481,970	
Fund Balance - Unassigned	39	6,863,809	30,517,050	17,619,950	
Total Ending Fund Balance - June 30,	40	21,615,866	34,610,916	26,251,197	

Proposed property taxation by type:	Proposed tax rates per \$1,000 taxable valuation:
Countywide Levies*:	
34,935,440	
Rural Only Levies*:	Urban Areas:
2,895,911	7.14857
Special District Levies*:	Rural Areas:
0	9.60974
TIF Tax Revenues:	Any special district tax rates not included.
1,263,100	
Utility Replacement Excise Tax:	
2,921,847	

Explanation of any significant items in the budget or additional virtual meeting information:

NOTICE OF PUBLIC HEARING -PROPOSED PROPERTY TAX LEVY
 Fiscal Year July 1, 2022 - June 30, 2023

County Name: **WOODBURY COUNTY** County Number: **97**

The County Board of Supervisors will conduct a public hearing on the proposed Fiscal Year County budget as follows:

Meeting Date: 3/8/2022 Meeting Time: 04:40 PM Meeting Location: Woodbury County Supervisor's meeting room in lower level of Courthouse, 620 Douglas Street.

Contact Person: Dennis Butler Contact Phone Number: (712) 234-2910

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After adoption of the proposed tax levy, the Board will publish notice and hold a hearing on the proposed county budget.

County Website (if available)
 woodbury county iowa

County Telephone Number
 (712) 234-2910

		Current Year Certified Property Tax FY 2021/2022	Budget Year Effective Property Tax FY 2022/2023	Budget Year Proposed Maximum Property Tax FY 2022/2023	Proposed Percentage Change
Taxable Valuations-General Services	1	4,886,270,455	5,137,390,222	5,137,390,222	
Requested Tax Dollars-General Basic	2	17,881,111		19,429,100	
Requested Tax Dollars-General Supplemental	3	12,147,317		12,037,504	
Requested Tax Dollars-General Services Total	4	30,028,428	30,028,428	31,466,604	4.79
Estimated Tax Rate-General Services	5	6.14547	5.84507	6.12502	
Taxable Valuations-Rural Services	6	1,346,414,230	1,395,538,786	1,395,538,786	
Requested Tax Dollars-Rural Basic	7	3,320,368		3,434,653	
Requested Tax Dollars-Rural Supplemental	8				
Requested Tax Dollars-Rural Services Total	9	3,320,368	3,320,368	3,434,653	3.44
Estimated Tax Rate-Rural Services	10	2.46608	2.37927	2.46117	

Explanation of increases in the budget:

Increases due to Inflation (currently at 10%), additional jail expenses and wage adjustments and benefits.

If applicable, the above notice is also available online at:

Woodbury County Website

The above tax rates do not include county voted levies, mental health and disabilities services levy, debt service levy and the rates of other local jurisdictions.

Regarding proposed maximum dollars, the Board of Supervisors cannot adopt a higher tax asking for these levies following the public hearing.

Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming year.

BUDGET SUMMARY		General	Special Revenue	TOTALS Budget 2022/2023 Capital Projects	Debt Service	Permanent	TOTALS Budget 2022/2023	TOTALS Re-Est 2021/2022	TOTALS Actual 2020/2021
1	Taxes Levied on Property	29,424,707	2,895,911		5,510,733		37,831,351	35,175,691	35,679,266
2	Less: Uncollected Delinquent Taxes - Levy Year	0	0		0		0	0	0
3	Less: Credits to Taxpayers	1,100,000	404,648		0		1,504,648	1,548,499	2,555,871
4	Net Current Property Taxes	28,324,707	2,491,263		5,510,733		36,326,703	33,627,192	33,123,395
5	Delinquent Property Tax Revenue	16,000	500		2,000		18,500	17,500	318,242
6	Penalties, Interest & Costs on Taxes	283,000					283,000	203,000	513,449
7	Other County Taxes/TIF Tax Revenues	2,553,897	4,796,048	0	343,405	0	7,693,350	7,043,148	7,233,102
8	Intergovernmental	3,112,357	6,838,190	0	0	0	9,950,547	21,264,586	22,583,429
9	Licenses & Permits	1,650	33,000	0	0	0	34,650	54,650	78,685
10	Charges for Service	2,159,731	315,500	0	0	0	2,475,231	2,395,300	3,112,453
11	Use of Money & Property	130,000	61,050	0	80,000	0	271,050	270,465	545,592
12	Miscellaneous	494,311	153,000	0	0	0	647,311	796,820	2,237,250
13	Subtotal Revenues	37,075,653	14,688,551	0	5,936,138	0	57,700,342	65,672,661	69,745,597
	Other Financing Sources:								
14	General Long-Term Debt Proceeds	0	0	2,676,430	0	0	2,676,430	1,942,224	1,800,000
15	Operating Transfers In	6,867,285	2,664,504	0	1,741,877	0	11,273,666	9,983,958	9,967,213
16	Proceeds of Fixed Asset Sales	0	0	0	0	0	0	0	0
17	Total Revenues & Other Sources	43,942,938	17,353,055	2,676,430	7,678,015	0	71,650,438	77,598,843	81,512,810
	EXPENDITURES & OTHER FINANCING USES								
	Operating:								
18	Public Safety and Legal Services	19,987,098	1,715,477			0	21,702,575	20,052,562	19,792,314
19	Physical Health and Social Services	4,045,447	0			0	4,045,447	4,917,258	5,169,895
20	Mental Health, ID & DD	0	0			0	0	2,531,799	4,035,557
21	County Environment and Education	2,275,872	1,581,891			0	3,857,763	3,751,241	3,617,436
22	Roads & Transportation	0	10,586,610			0	10,586,610	9,589,251	10,749,033
23	Government Services to Residents	2,582,537	232,699			0	2,815,236	2,663,289	2,637,246
24	Administration	8,049,921	537,825			0	8,587,746	6,854,055	7,058,414
25	Nonprogram Current	720,000	330,000			0	1,050,000	1,251,489	957,105
26	Debt Service	0	0			0	0	3,701,998	1,594,058
27	Capital Projects	0	10,510,000	2,676,430	7,540,015	0	13,186,430	3,942,224	5,751,176
28	Subtotal Expenditures	37,660,875	25,494,502	2,676,430	7,540,015	0	73,371,822	59,255,166	61,362,234
	Other Financing Uses:								
29	Operating Transfers Out	7,230,701	4,042,965	0	0	0	11,273,666	9,983,958	9,967,213
30	Refunded Debt/Payments to Escrow	0	0	0	0	0	0	0	0
31	Total Expenditures & Other Uses	44,891,576	29,537,467	2,676,430	7,540,015	0	84,645,488	69,239,124	71,329,447
	Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	-948,638	-12,184,412	0	138,000	0	-12,995,050	8,359,719	10,183,363
32	Beginning Fund Balance - July 1, 2022	19,080,817	14,551,414	878,988	99,697	0	34,610,916	26,251,197	16,067,834
33	Increase (Decrease) in Reserves (GAAP Budgeting)	0	0	0	0	0	0	0	0
34	Fund Balance - Nonspendable	0	0	0	0	0	0	0	1,603,746
35	Fund Balance - Restricted	11,374,599	2,398,773	878,988	99,697	0	14,752,057	4,093,866	6,343,194
36	Fund Balance - Committed	0	0	0	0	0	0	0	202,337
37	Fund Balance - Assigned	0	0	0	0	0	0	0	481,970
38	Fund Balance - Unassigned	6,757,580	-31,771	878,988	138,000	0	8,863,809	30,517,050	17,619,950
39	Total Ending Fund Balance - June 30,	18,132,179	2,367,002	878,988	237,697	0	21,615,866	34,610,916	26,251,197

