

# *Woodbury County Law Enforcement Center Authority*

## **Agenda**

July 7, 2020 11:00 am

Woodbury County Courthouse, First Floor Boardroom

### **11:00 a.m.** Call Meeting to Order

1. Approval of the agenda
2. Approval of the minutes of the May 6, 2020 meeting
3. Approval of resolution fixing date for a public hearing on the proposal to enter into a Lease Agreement with Woodbury County, Iowa
4. Discussion of having a conference call with Nate Summers, Financial Advisor
5. Discussion of an underwriter to handle the process of the Bond Sale
6. Discussion of an owner's representative process
7. Discussion of Consent of Use update
8. Zoning Update
9. Commissioners concerns

**ADJOURNMENT**

# Woodbury County Law Enforcement Center Authority

## Minutes

May 6, 2020 11:00 a.m.

Woodbury County Courthouse, First Floor Boardroom

Attendance:

Members: Dan Moore, Ron Wieck, Rocky DeWitt

Staff: Karen James, Kenny Schmitz, Dennis Butler

Meeting was called to order at 11:00 a.m.

1. Motion by Moore, second by DeWitt to approve the agenda. Carried 3-0
2. Motion by Moore, second by DeWitt to approve the minutes of the March 31, 2020 meeting. Carried 3-0
3. There was a discussion with Larry Goldberg of Goldberg Group Architects, PC on contracting with a Project Manager/Owners Representative.

It was suggested to put out a request for proposals to contractors for a project manager to see if there is someone local who would be able to do this project. Larry Goldberg will assist in writing the request for proposals.

4. Dennis Butler gave a report on various ongoing issues.

The draft of the 28E Agreement is being reviewed by Assistant County Attorney, Joshua Widman and the City of Sioux City. After the 28E Agreement is approved by the City and the County, then the Authority can begin working on the two leases.

Title opinion is being drawn up by Ahlers & Cooney for the sale of land.

The LEC Authority does not have to bid out for professional services.

5. There were no Commissioners concerns.

Motion by DeWitt, second by Moore to adjourned.



Ahlers & Cooney, P.C.  
Attorneys at Law

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July 1, 2020

Via E-mail Only

Woodbury County Law Enforcement Center Authority  
c/o Mr. Michael Clayton  
Woodbury County Treasurer  
Trosper Hoyt  
822 Douglas St. Room 102  
Sioux City, Iowa 51101

Re: Woodbury County Law Enforcement Center Authority  
Resolution Fixing Date of Hearing on Lease

Dear Michael:

We have now prepared and are enclosing suggested proceedings to be acted upon by the Board of Commissioners in fixing the date of a meeting on the proposition to enter into a Lease Agreement with Woodbury County, Iowa and ordering publication of a notice of hearing.

Publication Requirement - Notice of Hearing.

Notice of this meeting must be published at least once in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The date of publication is to be not less than four clear days nor more than twenty days before the date of the public meeting on the proposition to enter into the Lease Agreement. In computing time, the date of publication should be excluded. If the last day falls on Sunday, the whole of the following Monday should be excluded. [See Section ICS 4.1(34).]

At the time of hearing the Board of Commissioners shall receive oral or written objections from any resident or property owner to the proposed action to enter into a Lease Agreement with Woodbury County, Iowa. After all objections have been received and considered, the Board of Commissioners is required, at that meeting or at any adjournment thereof, to take additional action for the authorization of the Lease Agreement or to abandon the proposal.

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. **We are also enclosing an extra copy of the notice of hearing to be delivered to the newspaper for publication purposes.** A certificate to attest the proceeding is attached as well.

We will prepare and forward to you in the near future, suggested procedure to be acted upon on the date of hearing. If you have any questions pertaining to the proceedings enclosed or the above instructions, 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: Dennis Butler (via email)  
Karen James (via email)

**ITEMS TO INCLUDE ON AGENDA FOR JULY 7, 2020**

**WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY**

Woodbury County Law Enforcement Center Authority.

- Resolution fixing date for a public hearing on the proposal to enter into a Lease Agreement with Woodbury County, Iowa.

