



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS  
(AUGUST 10, 2021) (WEEK 32 OF 2021)

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

Agenda and Minutes available at:  
[www.woodburycountyiowa.gov](http://www.woodburycountyiowa.gov)

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 <a href="mailto:rdewitt@woodburycountyiowa.gov">rdewitt@woodburycountyiowa.gov</a>	Keith W. Radig 560-6542 <a href="mailto:kradig@woodburycountyiowa.gov">kradig@woodburycountyiowa.gov</a>	Mark A. Monson 204-1015 <a href="mailto:mmonson@woodburycountyiowa.gov">mmonson@woodburycountyiowa.gov</a>	Matthew A. Ung 490-7852 <a href="mailto:matthewung@woodburycountyiowa.gov">matthewung@woodburycountyiowa.gov</a>	Justin Wright 899-9044 <a href="mailto:jwright@woodburycountyiowa.gov">jwright@woodburycountyiowa.gov</a>
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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held August 10, 2021 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.

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## **AGENDA**

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

- |                           |             |
|---------------------------|-------------|
| 1. Citizen Concerns       | Information |
| 2. Approval of the agenda | Action      |

### **Consent Agenda**

**Items 3 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.**

3. Approval of the minutes of the August 3, 2021 meeting
4. Approval of claims
5. Secondary Roads – Mark Nahra  
Approve the underground utility permit for installation of fiber optic cable in county rights of way near Danbury for CenturyLink (Lumen)

6. Board Administration – Karen James
  - a. Approval of resolution for a tax suspension for R.M.
  - b. Approval of resolution for a tax suspension for K.J.
7. Juvenile Detention – Ryan Weber
 

Receive Juvenile Detention’s July Population Report
8. Human Resources – Melissa Thomas
  - a. Approval of Memorandum of Personnel Transactions
  - b. Authorization to Initiate Hiring Process

**End Consent Agenda**

- |                                |   |   |
|--------------------------------|---|---|
|                                | 9. Emergency Management – Rebecca Socknat<br>Approve expenditure/claim from WITCC for the TSI building repair in the<br>Amount of \$59,208.88   | Action  |
|                                | 10. County Sheriff – Chad Sheehan<br>Approve application process for MRHD Grant   | Action  |
| <b>4:45 p.m.</b><br>(Set time) | 11. Community & Economic Development – David Gleiser <ol style="list-style-type: none"> <li>a. Public hearing on Ordinance for Zoning District Map Amendment to<br/>rezone GIS Parcels 884704302005 and 884704302006, owned by JAB<br/>Holding Co. LLC/Elk Creek Animal Hospital, to General Commercial</li> <li>b. Approval to conduct the second reading of the ordinance as the final reading<br/>waive the third reading, and adopt the ordinance</li> </ol>  | <p>Action</p> <p>Action</p>                             |
| <b>4:50 p.m.</b><br>(Set time) | <ol style="list-style-type: none"> <li>c. Public hearing on Ordinance for Zoning District Map Amendment to<br/>rezone GIS Parcel 884724300005, owned by Lieber Properties LLC, to<br/>Agricultural Estates</li> <li>d. Approval to conduct the second reading of the ordinance as the final reading<br/>waive the third reading, and adopt the ordinance</li> <li>e. Receive the final staff report and Zoning Commission’s recommendation from<br/>their 7/26/21 meeting</li> <li>f. Approve the Davis Estates final plat and authorize the Chairman to sign the<br/>resolution</li> </ol> | <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> |
|                                | 12. Secondary Roads – Mark Nahra <ol style="list-style-type: none"> <li>a. Approval to allow the county to sell a used sign truck, a Bailey Bridge,<br/>used tires, and other minor equipment at auction through GovDeals</li> <li>b. Receive bids and consider award for Propane for heating county<br/>buildings for FY 2022</li> <li>c. Receive bids and consider award for calcium chloride for FY 2022</li> <li>d. Approve the federal aid project agreement for project STBG-SWAP-<br/>C097(142)—FG-97</li> </ol>   | <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> |

- |   |             |
|---|-------------|
| 13. Board Administration – Dennis Butler  |             |
| a. Approval of resolution providing for the Sale and Issuance of General<br>Obligation Urban Renewal County Road Improvement Bonds, Series 2021 | Action      |
| b. Approval of Baker Group proposal to furnish assistance with filing for the<br>ARPA funds   | Action      |
| 14. Reports on Committee Meetings   | Information |
| 15. Citizen Concerns  | Information |
| 16. Board Concerns  | Information |

**ADJOURNMENT**

*Subject to Additions/Deletions*

## CALENDAR OF EVENTS

- WED., AUG. 11 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- THU., AUG. 12 12:00 p.m.** SIMPCO Board of Directors, 1122 Pierce St.
- WED., AUG. 18 12:00 p.m.** Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- 10:00 a.m.** Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
- 4:00 p.m.** Conservation Board Meeting, Southwood Conservation Area
- THU., AUG. 19 4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- FRI., AUG. 20 12:00 p.m.** Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
- MON., AUG. 23 6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- TUE., AUG. 24 2:00 p.m.** Decat Board Meeting, Western Hills AEA, Room F
- WED., AUG. 25 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- THU., AUG. 26 11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
- WED., SEP. 1 9:00 a.m.** Loess Hills Alliance Stewardship Meeting, Pisgah, Iowa
- 10:30 a.m.** Loess Hills Alliance Executive Meeting
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- 1:00 p.m.** Loess Hills Alliance Full Board Meeting
- 3:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- THU., SEP. 2 10:00 a.m.** COAD Meeting, The Security Institute
- WED., SEP. 8 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- 6:30 p.m.** 911 Service Board Meeting, Public Safety Center, Climbing Hill
- 8:00 p.m.** County's Mayor Association Meeting, Public Safety Center, Climbing Hill
- THU., SEP. 9 12:00 p.m.** SIMPCO Board of Directors, 1122 Pierce St.
- 4:00 p.m.** Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park

**Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.**

*Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.*



## **AUGUST 3, 2021, THIRTY-FIRST MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS**

The Board of Supervisors met on Tuesday, August 3, 2021 at 4:30 p.m. Board members present were Monson, Radig, Ung, Wright, and De Witt. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, Dennis Butler, Finance Director, Joshua Widman, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

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

1. There were no citizen concerns.
2. Motion by De Witt second by Radig to approve the agenda for August 3, 2021. Carried 5-0. Copy filed.