Proposed tax rate per \$1,000 valuation for County purposes: 7.14857 urban areas; 9.60974 rural areas; Any special district rates excluded.

ADOPTION OF BUDGET & CERTIFICATION OF TAXES
 Fiscal Year July 1, 2022 - June 30, 2023

County Number: 97 County Name: WOODBURY COUNTY Date Adopted: (entered upon adoption)

At the meeting of the Board of Supervisors of this County, held after the public hearing as required by law, on the date specified above and to the right, the proposed budget for the fiscal year listed above was adopted as summarized and attached hereto, and tax levies, as itemized below, were approved for all taxable property of this County. There is attached a Long-Term Debt Schedule (Form 703) for the debt service needs, if any.

Note: Utility Tax Replacements are estimated by subtracting the amounts produced in Column T from the amounts entered in Column P. The software performs this calculation and places the budget-year estimated Utility Tax Replacement amounts on line 11 of the Revenues Detail sheet.

Budget Basis
 GAAP

		UTILITY REPLACEMENT AND PROPERTY TAX DOLLARS	VALUATION WITH GAS & ELEC UTILITIES	LEVY RATE	VALUATION WITHOUT GAS & ELEC UTILITIES	PROPERTY TAXES LEVIED
A. Countywide Levies:	1		5,137,390,222		4,804,018,002	
General Basic	2	19,429,100		3.78190		18,168,316
+ Cemetery (Pioneer - 331.424B)	3					0
= Total for General Basic	4	19,429,100				18,168,316
Emerg Mgmt Dollars Included Above in Gen Basic-Info Only for Tax Statement	5					0
General Supplemental	6	12,037,504		2.34312		11,256,391
Emerg Mgmt Dollars Included Above in Gen Supp-Info Only for Tax Statement	7					0
Debt Service (from Form 703 col. I Countywide total)	9	5,851,941	5,717,313,709	1.02355	5,383,941,489	5,510,733
Voted Emergency Medical Services (Countywide)	10					0
Other	11					0
Subtotal Countywide (A)	12	37,318,545		7.14857		34,935,440
B. All Rural Services Only Levies:	13		1,395,538,786		1,176,640,004	
Rural Services Basic	14	3,434,653		2.46117		2,895,911
Rural Services Supplemental	16					0
Unified Law Enforcement	17					0
Other	18					0
Other	19					0
Subtotal All Rural Services Only (B)	20	3,434,653		2.46117		2,895,911
Subtotal Countywide/All Rural Services (A + B)	21	40,753,198		9.60974		37,831,351
C. Special District Levies:						
Flood & Erosion	22			0.00000		0
Voted Emergency Medical Services (partial county)	23			0.00000		0
Other	24	0		0.00000		0
Other	25			0.00000		0
Other	26			0.00000		0
Township ES Levies (Summary from Form 638-RE)	27	0	0		0	0
Subtotal Special Districts (C)	28	0				0
GRAND TOTAL (A + B + C)	29	40,753,198				37,831,351

Compensation Schedule for FY 2022/2023		Number of Official County Newspapers	3
Elected Official	Annual Salary	Names of Official County Newspapers:	
Attorney	1		
Auditor	1	1	Sioux City Journal
Recorder	1	2	Sergeant Bluff Advocate
Treasurer	1	3	Moville Record
Sheriff	1	4	
Supervisors	1	5	
Supervisor Vice Chair, if different		6	
Supervisor Chair, if different	1		

At a lawful meeting of the Board of Supervisors of the County indicated above, on the date indicated, the budget for fiscal year listed above, was adopted as summarized above by resolution. In addition, tax levies were voted on all taxable property of this county

 (Board Chairperson)

 (Date)

 (County Auditor)

 (Date)

COUNTY AUDITOR'S CERTIFICATION

By Electronically Certifying, I certify the budget meets all statutory obligations.

 (County Auditor Signature of Certification)

 (Date)

TOWNSHIP EMERGENCY SERVICES LEVIES

TOWNSHIP NAME	RECORD KEY	UTILITY Replacement AND PROPERTY TAX DOLLARS	VALUATION WITH GAS & ELEC UTILITIES	LEVY RATE	VALUATION WITHOUT GAS & ELEC UTILITIES	PROPERTY TAXES LEVIED
	1			0		0
	2			0		0
	3			0		0
	4			0		0
	5			0		0
	6			0		0
	7			0		0
	8			0		0
	9			0		0
	10			0		0
	11			0		0
	12			0		0
	13			0		0
	14			0		0
	15			0		0
	16			0		0
	17			0		0
	18			0		0
	19			0		0
	20			0		0
	21			0		0
	22			0		0
	23			0		0
	24			0		0
	25			0		0
	26			0		0
	27			0		0
	28			0		0
	29			0		0
	30	0	0		0	0