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

July 7, 2020

The Board of Commissioners of the Woodbury County Law Enforcement Center Authority, met in \_\_\_\_\_ session, in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., on the above date. There were present the following named Commissioners:

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following resolution entitled "RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A LEASE AGREEMENT WITH WOODBURY COUNTY, IOWA", and moved that the resolution be adopted. Commissioner \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Resolution was duly adopted as follows:

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON  
THE PROPOSAL TO ENTER INTO A LEASE AGREEMENT  
WITH WOODBURY COUNTY, IOWA

WHEREAS, the Woodbury County Law Enforcement Center Authority (the "Authority"), is a body corporate, organized and existing under and by virtue of Iowa Code Section 346.27, and any successor legal authority thereto; and

WHEREAS, Iowa Code Section 346.27 provides that the Authority shall have and exercise certain public and essential governmental powers and functions including the right to lease all or any part of a building to an incorporating unit upon rental terms agreed upon between the Authority and the incorporating unit;

WHEREAS, the Authority and Woodbury County, Iowa (the "County") have negotiated the form of a proposed Lease Agreement (the "Lease") by and between the Authority and the County, which would obligate the Authority to construct certain improvements to be operated by the County as a law enforcement center facility (more particularly described in the Lease) on certain real property located within Sioux City, Iowa as defined and legally described in the Lease, consisting of the construction of an approximately 213,000 square foot building, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Lease and would obligate the County to make certain payments to the Authority as outlined in the proposed Lease, under the terms and following satisfaction of the conditions set forth in the Lease; and

WHEREAS, neither Section 346.27 nor any other Code provision sets forth any procedural action required to be taken before said Lease can be approved, and the Authority hereby deems it sufficient if the action hereinafter described be taken and the Secretary of the

Board of Commissioners cause to be published notice of the proposal and of the time and place of the meeting at which the Board of Commissioners proposes to take action thereon and to receive oral and/or written objections to such action.

WHEREAS, the following action is now considered to be in the best interests of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY:

Section 1. That this Board of Commissioners meet in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at 11:00 A.M. on July 21, 2020, for the purpose of taking action on the matter of the proposal to enter into the Lease with Woodbury County, Iowa.

Section 2. That the Secretary of the Board of Commissioners is hereby directed to cause at least one 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 Woodbury County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:



**(One publication required)**

NOTICE OF PUBLIC HEARING OF THE BOARD OF COMMISSIONERS OF THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A LEASE AGREEMENT WITH WOODBURY COUNTY, IOWA, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Commissioners of the Woodbury County Law Enforcement Center Authority, will hold a public hearing on July 21, 2020, at 11:00 A.M. in the First Floor Supervisors' Board Room, Woodbury County Courthouse, 620 Douglas St., Room 105, Sioux City, IA, at which meeting the Board of Commissioners proposes to take action on the proposal to enter into a Lease Agreement (the "Lease") with Woodbury County, Iowa (the "County").

The Lease would obligate the Authority to construct certain improvements to be operated by the County as a law enforcement center Facility (more particularly described in the Lease) on certain real property located within Sioux City, Iowa as defined and legally described in the Lease, consisting of the construction of an approximately 213,000 square foot building, together with all related site improvements, under the terms and following satisfaction of the conditions set forth in the Lease.

The Lease would obligate the County to make certain payments to the Authority as outlined in the proposed Lease, under the terms and following satisfaction of the conditions set forth in the Lease.

A copy of the Lease is on file for public inspection during regular business hours in the office of the Auditor of Woodbury County, Iowa.

At the above meeting the Board of Commissioners shall receive oral or written objections to the proposal to enter into the Lease. After all objections have been received and considered, the Board of Commissioners will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Lease.

This notice is given by order of the Board of Commissioners of the Woodbury County Law Enforcement Center Authority.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary, Woodbury County Law Enforcement  
Center Authority

(End of Notice)

PASSED AND APPROVED this 7th day of July, 2020.