Motion by Radig second by De Witt to approve the following items by consent:

3. To approve minutes of the July 27, 2021 meeting. Copy filed.
4. To approve the claims totaling \$262,204.76. Copy filed.
5. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date for parcel #894706433016, 2637 S. Nicollet St.

### **RESOLUTION #13,216 NOTICE OF PROPERTY SALE**

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

**Lot Sixteen (16) in Block Eight (8) of Normandy Addition to City of Sioux City, Woodbury County, Iowa (2637 S. Nicollet St.)**

**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 **17<sup>th</sup> Day of August, 2021 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 **17<sup>th</sup> Day of August, 2021**, 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 \$325.00** 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 3<sup>rd</sup> Day of August, 2021.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

6. To approve the appointment of Tayea Kilbride, P/T Youth Worker, Juvenile Detention Dept., effective 08-05-21, \$20.38/hour. Job Vacancy Posted 6-9-21. Entry Level Salary: \$20.38/hour.; and the reclassification of Kimberly Grieve, Election Clerk III, County Auditor Dept., effective 08-09-21, \$26.54/hour, 9%=\$2.20/hour. Per AFSCME Courthouse Contract Agreement, from Grade 5/Step 4 to Grade 5/Step 5. Copy filed.

Carried 5-0.

7. Motion by De Witt second by Radig to approve the application process for a MRHD grant. Carried 5-0. Copy filed.

8a. Bid letting was held for gravel production. The bids are as follows:

Hallett Materials, Wall Lake, IA	\$275,600.00
CAP LLC, Sioux City, IA	\$286,000.00
Bedrock Gravel, Schleswig, IA	\$341,250.00
Sweetman Sand and Gravel, Currie, MN	\$373,750.00

Motion by De Witt second by Radig to receive the bids and return them to the County Engineer for recommendation. Carried 5-0. Copy filed.

8b. Motion by Radig second by Monson to award the bid for gravel production to Hallet Materials for \$275,600.00. Carried 5-0. Copy filed.

8c. At 4:40 p.m., the Board heard a request for closure and vacation of a portion of the right of way of Garner Avenue.

Jeff Barto, Merville, Mark Davies, Lawton and Kathy Davies, Lawton addressed the request with the Board.

Motion by Monson second by De Witt to maintain Garner Avenue as an open county road. Carried 5-0. Copy filed

9a. A public hearing was held at 4:45 p.m. for Ordinance for Zoning District Map Amendment to rezone GIS parcels #884704302005 and #884704302006, owned by JAB Holding Co. LLC/Elk Creek Animal Hospital to General Commercial. The Chairperson called on anyone wishing to be heard.

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

9b. Motion by Monson second by Radig to approve the zoning district map amendment for GIS parcel #884704302005 and #884704302006 to General Commercial. Carried 5-0. Copy filed.

9c. Motion by Radig second by Monson to conduct the first reading of the ordinance. Carried 5-0. Copy filed.

9d. A public hearing was held at 4:50 p.m. for Ordinance for Zoning District Map Amendment to rezone GIS parcel #884724300005, owned by Lieber Properties LLC, to Agricultural Estates. The Chairperson called on anyone wishing to be heard.

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

9e. Motion by Radig second by De Witt to approve the zoning district map amendment for GIS parcel #884724300005 to Agricultural Estates. Carried 4-1; Monson opposed. Copy filed.

9f. Motion by Radig second by De Witt to conduct the first reading of the ordinance. Carried 5-0. Copy filed.

10. The Board heard reports on committee meetings.

11. There were no citizen concerns.

12. Board concerns were heard.

The Board adjourned the regular meeting until August 10, 2021.

Meeting sign in sheet. Copy filed.

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

Date: 08/05/2021 Weekly Agenda Date: 08/10/2021

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

**WORDING FOR AGENDA ITEM:**

Consideration of a utility permit for installation of fiber optic cable in county rights of way near Danbury.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

Centurylink (Lumen) has applied for a permit to allow the installation of a new fiber optic line in county right of way of 335th Street near Danbury.

**BACKGROUND:**

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

**FINANCIAL IMPACT:**

No financial impact to the county.

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

Yes  No

**RECOMMENDATION:**

Recommend approval of the permit for Centurylink (Lumen).

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the underground utility permit for Centurylink (Lumen) and to direct the chair to sign the permit.

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

REQUEST BY APPLICANT:

Name Lumen (Centurylink) Highway 175

Address on Hwy 175 - starting SW of 1st St. ending S of 335th St. Township \_\_\_\_\_ City of Danbury

Office Phone \_\_\_\_\_ Local Phone \_\_\_\_\_ Section: 32 1/4 of 1/4 Sec

Type of Utility Installation Fiber Optic Cable & hand hole placements T 86 N, R 42 W

Plans Prepared By Pearce Services Copy Enclosed X Yes \_\_\_\_\_ No

Map Showing Location Enclosed X Yes \_\_\_\_\_ No

Utility Location is \_\_\_\_\_ cross right-of-way X parallel to right-of-way \_\_\_\_\_ overhead \_\_\_\_\_ X underground

Proposed Method of Installation

\_\_\_\_\_ tunnel \_\_\_\_\_ suspend on poles \_\_\_\_\_ cased X jack & bore \_\_\_\_\_ suspend on towers \_\_\_\_\_ trench \_\_\_\_\_ open cut \_\_\_\_\_ X plow

Estimated Starting Date 08/05/21 Estimated Restoration Date 10/31/21

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

By Shania Trimble Title Permit Specialist  
(Signature of Authorized Utility Representative) Date 08/04/21

PERMIT APPROVAL BY PERMITTING AUTHORITY

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

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

Date \_\_\_\_\_

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

Date \_\_\_\_\_

Other Special Provisions:

Permit Provisions and Conditions of Issuance

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

Job Location: HWY 175, DANBURY, IA - 51019

LCON: N/A  
LCON #: N/A  
ARMOR #: N/A  
ORDER #: N/A

**Narrative/Special Remarks**

THIS JOB WILL BRING COUNT LDN1,145-240; MP-DN,1-24 TO SERVICE HWY 175, DANBURY, IA - 51019.