REVENUES DETAIL

County Name: WOODBURY COUNTY

County No: 97

	GENERAL FUND			SPECIAL REVENUE FUNDS							TOTALS			
		General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Capital Projects	All Debt Service	All Permanent	Budget 2022/2023	Re-Est 2021/2022	Actual 2020/2021
TAXED LEVIED ON PROPERTY	1	18,168,316	11,256,391		2,895,911	0		0		5,510,733		37,831,351	35,175,691	35,679,266
Less: Uncoll. Del. Taxes Levy Year	2											0		
Less: Credits to Taxpayers	3	675,000	425,000		404,648							1,504,648	1,548,499	2,555,871
1000 Net Current Property Taxes	4	17,493,316	10,831,391		2,491,263	0		0		5,510,733		36,326,703	33,627,192	33,123,395
1010 Delinq. Property Tax Revenue	5	12,000	4,000		500					2,000		18,500	17,500	318,242
11XX Penalties, Int, & Costs on Taxes	6	283,000										283,000	203,000	513,449
OTHER COUNTY TAXES/TIF REVENUES														
12XX Other County Taxes	7		12,000		500					2,197		14,697	27,000	3,635,195
13XX Voter Approved Local Option Taxes	8							2,400,000	593,706			2,993,706	2,587,276	3,081,394
14XX Gambling Taxes	9			500,000								500,000	385,000	516,513
15XX TIF Tax Revenues	10							1,263,100				1,263,100	648,737	
16XX Utility Tax Replacement Excise Taxes	11	1,260,784	781,113		538,742	0				341,208		2,921,847	3,395,135	
17XX Taxes Collected for Other Governments	11B											0		
Subtotal	12	1,260,784	793,113	500,000	539,242	0	2,400,000	1,856,806	0	343,405	0	7,693,350	7,043,148	7,233,102
INTERGOVERNMENTAL REVENUE														
20XX State Shared Revenues	13	27,400						5,488,252				5,515,652	5,349,449	7,189,212
21XX State Replacements Against Levied Taxes	14	675,000	425,000		404,648							1,504,648	1,548,499	2,150,740
22XX Other State Tax Replacements	15	563,777	381,142		34,509							979,428	1,029,874	20,300
23XX, 24XX State/Federal Pass-Thru Revenues	16	221,248										221,248	1,328,778	1,121,418
25XX Contributions from Other Intergovernmental Units	17	140,000	315,000	363,790				119,163				937,953	1,245,664	1,309,369
26XX, 27XX State Grants and Entitlements	18							756,273	35,345			791,618	735,659	176,652
28XX Federal Grants and Entitlements	19											0	10,026,663	10,615,738
29XX Payments in Lieu of Taxes	20											0		
Subtotal (lines 13 - 20)	21	1,627,425	1,121,142	363,790	439,157	0	6,244,525	154,508	0	0	0	9,950,547	21,264,586	22,583,429
3XXX Licenses & Permits	22	1,650						33,000				34,650	54,650	78,685
4XXX, 5XXX Charges for Service	23	2,119,231	40,500						315,500			2,475,231	2,395,300	3,112,453
6XXX Use of Money & Property	24	130,000							61,050			271,050	270,465	545,592
8XXX Miscellaneous	25	477,000	1,500	15,811				153,000		80,000		647,311	796,820	2,237,250
Total Revenues	26	23,404,406	12,791,646	879,601	3,470,162	0	8,830,525	2,387,864	0	5,936,138	0	57,700,342	65,672,661	69,745,597
OTHER FINANCING SOURCES OPERATING TRANSFERS IN														
9000 From General Basic	27							138,075				138,075	128,652	
9020 From Rural Services Basic	28							1,611,000	308,433			1,919,433	1,610,000	1,500,000
90xx From Other Budgetary Funds	29	6,867,285			606,996					1,741,877		9,216,158	8,245,306	8,467,213
Subtotal (lines 27- 29)	30	6,867,285	0	0	606,996	0	1,611,000	446,508	0	1,741,877	0	11,273,666	9,983,958	9,967,213
91XX Proceeds/Gen Long-Term Debt	31									2,676,430		2,676,430	1,942,224	1,800,000
92XX Proceeds/Gen Capital Asset Sales	32											0		
Total Revenues and Other Sources	33	30,271,691	12,791,646	879,601	4,077,158	0	10,441,525	2,834,372	2,676,430	7,678,015	0	71,650,438	77,598,843	81,512,810
Beginning Fund Balance - July 1, NaN	34	7,037,746	1,041,834	11,001,237	374,564		12,763,276	1,413,574	878,988	99,697		34,610,916	26,251,197	16,067,834
Total Resources	35	37,309,437	13,833,480	11,880,838	4,451,722	0	23,204,801	4,247,946	3,555,418	7,777,712	0	106,261,354	103,850,040	97,580,644
Loss on Nonreplaced Credits Against Levied Taxes	36	0	0	0	0	0	0	0	0	0	0	0	0	-405,131