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Chairperson, Board of Commissioners

ATTEST:

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Secretary, Board of Commissioners

CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF WOODBURY )

I, the undersigned Secretary of the Board of Commissioners of the Woodbury County Law Enforcement Center Authority (“Authority”), do hereby certify that attached is a true and complete copy of the portion of the records of the Authority showing proceedings of the Board of Commissioners, and the same is a true and complete copy of the action taken by the Board of Commissioners 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 of Commissioners 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 of Commissioners (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Board of Commissioners 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 offices as indicated therein, that no 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 Authority or the right of the individual named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board of Commissioners hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Secretary, Woodbury County Law Enforcement  
Center Authority



Instrument #: 2020-07893  
07/01/2020 09:04:00 AM Total Pages: 4  
CONST CONSENT  
Recording Fee: \$ 0.00

Patrick F. Gill, Auditor/Recorder, Woodbury County Iowa

Prepared by Dan A. Moore, 501 Pierce Street, Ste. 300, P.O. Box 3207, Sioux City, Iowa 51102-3207  
and return to: (712) 252-0020

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### CONSENT FOR USE

B.I.L. Corp., Inc., an Iowa corporation conveyed to the City of Sioux City, a Municipal Corporation by Warranty Deed dated October 29, 2010 and filed for record January 14, 2011 on Roll 714, Images 5447-5448 in the Woodbury County, Iowa Auditor and Recorder's Office, land described as follows:

The South One-half (S $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) in Section Fourteen (14), Township Eighty-nine (89) North, Range Forty-seven (47) West of the Fifth Principal Meridian, Woodbury County, Iowa, consisting of 77.51 acres, more or less.

Subject to and together with covenants, conditions, restrictions and easements of record, if any.

The said Warranty Deed also recited, in part, as follows: This deed represents a gift to the City of Sioux City, Iowa for the creation of a new public park which shall be known as "LIBERTY PARK", and such other municipal uses as the Grantor may approve while retaining the "LIBERTY PARK" name to such other municipal uses.

The Woodbury County Law Enforcement Center Authority, a body corporate, organized and existing under and by virtue of Iowa Code Section 346.27, and any successor legal authority thereto, now desires to purchase the following described tract of land from the City of Sioux City, a Municipal Corporation for the construction of a new law enforcement center facility:

The Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) in Section Fourteen (14), Township Eighty-nine (89) North, Range Forty-seven (47) West of the Fifth Principal Meridian, Woodbury County, Iowa,

consisting of 38.27 acres, more or less, except road right-of-way (Parcel No. 894714400008) described as follows:

A new right-of-way dedication to that part of 28<sup>th</sup> Street lying in part of the Southeast Quarter of Section 14, Township 89 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, more particularly described as follows:

Commencing at the Southeast corner of said Section 14; thence N 02°27'17" E along the East line of said Section 14 for 46.97 feet measured (47.00 feet recorded) to the North line of existing 28<sup>th</sup> Street being the point of beginning; thence continuing N 02°27'17" E along said East line of Section 14 for 20.00 feet; thence N 87°19'47" W for 913.64 feet; thence S 02°40'09" W for 20.00 feet to the North line of said existing 28<sup>th</sup> Street; thence S 87°19'47" E along the said North line of existing 28<sup>th</sup> Street for 913.72 feet measured (913.74 feet recorded) to the point of beginning. Containing a total area of 18273.57 square feet or 0.42 acres.

Based upon discussions between B.I.L. Corp., Inc., various officials for Woodbury County, Iowa and various representatives of the Woodbury County Law Enforcement Center Authority and in keeping with the site plan, attached hereto, B.I.L. Corp., Inc. does hereby consent to the use of the 38.27 acres, more or less, tract of land for the following purposes:

Construction and operation of a new law enforcement center facility, which is not required to use the name "LIBERTY PARK".

The deed restriction regarding the creation of a new public park which shall be known as "LIBERTY PARK", and such other municipal uses as B.I.L. Corp., Inc. may approve while retaining the "LIBERTY PARK" name to such other municipal uses, is retained as to the balance of the real estate described above and not conveyed to the Woodbury County Law Enforcement Center Authority.

Dated this 1 day of June, 2020.