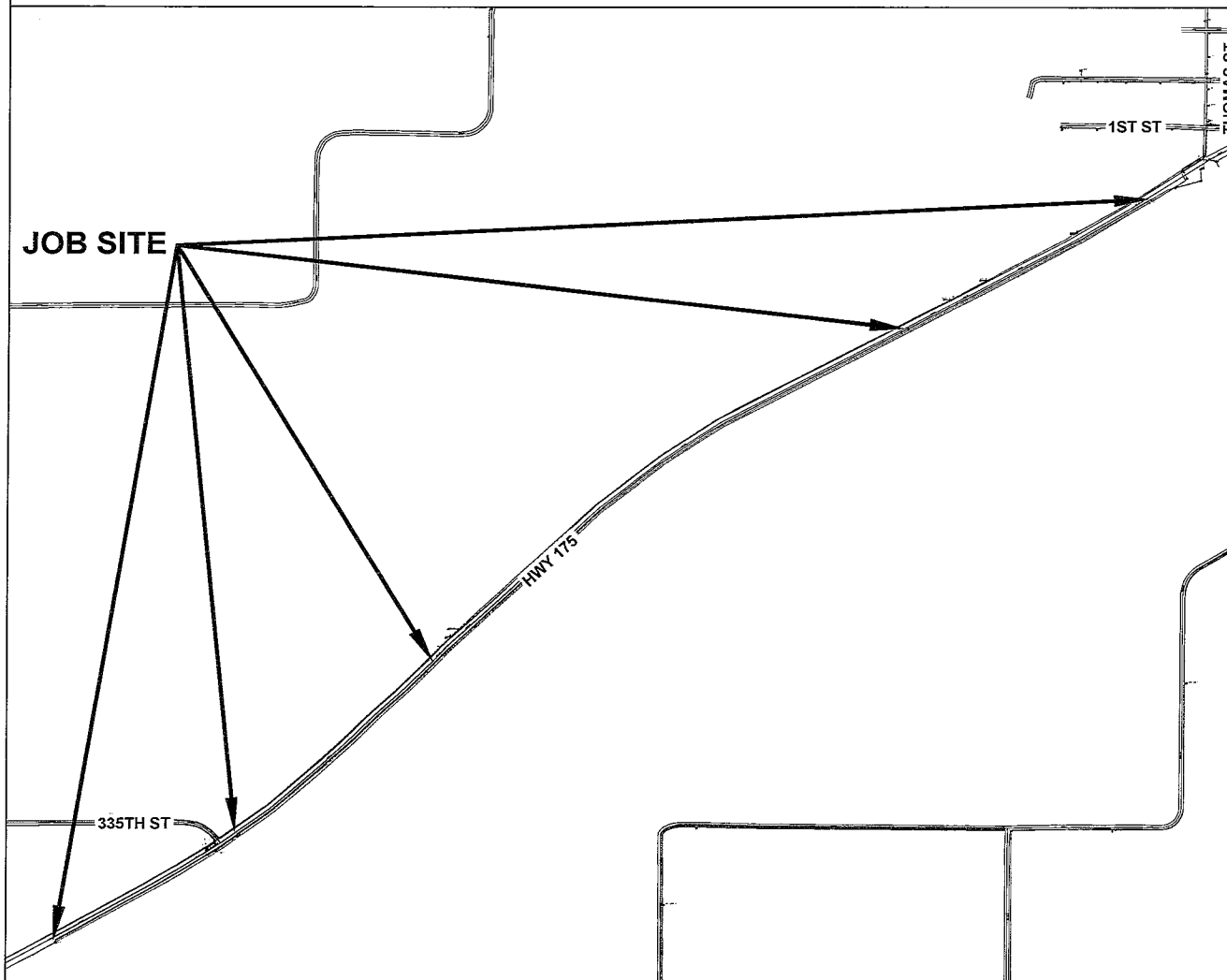
PLOW (2140) OF 144CT FIBER FROM TO HH-HWY 1 TO START OF BORE, BORE (70') OF 144CT FIBER FROM START OF BORE TO END OF BORE; PLOW (4300') OF 144CT FIBER FROM END OF BORE TO START OF BORE, BORE (180') OF 144CT FIBER FROM START OF BORE TO END OF BORE; PLOW (19107) OF 144CT FIBER FROM TO END OF BORE TO HH-HWY 2; PLOW (16007) OF 24CT FIBER FROM HH-HWY 2 TO HH-HWY 3.

AT HH-HWY 1 SPLICE LDN1,145-240; MP-DN,1-24 FROM EXISTING 96CT [A0R5] AND EXISTING 24CT [A01R3]; TO NEW 144CT [A01RH]; ABANDON IN PLACE 96CT [A0R7] AND 24CT [A01RA]

AT HH-HWY 2 SPLICE LDN1,145-240; MP-DN,1-24 FROM NEW 144CT [A01RH] TO NEW 24CT [A01RL] AND EXISTING 96CT [A00WH]; ABANDON IN PLACE 96CT [A0R7]

AT HH-HWY 3 SPLICE MP-DN,1-24 FROM NEW 24CT [A01RL] TO EXISTING 24CT [A009Y] ABANDON IN PLACE 24CT [A01RA]

**JOB SITE**



DEVELOPER CONTACT N/A

**Held Order Information**

Service Order # \_\_\_\_\_ Customer Terminal: FDP HWY 175

Customer Name: \_\_\_\_\_ Cable Assignment: F1: LDN1,145-240; MP-DN,1-24

Customer Address: HWY 175, DANBURY, IA - 51019 Cross Connect: \_\_\_\_\_

**Misc. Information**

List all associated projects \_\_\_\_\_

Site Location ID # (BVAPP) \_\_\_\_\_

FW Contracts: 2020LE000030

Permit Information  
Right of Way Required NO  
State Permit Required NO  
County Permit Required NO  
City Permit Required YES  
BEA Required NO  
Additional Permit Information N/A

Trench Open Date: N/A  
Cut Sheets: NO  
RZ N/A  
CZ N/A  
NOTIFY CONVERSATION NUMBER N/A

**REVISIONS**

DATE	REVISION DESCRIPTION

ECD: TBD

ISSUE: 1 EXCEPT AS MAY BE OTHERWISE PROVIDED BY CONTRACT, THESE DRAWINGS AND SPECIFICATIONS SHALL REMAIN THE PROPERTY OF CENTURYLINK BEING ISSUED IN STRICT CONFIDENCE AND SHALL NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT SPECIFIC WRITTEN PERMISSION.