SERVICE AREA 1
 PUBLIC SAFETY AND LEGAL SERVICES
 County Name: WOODBURY COUNTY
 County No: 97

	GENERAL FUND				SPECIAL REVENUE FUNDS					TOTALS			
		General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021	
LAW ENFORCEMENT PROGRAM													
1000 - Uniformed Patrol Services	1	1,695,109			1,275,627					2,970,736	2,986,578	2,897,452	1
1010 - Investigations	2	598,718								598,718	373,917	358,013	2
1020 - Unified Law Enforcement	3									0			3
1030 - Contract Law Enforcement	4									0			4
1040 - Law Enforcement Communications	5	624,249								624,249	626,725	645,840	5
1050 - Adult Correctional Services	6	7,963,695		410,000						8,373,695	7,127,236	7,142,058	6
1060 - Administration	7	1,998,209						33,700		2,031,909	1,808,760	1,929,870	7
Subtotal	8	12,879,980	0	410,000	1,275,627	0	0	33,700	0	14,599,307	12,923,216	12,973,233	8
LEGAL SERVICES PROGRAM													
1100 - Criminal Prosecution	9	2,927,805						125,000		3,052,805	3,091,787	2,620,998	9
1110 - Medical Examiner	10	190,000								190,000	210,000	260,384	10
1120 - Child Support Recovery	11									0			11
Subtotal	12	3,117,805	0	0	0	0	0	125,000	0	3,242,805	3,301,787	2,881,382	12
EMERGENCY SERVICES													
1200 - Ambulance Services	13		634,343					281,150		915,493	878,242	880,978	13
1210 - Emergency Management	14		144,601							144,601	136,422	178,731	14
1220 - Fire Protection & Rescue Services	15									0			15
1230 - E911 Service Board	16		91,293							91,293	73,314	70,379	16
Subtotal	17	0	870,237	0	0	0	0	281,150	0	1,151,387	1,087,978	1,130,088	17
ASSISTANCE TO DISTRICT COURT SYSTEM PROGRAM													
1400 - Physical Operations	18		27,550							27,550	27,550	26,067	18
1410 - Research & Other Assistance	19									0			19
1420 - Bailiff Services	20		1,022,657							1,022,657	1,213,130	275,726	20
Subtotal	21	0	1,050,207	0	0	0	0	0	0	1,050,207	1,240,680	301,793	21
COURT PROCEEDINGS PROGRAM													
1500 - Juries & Witnesses	22		65,000							65,000	36,000	47,832	22
1510 - (Reserved)	23									0		979,161	23
1520 - Detention Services	24									0			24
1530 - Court Costs	25									0			25
1540 - Service of Civil Papers	26	688,092								688,092	575,554	669,618	26
Subtotal	27	688,092	65,000	0	0	0	0	0	0	753,092	611,554	1,696,611	27
JUVENILE JUSTICE ADMINISTRATION PROGRAM													
1600 - Juvenile Victim Restitution	28									0			28
1610 - Juvenile Representation Services	29	604,360								604,360	586,597	530,227	29
1620 - Court-Appointed Attorneys & Court Costs for Juveniles	30		301,417							301,417	300,750	278,980	30
Subtotal	31	604,360	301,417	0	0	0	0	0	0	905,777	887,347	809,207	31
Total - Public Safety & Legal Services	32	17,290,237	2,286,861	410,000	1,275,627	0	0	439,850	0	21,702,575	20,052,562	19,792,314	32

SERVICE AREA 3
 PHYSICAL HEALTH & SOCIAL SERVICES
 County Name: WOODBURY COUNTY
 County No: 97

	GENERAL FUND			SPECIAL REVENUE FUNDS						TOTALS		
	General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021	
PHYSICAL HEALTH SERVICES PROGRAM												
3000 - Personal & Family Health Services	1								0		1	
3010 - Communicable Disease Prevention & Control Services	2								0		2	
3020 - Environmental Health	3								0		3	
3040 - Health Administration	4	1,303,778							1,303,778	2,219,070	2,715,276	
3050 - Support of Hospitals	5								0		5	
Subtotal	6	1,303,778	0	0	0	0	0	0	1,303,778	2,219,070	2,715,276	
SERVICES TO POOR PROGRAM												
3100 - Administration	7	136,950							136,950	152,750	122,999	
3110 - General Welfare Services	8	85,000							85,000	100,000	54,275	
3120 - Care in County Care Facility	9								0		9	
Subtotal	10	221,950	0	0	0	0	0	0	221,950	252,750	177,274	
SERVICES TO MILITARY VETERANS PROGRAM												
3200 - Administration	11	276,373							276,373	225,076	189,466	
3210 - General Services to Veterans	12	35,000							35,000	35,000	30,313	
Subtotal	13	311,373	0	0	0	0	0	0	311,373	260,076	219,779	
CHILDREN'S & FAMILY SERVICES PROGRAM												
3300 - Youth Guidance	14		2,108,346						2,108,346	2,010,362	1,951,551	
3310 - Family Protective Services	15		100,000						100,000	175,000	106,015	
3320 - Services for Disabled Children	16								0		16	
Subtotal	17	0	2,208,346	0	0	0	0	0	2,208,346	2,185,362	2,057,566	
SERVICES TO OTHER ADULTS PROGRAM												
3400 - Services to the Elderly	18								0		18	
3410 - Other Social Services	19								0		19	
3420 - Social Services Business Operations	20								0		20	
Subtotal	21	0	0	0	0	0	0	0	0	0	0	
CHEMICAL DEPENDENCY PROGRAM												
3500 - Treatment Services	22								0		22	
3510 - Preventive Services	23								0		23	
Subtotal	24	0	0	0	0	0	0	0	0	0	0	
TOTAL-PHYSICAL HEALTH & SOCIAL SERVICES	25	1,837,101	2,208,346	0	0	0	0	0	4,045,447	4,917,258	5,169,895	

SERVICE AREA 4
 MENTAL HEALTH, INTELLECTUAL DISABILITY & DEVELOPMENTAL DISABILITIES
 County Name: WOODBURY COUNTY
 County No: 97

TOTALS				
		Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021
SERVICES TO PERSONS WITH:				
40XX - MENTAL HEALTH PROBLEMS MENTAL ILLNESS				
400X - Information & Education Services	1	0	219,513	216,670
402X - Coordination Services	2	0		
403X- Personal & Environ. Sprt	3	0		
404X-Treatment Services	4	0		
405X-Vocational & Day Services	5	0		
406X-Lic/Cert. Living Arrangements	6	0		
407X - Inst/Hospital & Commit Services	7	0	82,491	78,103
Subtotal	8	0	302,004	294,773
42XX - INTELLECTUAL DISABILITY				
420X - Information & Education Services	9	0		
422X - Coordination Services	10	0	50,113	49,380
423X- Personal & Environ. Sprt	11	0		
424X-Treatment Services	12	0		
425X-Vocational & Day Services	13	0		
426X-Lic/Cert. Living Arrangements	14	0		
427X - Inst/Hospital & Commit Services	15	0		
Subtotal	16	0	50,113	49,380
43XX - OTHER DEVELOPMENTAL DISABILITIES				
430X - Information & Education Services	17	0		
432X - Coordination Services	18	0		
433X- Personal & Environ. Sprt	19	0		
434X-Treatment Services	20	0		
435X-Vocational & Day Services	21	0		
436X-Lic/Cert. Living Arrangements	22	0		
437X - Inst/Hospital & Commit Services	23	0		
Subtotal	24	0	0	0
44XX - GENERAL ADMINISTRATION				
4411-Direct Administration	25	0		
4412-Purchased Administration	26	0		
4413-Distrib to Regional Fiscal Agent	27	0	2,179,682	3,691,404
Subtotal	28	0	2,179,682	3,691,404
45XX - COUNTY PRVD CASE MGMT				
Subtotal	29	0		
46XX - COUNTY PRVD SERVICES				
Subtotal	30	0		
47XX - BRAIN INJURY				
470X - Information & Education Services	31	0		
472X - Coordination Services	32	0		
473X- Personal & Environ. Sprt	33	0		
474X-Treatment Services	34	0		
475X-Vocational & Day Services	35	0		
476X-Lic/Cert. Living Arrangements	36	0		
477X - Inst/Hospital & Commit Services	37	0		
Subtotal	38	0	0	0
Total - Mental Health, ID & DD	39	0	2,531,799	4,035,557