July

B.I.L. Corp., Inc., an Iowa Corporation

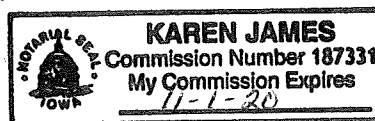
By: 

David B. Patee, President

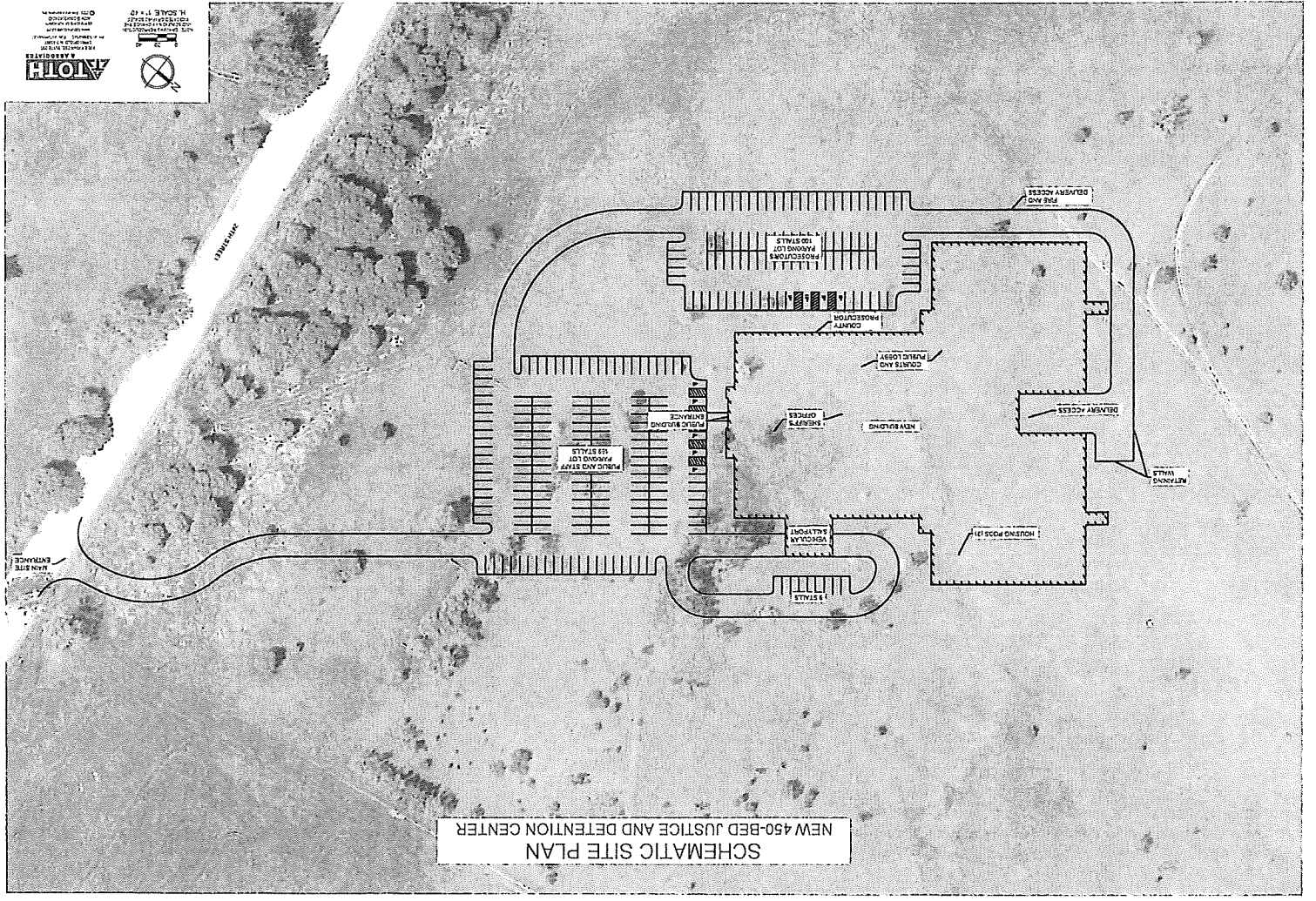
STATE OF IOWA :  
: :  
COUNTY OF WOODBURY :

This instrument was acknowledged before me on July 1, 2020 by David B. Patee, President of B.I.L. Corp., an Iowa Corporation.

Karen James  
Notary Public in and for said State



H. SCALE 1" = 40'  
 DATE: 01/15/10  
 PROJECT: NEW 450-BED JUSTICE AND DETENTION CENTER  
 DRAWN BY: [REDACTED]  
 CHECKED BY: [REDACTED]  
 APPROVED BY: [REDACTED]



SCHEMATIC SITE PLAN  
 NEW 450-BED JUSTICE AND DETENTION CENTER