WC CLLI: DNBRIACO

FW PROJECT <b>N.877968</b>	WFMT PROJECT <b>N/A</b>	COMMUNITY NAME NAME: N/A CITY: DANBURY	ENGINEERING CONTACT NAME: ARRASH PARVANEHGOHAR PHONE: 402-210-1206	CONTRACT ENGINEER NAME: JOSHUA WHEELER COMPANY: PEARCE SERVICES	CONSTRUCTION COORDINATOR NAME: DALE MRUZ PHONE: 712-279-4784	SPLICING COORDINATOR NAME: DALE MRUZ PHONE: 712-279-4784	SECTION: 32	DESC: IA - DNBRI - RPL - FIBER CUT REPLACEMENT DANBURY	TOWNSHIP: 86N	EXCH KEY: 2407	REM KEY: N/A	SCALE: N/A	DATE: 7/28/21	<b>SHEET: 1 OF 10</b>
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**WOODBURY COUNTY, IOWA  
BOARD ADMINISTRATION  
MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Karen James, Board Administrative Assistant  
**RE:** Consideration of a Petition for a Tax Suspension  
**DATE:** August 4, 2021

Please consider this request for a tax suspension for R.M. If the Board approves this request, the suspension resolution requires the chairman's signature

Thank you.

kmj

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

Date: 8/4/21 Weekly Agenda Date: 8/10/21

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Karen James - Admin. Assistant

**WORDING FOR AGENDA ITEM:**

Approval of resolution for a tax suspension for K.J.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

K.J. is requesting a tax suspension.

**BACKGROUND:**

K.J. was approved for a tax suspension on May 7, 2013. Annual tax suspension re-certify letters went out to K.J. starting in February. K.J. failed to re-certify the income by the deadline of May 1. Board lifted the tax suspension on June 8, 2021.

**FINANCIAL IMPACT:**

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

Yes  No

**RECOMMENDATION:**

Consider this request for a tax suspension for K.J. If the Board approves this request, the suspension resolution requires the chairman's signature.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the resolution for a tax suspension for K.J.

# Woodbury County Juvenile Detention Census for July 2021

## Woodbury County Adult Court

1. 253 Days 23 Hours (As of 8/1/2021)
2. 92 Days 7 Hours (As of 8/1/2021)

## Woodbury County Juvenile Court Holds

1. 101 Days 5 Hours (As of 8/1/2021)
2. 56 Days 12 Hours (As of 8/1/2021)
3. 43 Days (When Released)
4. 22 Days 4 Hours (When Released)
5. 33 Days 15 Hours (When Released)
6. 26 Days 2 Hours (As of 8/1/2021)
7. 25 Days 11 Hours (As of 8/1/2021)
8. 6 Days 22 Hours (When Released)
9. 2 Days (When Released)
10. 1 Day 17 Hours (As of 8/1/2021)

## Omaha Nation Tribal Holds

1. 39 Days 11 Hours (When Released)
2. 1 Day 13 Hours (When Released)
3. 8 Days 7 Hours (When Released)

## Interstate Compacts

1. 5 Days 10 Hours (When Released) Dakota Co. Nebraska

## Intake and Release

1. 2 Hours
2. 10 Hours 30 Minutes
3. 1 Hour 45 Minutes
4. 1 Day 8 Hours



5. 55 Minutes
6. 8 Hours 5 Minutes
7. 1 Hour 16 Minutes
8. 2 Hours
9. 2 Hours 55 Minutes
10. 40 Minutes
11. 40 Minutes
12. 3 Hours 24 Minutes
13. 1 Hour 15 Minutes
14. 1 Hour

**Out of County Holds**

**N/A**

**BIA HOLDS**

**N/A**

# HUMAN RESOURCES DEPARTMENT

## MEMORANDUM OF PERSONNEL TRANSACTIONS

**DATE:** August 10, 2021

**\* PERSONNEL ACTION CODE:**

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

**TO: WOODBURY COUNTY BOARD OF SUPERVISORS**

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Fundermann, Ely	Secondary Roads	7-30-21	Temporary Summer Laborer			S	End of Temporary Work.
Gilreath, Jacob	Secondary Roads	8-06-21	Temporary Engineering Aide			S	End of Temporary Work.
Schultz, Jakob	Secondary Roads	8-10-21	Temporary Engineering Aide			S	End of Temporary Work.
Venable-Ridley, Cornelia	County Attorney	8-23-21	Asst. County Attorney	\$92,856.00/year	3.7%= \$3,349.00/yr.	R	Per AFSCME Asst. County Attorney Contract agreement, from Step 8 to Step 9.
Dawson, David	County Attorney	8-23-21	Asst. County Attorney	\$96,208.00/year	3.6%= \$3,352.00/yr.	R	Per AFSCME Asst. County Attorney Contract agreement, from Step 9 to Step 10.

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

**MELISSA THOMAS, HR DIRECTOR:** *Melissa Thomas*

HUMAN RESOURCES DEPARTMENT

WOODBURY COUNTY, IOWA

DATE: August 10, 2021

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
Emergency Management	P/T Emergency Management Assistant (New Position)	Wage Plan: \$17.50- \$19.00/hour		

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

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

Date: 8/4/2021 Weekly Agenda Date: 8/10/2021

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Rebecca Socknat, EMA

**WORDING FOR AGENDA ITEM:**

The Security Institute Additional Repair Expenses

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

To approve claim for \$59,208.88 for repairs to TSI.

**BACKGROUND:**

WITCC presented a cost of \$412,450 to repair TSI on 1/29/2020; each entity in the 28E paying a third. The board approved the expenditure in December 2020. In January 2021, the TSI Commission approved the additional repair costs of \$177,626.63; each entity paying a third.

**FINANCIAL IMPACT:**

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

Yes  No

**RECOMMENDATION:**

To approve expenditure/claim from WITCC for the TSI building repair in the amount of \$59,208.88

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve expenditure/claim from WITCC for the TSI building repair in the amount of \$59,208.88



■  
Western Iowa Tech  
Community College  
4647 Stone Avenue  
P.O. Box 5199  
Sioux City, IA 51102-5199  
712-274-6400  
800-352-4649  
Fax: 712-274-6412  
www.witcc.edu

■  
Cherokee Campus  
& Conference Center  
Denison Campus  
Le Mars Center  
Mapleton Center  
Sioux City Campus

July 1, 2021

Woodbury County Emergency Management  
Woodbury County Courthouse  
620 Douglas Street, Room 103  
Sioux City, Iowa 51101

Per the directive from the joint meeting of the commission for the operation of The Security Institute on the Sioux City, Iowa campus of Western Iowa Tech Community College, this billing has been generated for the building repairs. The commission has requested this billing at the beginning of the new fiscal year based upon the approved estimated repair costs. The approved repair costs total \$177,626.63.