SERVICE AREA 6
 COUNTY ENVIRONMENT AND EDUCATION
 County Name: WOODBURY COUNTY
 County No: 97

	GENERAL FUND					SPECIAL REVENUE FUNDS					TOTALS		
		General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021	
ENVIRONMENTAL QUALITY PROGRAM													
6000 - Natural Resources Conservation	1				39,000					39,000	39,000	39,000	1
6010 - Weed Eradication	2				101,606					101,606	97,255	102,231	2
6020 - Solid Waste Disposal	3				215,409					215,409	248,578	242,038	3
6030 - Environmental Restoration	4									0			4
Subtotal	5	0	0	0	356,015	0	0	0	0	356,015	384,833	383,269	5
CONSERVATION & RECREATION SERVICES PROGRAM													
6100 - Administration	6	659,500						580,000		1,239,500	1,138,584	1,197,632	6
6110 - Maintenance & Operations	7	1,184,689								1,184,689	1,070,966	1,060,325	7
6120 - Recreation & Environmental Educ.	8	431,683					87,055			518,738	626,537	485,315	8
Subtotal	9	2,275,872	0	0	0	0	667,055	0	0	2,942,927	2,836,087	2,743,272	9
ANIMAL CONTROL PROGRAM													
6200 - Animal Shelter	10				9,127					9,127		4,764	10
6210 - Animal Bounties & State Apiarist Expenses	11									0			11
Subtotal	12	0	0	0	9,127	0	0	0	0	9,127	0	4,764	12
COUNTY DEVELOPMENT PROGRAM													
6300 - Land Use & Building Controls	13									0			13
6310 - Housing Rehabilitation & Develop.	14									0			14
6320 - Community Economic Development	15				299,330					299,330	284,541	271,507	15
Subtotal	16	0	0	0	299,330	0	0	0	0	299,330	284,541	271,507	16
EDUCATIONAL SERVICES PROGRAM													
6400 - Libraries	17						250,364			250,364	245,780	214,624	17
6410 - Historic Preservation	18									0			18
6420 - Fair & 4-H Clubs	19									0			19
6430 - Fairgrounds	20									0			20
6440 - Memorial Halls	21									0			21
6450 - Other Educational Services	22									0			22
Subtotal	23	0	0	0	0	0	250,364	0	0	250,364	245,780	214,624	23
PRESIDENT OR GOVERNOR DECLARED DISASTERS PROGRAM													
6500 - Property	24									0			24
6510 - Buildings	25									0			25
6520 - Equipment	26									0			26
6530 - Public Facilities	27									0			27
Subtotal	28	0	0	0	0	0	0	0	0	0	0	0	28
Total - County Environment and Education	29	2,275,872	0	0	664,472	0	0	917,419	0	3,857,763	3,751,241	3,617,436	29

SERVICE AREA 7

ROADS & TRANSPORTATION

County Name: WOODBURY COUNTY

County No: 97

	GENERAL FUND			SPECIAL REVENUE FUNDS						TOTALS		
	General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021	
SECONDARY ROADS ADMINISTRATION & ENGINEERING PROGRAM												
7000 - Administration	1					15,500			15,500	15,500	12,978	
7010 - Engineering	2					1,282,626			1,282,626	1,246,509	1,492,370	
Subtotal	3	0	0	0	0	1,298,126	0	0	1,298,126	1,262,009	1,505,348	
ROADWAY MAINTENANCE PROGRAM												
7100 - Bridges & Culverts	4					290,000			290,000	290,000	470,123	
7110 - Roads	5					5,414,484			5,414,484	5,033,742	6,031,090	
7120 - Snow & Ice Control	6					2,500			2,500	2,500	6	
7130 - Traffic Controls	7					270,000			270,000	210,000	222,316	
7140 - Road Clearing	8								0			
Subtotal	9	0	0	0	0	5,976,984	0	0	5,976,984	5,536,242	6,723,529	
GENERAL ROADWAY EXPENDITURES PROGRAM												
7200 - New Equipment	10					1,229,000			1,229,000	1,117,000	1,123,348	
7210 - Equipment Operations	11					1,610,000			1,610,000	1,372,000	1,249,428	
7220 - Tools, Materials & Supplies	12					162,000			162,000	147,000	113,421	
7230 - Real Estate & Buildings	13					310,500			310,500	155,000	33,959	
Subtotal	14	0	0	0	0	3,311,500	0	0	3,311,500	2,791,000	2,520,156	
MASS TRANSIT PROGRAM												
7300 - Air Transportation	15								0			
7310 - Ground Transportation	16								0			
Subtotal	17	0	0	0	0	0	0	0	0	0	0	
Total - Roads & Transportation	18	0	0	0	0	10,586,610	0	0	10,586,610	9,589,251	10,749,033	

SERVICE AREA 8
 GOVERNMENT SERVICES TO RESIDENTS
 County Name: WOODBURY COUNTY
 County No: 97

	GENERAL FUND			SPECIAL REVENUE FUNDS						TOTALS		
	General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021	
REPRESENTATION SERVICES PROGRAM												
8000 - Elections Administration	1	587,626							587,626	373,822	778,949	
8010 - Local Elections	2								0	250,878	15,277	
8020 - Township Officials	3			5,000					5,000	6,000	4,661	
Subtotal	4	0	587,626	0	5,000	0	0	0	592,626	630,700	798,887	
STATE ADMINISTRATIVE SERVICES												
8100 - Motor Vehicle Registrations& Licensing	5	1,208,969							1,208,969	1,088,785	1,077,025	
8101 - Driver Licenses Services	6								0			
8110 - Recording of Public Documents	7	785,942					227,699		1,013,641	943,804	761,334	
Subtotal	8	1,994,911	0	0	0	0	227,699	0	2,222,610	2,032,589	1,838,359	
Total - Government Services to Residents	9	1,994,911	587,626	0	5,000	0	227,699	0	2,815,236	2,663,289	2,637,246	

**SERVICE AREA 9
ADMINISTRATION**

County Name: WOODBURY COUNTY
County No: 97

	GENERAL FUND			SPECIAL REVENUE FUNDS					TOTALS				
	General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021		
POLICY & ADMINISTRATION PROGRAM													
9000 - General County Management	1	796,906		490,470			537,825			1,825,201	842,961	1,128,873	1
9010 - Administrative Management Services	2	402,404								402,404	388,690	317,879	2
9020 - Treasury Management Services	3	613,446								613,446	635,853	511,114	3
9030 - Other Policy & Administration	4	496,323								496,323	457,764	423,011	4
9040 - Reimbursable MHDS Direct Expenses	5			363,790						363,790			5
Subtotal	6	2,309,079	0	854,260	0	0	537,825	0	0	3,701,164	2,325,268	2,380,877	6
CENTRAL SERVICES PROGRAM													
9100 - General Services	7	2,463,375								2,463,375	2,321,176	2,284,036	7
9110 - Information Tech Services	8	1,523,207								1,523,207	1,367,611	1,593,501	8
9120 - GIS Systems	9									0			9
Subtotal	10	3,986,582	0	0	0	0	0	0	0	3,986,582	3,688,787	3,877,537	10
RISK MANAGEMENT SERVICES PROGRAM													
9200 - Tort Liability	11		900,000							900,000	840,000	800,000	11
9210 - Safety of Workplace	12									0			12
9220 - Fidelity of Public Officers	13									0			13
9230 - Unemployment Compensation	14									0			14
Subtotal	15	0	900,000	0	0	0	0	0	0	900,000	840,000	800,000	15
Total - Administration	16	6,295,661	900,000	854,260	0	0	537,825	0	0	8,587,746	6,854,055	7,058,414	16

SERVICE AREA 0
 NONPROGRAM EXPENDITURES, DISBURSEMENTS AND OTHER FINANCING USES
 County Name: WOODBURY COUNTY
 County No: 97

	GENERAL FUND		SPECIAL REVENUE FUNDS									TOTALS		
	General Basic	General Supplemental	General Other	Rural Services Basic	Rural Services Supplemental	Secondary Roads	Other	All Capital Projects	All Debt Service	All Permanent	Budget 2022/2023	Re-estimated 2021/2022	Actual 2020/2021	
NONPROGRAM CURRENT EXPENDITURES														
0010 - County Farm Operations	1										0		1	
0020 - Interest on Short-Term Debt	2										0		2	
0030 - Other Nonprogram Current	3	720,000		240,000			90,000				1,050,000	1,251,489	957,105	
0040 - Other County Enterprises	4										0		4	
Total - Nonprogram Current	5	720,000	0	240,000	0	0	90,000		0		1,050,000	1,251,489	957,105	
LONG-TERM DEBT SERVICE														
0100 - Principal	6								6,838,380		6,838,380	2,617,104	1,457,104	
0110 - Interest and Fiscal Charges	7								701,635		701,635	1,084,894	136,954	
Total Long-term Debt Service	8	0	0	0	0	0	0		7,540,015	0	7,540,015	3,701,998	1,594,058	
CAPITAL PROJECTS														
0200 - Roadway Construction	9					10,510,000					10,510,000	2,000,000	4,361,671	
0210 - Conservation Land Acquisition & Dev.	10										0		10	
0220 - Other Capital Projects	11							2,676,430			2,676,430	1,942,224	1,389,505	
Total Capital Projects	12	0	0	0	0	10,510,000	0	2,676,430	0		13,186,430	3,942,224	5,751,176	
EXPENDITURES SUMMARY														
Total Public Safety and Legal Services	13	17,290,237	2,286,861	410,000	1,275,627	0	439,850			0	21,702,575	20,052,562	19,792,314	
Total Physical Health and Social Services	14	1,837,101	2,208,346	0	0	0	0			0	4,045,447	4,917,258	5,169,895	
Total Mental Health, ID & DD	15	0	0	0	0	0	0			0	0	2,531,799	4,035,557	
Total County Environment and Education	16	2,275,872	0	0	664,472	0	917,419			0	3,857,763	3,751,241	3,617,436	
Total Roads & Transportation	17	0	0	0	0	10,586,610	0			0	10,586,610	9,589,251	10,749,033	
Total Government Services to Residents	18	1,994,911	587,626	0	5,000	0	0			0	2,815,236	2,663,289	2,637,246	
Total Administration	19	6,295,661	900,000	854,260	0	0	537,825			0	8,587,746	6,854,055	7,058,414	
Total Nonprogram Current	20	720,000	0	0	240,000	0	90,000			0	1,050,000	1,251,489	957,105	
Total Long-Term Debt Service	21	0	0	0	0	0	0		7,540,015	0	7,540,015	3,701,998	1,594,058	
Total Capital Projects	22	0	0	0	0	10,510,000	0	2,676,430		0	13,186,430	3,942,224	5,751,176	
Total - All Expenditures	23	30,413,782	5,982,833	1,264,260	2,185,099	0	21,096,610	2,212,793	2,676,430	7,540,015	73,371,822	59,255,166	61,362,234	
OTHER BUDGETARY FINANCING USES														
OPERATING TRANSFERS OUT														
To General Supplemental	24										0		24	
To Rural Services Supplemental	25										0		25	
To Secondary Roads	26				1,611,000						1,611,000	1,610,000	1,790,571	
To Other Budgetary Funds	27	138,075	6,867,285	225,341	308,433	300,000	1,823,532				9,662,666	8,373,958	8,176,642	
Total Operating Transfers Out	28	138,075	6,867,285	225,341	1,919,433	0	300,000	1,823,532	0	0	11,273,666	9,983,958	9,967,213	
REFUNDED DEBT/PAYMENTS TO ESCROW	29										0		29	
Increase (Decrease) In Reserves	30										0		30	
Fund Balance - Nonspendable	31										0		1,603,746	
Fund Balance - Restricted	32		983,362	10,391,237	347,190		1,839,962	211,621	878,988	99,697	14,752,057	4,093,866	6,343,194	
Fund Balance - Committed	33										0		202,337	
Fund Balance - Assigned	34										0		481,970	
Fund Balance - Unassigned	35	6,757,580	0	0	0	0	-31,771	0	0	138,000	6,863,809	30,517,050	17,619,950	
Total Ending Fund Balance - June 30,	36	6,757,580	983,362	10,391,237	347,190	0	1,808,191	211,621	878,988	237,697	21,615,866	34,610,916	26,251,197	
Total Requirements	37	37,309,437	13,833,480	11,880,838	4,451,722	0	23,204,801	4,247,946	3,555,418	7,777,712	106,261,354	103,850,040	97,580,644	