As per the agreement, the City, County and College would share equally in those costs associated with operating and maintaining the facility. Each entity's billing for the repair costs of The Security Institute amounts to \$59,208.88. A detailed invoice is attached. Payment should be made payable to:

Western Iowa Tech Community College  
Atten: Business Office  
4647 Stone Avenue  
Sioux City, Iowa 51106

If you should have any questions or concerns, please me at 274-6400 ext. 1362.

Sincerely,

  
Troy A. Jasman  
Vice President of Finance and Administrative Services/CFO

Western Iowa Tech Community College  
4647 Stone Avenue  
P.O. Box 5199  
Sioux City, Iowa 51102-5199  
(712) 274-6400  
Fax (712) 274-6412

**INVOICE**  
**The Security Institute Building Repair Assessment for FY 2022**

Invoice Number

Account Holder: 201638 Woodbury County Auditor Office

Invoice Due Date  
Upon Receipt

Woodbury County Auditor Office  
620 Douglas Street, Room 103  
Sioux City, IA 51101

Invoice Type: AD

<u>Code</u>	<u>Description</u>	<u>Charges</u>	<u>Credits</u>
MNR	Facility Repair Costs	59,208.88	
	Total	59,208.88	

Invoice Net: 59,208.88

Balance Due: 59,208.88

Checks provided as payment may be used to make a one-time electronic fund transfer from your account or processed as a check transaction. Funds may be withdrawn from your account as soon as the same day you make the payment and you may not receive your check back from your financial institution. For inquiries, please call 712-274-6400 ext. 1210.

WESTERN IOWA TECH COMMUNITY COLLEGE  
 4647 STONE AVE  
 P.O.BOX 5199  
 SIOUX CITY, IOWA 51102-5199  
 (712) 274-6400  
 FAX (712) 274-6412

INVOICE  
 Building Repair Assessment

Invoice Number  
 002115334

Account Holder: Woodbury County Auditor Office

Invoice Due Date  
 08/31/21  
 ID 0201638

Woodbury County Auditor Office  
 620 Douglas St Rm 103  
 Sioux City, IA, 51101

Invoice Type.....:

Code	Description	Charges	Credits
MNR	Maintenance Reimb	59,208.88	
Total:		59,208.88	0.00

Invoice Net.....: 59,208.88

Sponsor Payments.....: 0.00  
 FA Payments.....: 0.00  
 Payment Plans.....: 0.00  
 Deposit Allocations..: 0.00  
 Cash Payments.....: 0.00  
 Balance Due.....: 59,208.88

Checks provided as payment, may be used to make a one-time electronic fund transfer from your account or processed as a check transaction. Funds may be withdrawn from your account as soon as the same day you make the payment, and you may not receive your check back from your financial institution.  
 For inquiries, please call 712-274-6400 Ext 1210.

# **THE SECURITY INSTITUTE**

## **COMMISSIONERS MEETING**

January 14, 2021

7:00 a.m.

Zoom meeting (Attached information)

**The Security Institute, Lower Level - Room T134**  
Western Iowa Tech Community College

### AGENDA

Chairperson,  
Jon Winkel

I. Call the Meeting to Order

II. Roll Call of Commissioners

Motion

III. Approval of January 29, 2020 Minutes

Information, Discussion  
Motion

IV. Discussion/Action Items

A. Progress Reports

- 911 Center Report  
(Glenn Sedivy, 911 Communications  
Director and Wendi Hess, 911  
Communications Operations  
Supervisor)
- Emergency Operations Center Report  
(Rebecca Socknat, Emergency  
Management Coordinator and Mark  
Aesoph, Fire Marshal/Ryan Collins,  
Captain)

B. Budget for FY21

\* Building repairs will determine final budget.

C. Chair's Comments

Motion

V. Adjournment



**The Security Institute  
Operations 12 Month Budget Fiscal Year 2022**

Salary and Benefits	\$ 24,000.00
Contracted Services	
Heating and AC maint.	6,900
Window Cleaning	450
Pest Control	500
Generator Maint.	10,500
Floor Mats	525
Waste Removal	900
Building Repairs/Maint. Reserve Fund	29,000 *See Note Below
Fire alarm testing	1,100
Technology Maint. (each to pay their own)	0
Elevator Maint./Inspections	1,450
UPS Maint.	5,300
Utilities	
Electric/Gas	40,500
Generator Fuel	1,000
Water/Sewer	3,000
telephone (each party to pay their own)	0
Snow Removal materials/supplies	1,500
Lawn Care - chem. treatment, mowing, etc.	1,500
General Repairs and Maint.	2,000
Janitorial and Maint. Supplies	1,875
	<hr/>
<b>Grand total</b>	<b><u><u>\$ 132,000.00</u></u></b>

**Note:**

Assumes each to provide their own operating equipment.  
Amounts are estimated for budgetary purposes only.  
Includes only direct expenditures. Indirects are not included.

**Shortage of building repairs to be billed similar to last year with separate billing in July 2021. Estimated at \$177,626.63. Each entity billing would be \$59,208.88**

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

Date: 07-27-2021 Weekly Agenda Date: 08-03-2021

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Sheriff Chad Sheehan

**WORDING FOR AGENDA ITEM:**

Approval for application of MRHD grant.

**ACTION REQUIRED:**

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

**EXECUTIVE SUMMARY:**

Approval to make application for a MRHD grant to build a tactical training facility to be used by Woodbury County Sheriff's Office and other law enforcement agencies.

**BACKGROUND:**

With the old Prairie Hills building being closed, the Sheriff's Office lost a valuable training area. This facility would allow law enforcement officers to train with Simunitions. This training provides law enforcement the most realistic and non-lethal force on force training. This facility would also be used to train officers/deputies for potential issues in the jail and courthouse.

**FINANCIAL IMPACT:**

None

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

Yes       No

**RECOMMENDATION:**

Approve application process for a MRHD grant.

**ACTION REQUIRED / PROPOSED MOTION:**

Approve application process for a MRHD grant.