LONG TERM DEBT SCHEDULE

This area, lines 1 through 20, is for Countywide Debt Service

Project Name		Amount of Issue	Debt Resolution Number	Principal Due 2022/2023	Interest Due 2022/2023	Bond Registration Due 2022/2023	TOTAL OBLIGATION Due 2022/2023	Amount Paid by Other Funds & Debt Service Fund Balance	Current Year Utility Replacement & Debt Service Taxes
FY 17 TIF Loan	1	1,710,000		375,000	8,250		383,250	383,250	0
FY 17 Capital Loan Note	2	3,717,404		371,740	36,988		408,728	50,000	358,728
FY 17 (Intake) Capital Loan Note	3	1,000,000		100,000	9,950		109,950	80,777	29,173
FY 18 Capital Loan Note	4	1,364,260		272,852	7,230		280,082		280,082
FY 19 Capital Loan Note	5	787,559		157,512	7,686		165,198		165,198
FY 20 Capital Loan Note	6	900,000		180,000	7,506		187,506		187,506
FY 21 Capital Loan Note	7	1,800,000		360,000	12,096		372,096	80,000	292,096
FY 22 Secondary Roads Project - TIF	8	10,000,000		520,000	569,850		1,089,850	1,089,850	0
FY 22 Capital Loan Note	9	2,416,000		483,200	42,079		525,279	4,197	521,082
FY 23 Lease Agreement	10			4,018,076			4,018,076		4,018,076
	11						0		0
	12						0		0
	13						0		0
	14						0		0
	15						0		0
	16						0		0
	17						0		0
	18						0		0
	19						0		0
	20						0		0
TOTALS FOR COUNTYWIDE DEBT SERVICE:				6,838,380	701,635	0	7,540,015	1,688,074	5,851,941

This area, lines 21 through 25, is for Partial County Debt Service Only -- Such as for Special Assessment District Debt Service

	21							0	0
	22							0	0
	23							0	0
	24							0	0
	25							0	0
TOTALS FOR PARTIAL COUNTY DEBT SERVICE:								0	0

NOTICE OF PUBLIC HEARING THE BOARD OF SUPERVISORS INTENDS TO LEVY GENERAL BASIC PROPERTY TAX RATES WHICH EXCEED STATUTORY MAXIMUMS The accompanying budget summary requires a general basic property tax rate that exceeds the maximum rate as established by the general assembly. Comparison of the proposed general basic rate with the statutory maximum 3.50000 general basic tax rate and the dollar amount of the difference between the proposed rate and the maximum rate:

Proposed General Basic Tax Rate per \$1,000 of Taxable Value:	3.78190
Maximum General Basic Tax Rate per \$1,000 of Taxable Value:	3.50000
General Basic Tax Dollars to be Generated in Excess of Maximum:	1,448,230

Major reasons for the difference between the proposed general basic tax rate and the maximum basic tax rate:

The major reasons for the difference is the continuing problem of a low tax base, wage & benefits increases and a tax rebate.

APPROVAL OF FY 2022/2023 BUDGET AND CERTIFICATION OF TAXES

RESOLUTION # _____

WHEREAS, the Woodbury County Board of Supervisors has considered the proposed FY 2022/2023 county budget and certification of taxes, and

WHEREAS, a public hearing concerning the proposed county budget was held on March 29, 2022,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Woodbury County that the county budget and certificate of taxes for FY 2022/2023 as set forth in the budget summary, is hereby adopted and that the Woodbury County Auditor is directed to file said budget and to establish accounting records in accordance with the attached schedules.

BE IT FURTHER RESOLVED that the Chairperson and the County Auditor be and are hereby authorized to sign the approved FY 2022/2023 county budget.

Signed and dated this 29th day of March, 2022.

Keith W. Radig, Chairman
Woodbury County Board of Supervisors

ATTEST: _____
Patrick F. Gill
Woodbury County Auditor

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

Date: 3/24/2022

Weekly Agenda Date: 3/29/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Dennis Butler - Finance Director

WORDING FOR AGENDA ITEM:

Approval of funding for the Conservation project at Bigelow Park - Browns Lake

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The project at Browns Lake was initially going to be funded by a revenue bond and then be reimbursed by conservation park revenues. This has since been ruled out as Chapter 331.441(2)(c)(2) does not allow this method. I am suggesting the board approve a transfer of up to \$1,200,000 from General Basic Reserves. This loan will be reimbursed over the next 10 years from the Conservation Reserve Fund park revenues. The project could greatly increase park revenues in the coming years. There is also a potential of prepayment by Conservation if revenues increase.

BACKGROUND:

This method was used in the purchase of the Briese Farm as well. Secondary Roads reimbursed the General Basic Fund Reserves over 5 years.

FINANCIAL IMPACT:

Use of \$1,200,000 from the General Basic Fund will be reimbursed by the Conservation Reserve Fund over a 10 year period.

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

Yes No

RECOMMENDATION:

Approve the funding mechanism.

ACTION REQUIRED / PROPOSED MOTION:

Approve transfer of up to \$1,200,000 from General Basic Reserves for the Brown's Lake project, to be reimbursed by Conservation Reserve Fund over a 10-year period.

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

Date: 0/22/2022 Weekly Agenda Date: 0/29/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Andrew Donawa

WORDING FOR AGENDA ITEM:

Emergency Funding request for air truck

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Air truck had a air sensors go out and need to be replaced ASAP.

BACKGROUND:

FINANCIAL IMPACT:

5,000

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

Yes No

RECOMMENDATION:

Buy the part and talk with Butler about which funding account to pull from

ACTION REQUIRED / PROPOSED MOTION:

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

Date: 0/22/2022 Weekly Agenda Date: 0/29/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Andrew Donawa

WORDING FOR AGENDA ITEM:

Funding mortuary cart

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The mortuary cart are on sale right now. We will need one when we start the MEI in the new Fical year

BACKGROUND:

FINANCIAL IMPACT:

\$3,000

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

Yes No

RECOMMENDATION:

Buy the mortuary cart and talk with Butler about which funding account to pull from

ACTION REQUIRED / PROPOSED MOTION:

Motion to buy mortuary cart

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

Date: 3/24/2022 Weekly Agenda Date: 3/29/2022

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

WORDING FOR AGENDA ITEM:

Award bid for annual corrugated metal pipe purchase for 2022, project CP-2022

ACTION REQUIRED:

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

EXECUTIVE SUMMARY:

The county road department annually takes bids for corrugated metal pipe culverts for use in road projects and driveways. Bids have been requested from pipe vendors for board consideration.

BACKGROUND:

The county road department stocks pipe for driveway construction and repairs as well as for use as cross road culverts. Several county project culverts are included in the annual bid as well to get better pricing as part of a large order.

FINANCIAL IMPACT:

The culverts are paid for with local 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:

1) I recommend that the Board award the bid to Metal Culverts Inc.

ACTION REQUIRED / PROPOSED MOTION:

1) Motion to award bid to Metal Culverts Inc. for \$130,758.00

TABULATION OF BIDS

PROJECT NO. **CP-2022**

LETTING DATE March 22, 2022

MAINTENANCE CULVERT PIPE LETTING

NOTE: IN CASE OF MATHEMATICAL ERROR, UNIT PRICE SHALL GOVERN

		**	**	*		*		*	*	*	*	*	*	*
		**	**	*	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	18" CMP	**	194.00	l.f.	\$ 25.75	\$ 4,995.50	\$ 25.20	\$ 4,888.80	\$ 36.87	\$ 7,152.78	\$ 28.60	\$ 5,548.40		
2	24" CMP	**	2328.00	l.f.	\$ 34.32	\$ 79,896.96	\$ 33.60	\$ 78,220.80	\$ 49.02	\$ 114,118.56	\$ 38.20	\$ 88,929.60		
3	30" CMP	**	228.00	l.f.	\$ 42.90	\$ 9,781.20	\$ 41.25	\$ 9,405.00	\$ 61.77	\$ 14,083.56	\$ 47.70	\$ 10,875.60		
4	36" CMP	**	612.00	l.f.	\$ 51.48	\$ 31,505.76	\$ 49.20	\$ 30,110.40	\$ 73.77	\$ 45,147.24	\$ 57.25	\$ 35,037.00		
5	18' Bands	**	11.00	each	\$ 25.75	\$ 283.25	\$ 37.80	\$ 415.80	\$ 55.31	\$ 608.41	\$ 42.90	\$ 471.90		
6	24"Bands	**	61.00	each	\$ 68.64	\$ 4,187.04	\$ 67.20	\$ 4,099.20	\$ 98.04	\$ 5,980.44	\$ 95.50	\$ 5,825.50		
7	30"Bands	**	20.00	each	\$ 85.80	\$ 1,716.00	\$ 82.50	\$ 1,650.00	\$ 123.54	\$ 2,470.80	\$ 119.25	\$ 2,385.00		
8	36" Bands	**	20.00	each	\$ 102.96	\$ 2,059.20	\$ 98.40	\$ 1,968.00	\$ 147.54	\$ 2,950.80	\$ 143.13	\$ 2,862.60		
						\$ 134,424.91		\$ 130,758.00		\$ 192,512.59		\$ 151,935.60		

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

Date: 03/24/2022 Weekly Agenda Date: 03/29/2022

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

WORDING FOR AGENDA ITEM:

Consideration of resolution of support for Sioux City application for RISE funding

ACTION REQUIRED:

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

EXECUTIVE SUMMARY:

Sioux City is applying for a RISE grant to improve and pave Alicia Avenue south of 225th Street.

BACKGROUND:

The city is proposing to improve and pave Alicia Avenue south of 225th Street to support the new Cold Link Logistics Project. The project will create 60 new jobs in the Southbridge Business Park.

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 resolution supporting the RISE grant application.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the resolution supporting the RISE grant application to improve Alicia Avenue and support the new Cold Link Logistics development.

**WOODBURY COUNTY, IOWA
RESOLUTION NO. _____**

A RESOLUTION SUPPORTING THE CITY OF SIOUX CITY'S GRANT APPLICATION TO THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE REVITALIZE IOWA'S SOUND ECONOMY (RISE) PROGRAM

WHEREAS, the City of Sioux City is applying for a RISE Grant from the Iowa Department of Transportation to support the development of an immediate, non-speculative economic development opportunity in the Southbridge Business Park; and

WHEREAS, Cold Link Logistics recent announcement of the construction of a new cold storage warehouse facility in the Southbridge Business Park will create additional traffic and related issues on the local street system; and

WHEREAS, improvements to the local road infrastructure and the construction of Alicia Avenue in the Southbridge Business Park are vital to the success of the Cold Link Logistics project; and

Whereas, the roadway to be improved through the use of RISE Funds will be dedicated for public use following construction and fall within the jurisdiction of the City of Sioux City; and

WHEREAS, RISE funding is essential to the creation of 60 new jobs and \$60 million in new capital investment as proposed by the Cold Link project, and without it the project will fail.

NOW, THEREFORE, BE IT RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS: Woodbury County hereby endorses the City of Sioux City's plan to make such road improvements in the Southbridge Business Park on Alicia Avenue as it is essential to the success of the Cold Link Logistics project and it will strengthen the heavily used road network in the Southbridge Business Park and surrounding industrial area.

Dated this 29th day of March 2022

WOODBURY COUNTY BOARD OF SUPERVISORS

Keith Radig, Chairperson

Jeremy Taylor, Vice-Chairperson

Matthew Ung

Rocky DeWitt

Attest:

Patrick Gill, Woodbury County Auditor

Justin Wright