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

Date: 8/4/21

Weekly Agenda Date: 8/10/21

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** David Gleiser, CED Director

**WORDING FOR AGENDA ITEM:**

Ordinance for Zoning District Map Amendment to Rezone GIS Parcels 884704302005 and 884704302006, owned by JAB Holding Co. LLC/Elk Creek Animal Hospital, to General Commercial

A.) Public Hearing and Approval of 2nd and Final Reading

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing to discuss a proposed Zoning Ordinance Map Amendment to re-zone GIS Parcel 884704302005 from Agricultural Presentation (AP) to General Commercial (GC) and GIS Parcel 884704302006 from Suburban Residential (SR) to General Commercial (GC).

Following the public hearing, the Board may defer consideration of the proposal; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the zoning district map.

A 60% majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20% of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing.

The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

**BACKGROUND:**

JAB Holding Co. LLC, owner of the Elk Creek Animal Hospital has submitted a Zoning Ordinance Map Amendment application to rezone Parcels 884704302005 and 884704302006 to the General Commercial (GC) Zoning District to facilitate the construction of a new veterinarian hospital to replace their current facility. Parcel 884704302005 is located in the Agricultural Preservation (AP) Zoning District and Parcel 884704302006 is located in the Suburban Residential (SR) Zoning District. Both parcels are located in the N 1/2 of the SW 1/4 of Sec. 4, T88N R47W (Woodbury Township) and neither are not located in the floodplain. Once rezoned, the two parcels will be combined in to one unified parcel. Both properties are adjacent to the City of Sioux City's corporate boundary. The Sioux City Planning and Zoning office was contacted and had no concerns about the proposal.

The veterinarian hospital has been operating at this location for over 54 years, well before the county adopted zoning in 1971. The property is currently a legal nonconforming use and has operated under the transitional provisions of today's zoning ordinance. This request will put the property into compliance with the use and building requirements of the current ordinance. The 2005 Future Land Use Map shows this area as Rural Residential which is equivalent to today's Suburban Residential (SR) Zoning District, the predominant county zoning district in that neighborhood. Because of the business's longtime presence in the neighborhood, the General Commercial Zoning District is suitable for this proposal as its purpose is "to provide for orderly development of limited commercial uses that are compatible with and serve the agricultural sector of rural Woodbury County". The request also conforms to the County's General Development Plan Economic Development Goal 2.2 (Support existing, growing businesses in Woodbury County).

This property abuts Morningside Avenue, an area with mixed uses including a mobile home park, single-family dwellings, two churches, Mid-Step Services, and Countryside Healthcare. The adjacent parcels in Sioux City include the Neighborhood Conservation 2 (NC.2) and the Neighborhood Conservation 4 (NC.4) Zoning Districts, both of which are compatible for uses such as hospitals, clinics, medical labs, medical offices, dental offices, and childcare centers.

Legal notifications were made in the Sioux City Journal for all required public hearings. Relevant stakeholders were contacted regarding the proposal and 123 property owners within 1,000 ft. were notified by letter about the Zoning Commission public hearing on 07/26/21. As of 7/29/21, one general inquiry and concern about erosion from an adjacent property owner has been received.

On 07/26/21 the Zoning Commission held a public hearing on the application and voted in favor of recommending approval to the Board of Supervisors. On 8/3/21 the Board of Supervisors held a public hearing on the application and subsequently approved the request and conducted the 1st reading of the ordinance.

**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 second reading of the ordinance as the final reading, waive the third reading, and adopt the ordinance.

If needed, a 3rd public hearing/reading of the ordinance has been scheduled for Tuesday, 08/17/21 at 4:45 PM.

**ACTION REQUIRED / PROPOSED MOTION:**

Open and close the public hearing.

Motion to conduct the second reading of the ordinance as the final reading, waive the third reading, and adopt the ordinance.



**WOODBURY COUNTY  
COMMUNITY & ECONOMIC DEVELOPMENT**

620 DOUGLAS STREET – SIOUX CITY, IA 51101

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

**FINAL REPORT – 7/28/21**

**ZONING ORDINANCE MAP AMENDMENT (REZONE) PROPOSALS:**

- 1) **AGRICULTURAL PRESERVATION (AP) to GENERAL COMMERCIAL (GC)**  
Parcel #884704302005
- 2) **SURBURBAN RESIDENTIAL to GENERAL COMMERCIAL (GC)**  
Parcel # 884704302006

**FACTS OF THE CASE**

JAB Holding Co. LLC owner of the Elk Creek Animal Hospital has submitted a Zoning Ordinance Map Amendment application to rezone Parcels 884704302005 and 884704302006 to the General Commercial (GC) Zoning District to facilitate the construction of a new veterinarian hospital to replace their current facility. Parcel 884704302005 is located in the Agricultural Preservation (AP) Zoning District and Parcel 884704302006 is located in the Suburban Residential (SR) Zoning District. Both parcels are located in the N ½ of the SW ¼ of Sec. 4, T88N R47W (Woodbury Township) and neither are not located in the floodplain. Once rezoned, the two parcels will be combined in to one unified parcel. Both properties are adjacent to the City of Sioux City's corporate lines and are not located in the floodplain.



Parcel ID 884704302006 Alternate ID 831315 Owner Address JAB HOLDING CO,LLC  
 Sec/Twp/Rng 4-88-47 Class C 6003 MORNINGSIDES AVE  
 Property Address 6003 MORNINGSIDES AVE Acreage n/a SIOUX CITY, IA 51106  
 SIOUX CITY  
 District 0058  
 Brief Tax Description 551.85' N130.8' & A TCT 79.7' X 9.65' ON SW COR OF N78.95' FT VAC BLK 3.6.5 IRVING PLACEN 1/2SW 4-88-47  
 (Note: Not to be used on legal documents)

**Woodbury County Zoning Designations:**

- Agricultural Preservation (AP)
- Suburban Residential (SR)



**City of Sioux City Zoning Designations:**

- Public Institutional (PI)
- Neighborhood Conservation (NC.2)
- Neighborhood Conservation (NC.4)

**ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION**

The Woodbury County Zoning Commission voted unanimously to recommend approval of the request to rezone both properties to the General Commercial (GC) Zoning District as proposed.

Staff recommends approval of this Zoning Ordinance Map Amendment (Rezone) as proposed.

**Minutes - Woodbury County Zoning Commission Meeting – July 26, 2021**

The Zoning Commission (ZC) meeting convened on the 28th of July 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: Gary Walters, Jordan Rozeboom, Dustin Lieber, Ron Lieber, Rick Swanson

**Call to Order**

Chair 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 6/28/21 minutes were approved. Motion to approve: Bride. Second: Parker. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) to General Commercial (GC) – Jab Holding Company LLC**  
Priestley read the preliminary report and staff recommendation into the record. JAB Holding Co. LLC owner of the Elk Creek Animal Hospital has submitted a Zoning Ordinance Map Amendment application to rezone Parcels 884704302005 and 884704302008 to the General Commercial (GC) Zoning District to facilitate the construction of a new veterinarian hospital to replace their current facility. Parcel 884704302005 is located in the Agricultural Preservation (AP) Zoning District and Parcel 884704302008 is located in the Suburban Residential (SR) Zoning District. Both parcels are located in the N ½ of the SW ¼ of Sec. 4, T88N R47W (Woodbury Township) and neither are not located in the floodplain. Once rezoned, the two parcels will be combined in to one unified parcel. Both properties are adjacent to the City of Sioux City's corporate lines and are not located in the floodplain. Rick Swanson, contractor for JAB Holding, offered a summary of the project. Bride inquired about an adjacent property owner's comment about possible erosion. Swanson offered information about a retention pond and reseeding. Motion to close public hearing: Meister. Second: Bride. Vote 5-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed: O'Tool. Second: Meister. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) to Agricultural Estates (AE) – Lieber Properties**  
Priestley read the preliminary report and staff recommendation into the record. Lieber Properties, LLC, owner of Parcel 884724300005 has filed a Zoning Ordinance Map Amendment to rezone this parcel from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District to facilitate a concurrent minor subdivision application for the purpose of establishing the Davis Estates Addition, a seven residential lot minor subdivision. The rezone is required as the Zoning Ordinance does not allow more than two single-family dwellings per quarter-quarter section in the AP Zoning District. The proposed subdivision also involves the adjacent parcel (884724300004) which is already zoned AE. Parcel 884724300005 is located in Section 24, E ½, SW ¼, T88N R47W (Woodbury Township). Portions of the NE and SE area of the parcel are located in the Zone A floodplain. Jordan Rozeboom and Dustin Lieber offered testimony in support of the rezone and subdivision applications. Gary Walters stated his opposition to the project and shared his concerns regarding the safety of having additional driveways along Old Highway 141 and the impact it would have on the Loess Hills Scenic Byway viewscape. Walters encouraged the commissioners to oppose the development and create a plan for land use and future development. Walters was made aware of the County's 2005 General Development Plan which provides the current structure for orderly development as codified in existing policy. He was informed that the future land use map for this area is rural residential which allows a much higher population density than the proposed 2 acre lots. Walters inquired about the plan for the driveways and whether any criteria exists. Lieber and Bride both confirmed there is criteria the County Engineer adheres to for siting driveways, and Gleiser acknowledged the same for speed limits. Walters opposed a speed limit reduction in addition to ongoing residential developments along this section of Old Highway 141. Motion to close public hearing: Parker. Second: O'Tool. Vote 5-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates: Bride. Second: O'Tool. Motion approved 5-0.

**Public Hearing: Davis Estates Minor Subdivision Proposal – Lieber Properties, LLC**

Priestley read the preliminary report and staff recommendation into the record. Lieber Properties, LLC, owner of Parcels 884724300004 and 884724300005 has filed a minor subdivision application to establish seven lots for residential purposes in a 28.539-acre area. Parcel #884724300004 is located in the Agricultural Estates (AE) Zoning District while Parcel #884724300005 is located in the Agricultural Preservation (AP) Zoning District. Parcel #884724300004 is located in Section 24, E ½, T88N R47W (Woodbury Township). Parcel #884724300005 is located in Section 24, W ½ SW ¼, T88N R47W (Woodbury Township). Both parcels include areas in the Zone A floodplain. Walters inquired if the Base Flood Elevation (BFE) for this property is different than the Walnut View Addition proposal. Director Gleiser indicated that the BFE changes based on location. The area of the Walnut View was not in the floodplain but is in the proposed draft floodplain maps. Bride indicated that the current floodplain map at that location does not accurately reflect the area. Zellmer Zant stated that was an attempt by the commission to make sure that people purchasing those properties knew about the floodplain. Bride addressed the concerns





**PROPERTY OWNERS' NOTIFICATION – 1000 FT**

The 123 property owners within 1,000'; and listed on the certified abstractor's affidavit; were notified by a July 12, 2021 about the Zoning Commission public hearing on July 26, 2021 as per Section 2.02.1(B) of the Woodbury County Zoning Ordinance.

As of July 23, 2021 the Community & Economic Development office has not received written comment from any property owner owning property within 1,000'. There was one phone inquiry from an adjacent lawnmower.

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



NAME	ADDRESS	CITY	STATE	ZIP	COMMENTS
David J. & Lavonne I. Blutt	RR 2	Sioux City	IA	51106	
Melanie Robinson	5845 Morningside Ave.	Sioux City	IA	51106	
David J. Blutt	1900 Decatur Ave.	Sioux City	IA	51106	
Thomas A. & Debra S. Schroeder	6500 6th Ave.	Sioux City	IA	51106	
James E. & Twila M. Wikstrom	6600 6th Ave.	Sioux City	IA	51106	
Kenneth R. & Linda Sue Wikstrom	6600 6th Ave.	Sioux City	IA	51106	
Clarence M. & Herthel C. Uhl	6701 6th Ave.	Sioux City	IA	51106	
Morningside Estates LLC	19435 39th Ave.	Golden Beach	FL	33160	
Juan L. Ramirez	6014 Morningside Ave.	Sioux City	IA	51106	
Handy L C	2201 4th St.	Sioux City	IA	51101	
Randy A. & Linda C. Olsen	6707 6th Ave.	Sioux City	IA	51106	Inquired whether there would be any soil erosion onto his property to the east. – 7/22/21.
Jab Holding Co LLC	6003 Morningside Ave.	Sioux City	IA	51106	
Edward & Delphine M. Klingensmith	36 Eastview Dr. Apt 321	Sioux City	IA	51106	
Matthew C. Donovan	6011 Morningside Ave.	Sioux City	IA	51106	
David A. Greene	6015 Morningside Ave.	Sioux City	IA	51106	
Edward H. & Delphine M. Klingensmith	36 Eastview Dr. Apt 321	Sioux City	IA	51106	
David K. & Dianna R. Wrenn	5309 Stone Ave.	Sioux City	IA	51106	
Morningside Bible Church	6100 Morningside Ave.	Sioux City	IA	51106	
Morningside Avenue Propco LLC	6120 Morningside Ave.	Sioux City	IA	51106	
Daniel L. & Stormie J. Westphal	6023 Morningside Ave.	Sioux City	IA	51106	
David J. Wiich	6111 Morningside Ave.	Sioux City	IA	51106	
John K. & Jody A. Backer	6115 Morningside Ave.	Sioux City	IA	51106	
Jason D. & Debra L. Davis	6117 Morningside Ave.	Sioux City	IA	51106	
Mark R. & Regina R. Rawlings	6119 Morningside Ave.	Sioux City	IA	51106	
Deanna F. De Forrest	5410 Glenn Ave.	Sioux City	IA	51106	
Melanie Robinson	5845 Morningside Ave.	Sioux City	IA	51106	
Leonard P. & Betty J. Kraker	3309 S. Nicollet St.	Sioux City	IA	51106	
Austin G. & Jessica J. Struble	2515 S. Lyons St.	Sioux City	IA	51106	
James L. & Jolene Smith	2525 S. Lyons St.	Sioux City	IA	51106	
Jesus J. Ochoa & Maria De Los Angeles Cardenas	2529 S. Lyons St.	Sioux City	IA	51106	
Matthew J. & Ruth B. Liston	5505 Bushnell Ave.	Sioux City	IA	51106	
Lewis Patricia M Rev Trust	5511 Bushnell Ave.	Sioux City	IA	51106	
Donald E. & Regina M. Hanna	5515 Bushnell Ave.	Sioux City	IA	51106	
Madonna R. Nitzke	2500 S. Lyons St.	Sioux City	IA	51106	
Christopher P. & Jamie J. Blatchford	2504 S. Lyons St.	Sioux City	IA	51106	
Jeanne M. Chamberlain	2508 S. Lyons St.	Sioux City	IA	51106	
Scott W. & Nancy A. Cochrane	2526 S. Lyons St.	Sioux City	IA	51106	
Tyler L. Donnelly	2530 S. Lyons St.	Sioux City	IA	51106	
Jerry E. Jr. & Gina N. Plathe	5605 Bushnell Ave.	Sioux City	IA	51106	
Clinton P. & Heather C. Baker	5611 Bushnell Ave.	Sioux City	IA	51106	
Randall W. & Candi C. Whitead	5615 Bushnell Ave.	Sioux City	IA	51106	
John & Connie Sponder	5621 Bushnell Ave.	Sioux City	IA	51106	
Adrianna E. & Andrew J. Mullins	5625 Bushnell Ave.	Sioux City	IA	51106	
Douglas T. & Jerilyn K. Watkins	5900 Morningside Ave.	Sioux City	IA	51106	
Duane E. & Jeanne R. McCallum Joint Revocable Trust	5910 Morningside Ave.	Sioux City	IA	51106	
Richard E. & Jean E. Turner	5920 Morningside Ave.	Sioux City	IA	51106	
Gerald W. Knutson	5950 Morningside Ave.	Sioux City	IA	51106	
Oscar L. Alvarez	5952 Morningside Ave.	Sioux City	IA	51106	
Jose Eduardo Garza	2512 S. Lyons St.	Sioux City	IA	51106	
Kevin J. & Sharon L. Godwin	2520 S. Lyons St.	Sioux City	IA	51106	
Aleandra & Alicia Mata Ledezma	5940 Morningside Ave.	Sioux City	IA	51106	
Mike & Sarah Ohrtman	5930 Morningside Ave.	Sioux City	IA	51106	
Handy L C	2201 4th St.	Sioux City	IA	51101	
Troy A. & Cara H. Kern	2600 Willow St.	Sioux City	IA	51106	
Asael Joaquin	2604 Willow St.	Sioux City	IA	51106	
Shannon Claxton	2608 Willow St.	Sioux City	IA	51106	
Miguel D. & Ana B. Leyva	2612 Willow St.	Sioux City	IA	51106	
Michael & Chelon R. Busch	2616 Willow St.	Sioux City	IA	51106	
Kyle & Kaela Wiig	2620 Willow St.	Sioux City	IA	51106	
Douglas Roehrich	2624 Willow St.	Sioux City	IA	51106	
Jeffery T. & Tavia L. Heyer	2601 S. Lyons St.	Sioux City	IA	51106	
Charles B. Polkinghorn	2605 S. Lyons St.	Sioux City	IA	51106	
Kenneth F. & Debra J. Lasher	2615 S. Lyons St.	Sioux City	IA	51106	
Adam G. Heath	2619 S. Lyons St.	Sioux City	IA	51106	
Daniel G. & Diane M. Varner Joint Revocable Trust	2623 S. Lyons St.	Sioux City	IA	51106	
Carol Barker	2627 S. Lyons St.	Sioux City	IA	51106	
James A. Jr. & Julie S. Peck	2631 S. Lyons St.	Sioux City	IA	51106	
Glenn A. & Cynthia M. Brunick	2635 S. Lyons St.	Sioux City	IA	51106	
Heath J. & Jennifer L. Albert	2600 S. Lyons St.	Sioux City	IA	51106	
Judith K. Peterson	2612 S. Lyons St.	Sioux City	IA	51106	
Dennis G. & Nancy L. Labrone	2618 S. Lyons St.	Sioux City	IA	51106	
James A. & Dolores B. Shay	2601 S. Roswell St.	Sioux City	IA	51106	
Eriencfield Lucille Trust	2609 S. Roswell St.	Sioux City	IA	51106	
Dier R. Vandebrake & Alyssa R. Lyon	2617 S. Roswell St.	Sioux City	IA	51106	
Marx Mary Rise Dee	5601 Windsor Ave.	Sioux City	IA	51106	
Schmit Properties Lc	204 1st St. Ste B4	Sergeant Bluff	IA	51054	
Matthew E. Gilbert	5617 Windsor Ave.	Sioux City	IA	51106	
Sara Alvarez & Oscar Alvarez-Lopez	5600 Windsor Ave.	Sioux City	IA	51006	



Nicholas H. & Maggie D. Beccard	5610 Windsor Ave.	Sioux City	IA	51106
Ivan A. Streeter Revocable Trust	5618 Windsor Ave.	Sioux City	IA	51106
Rex A. & Marcia R. Schroder	2600 S. Roswell St.	Sioux City	IA	51106
William G. & Linda F. Prescott	2608 S. Roswell St.	Sioux City	IA	51106
Keith & Amy Horn	2612 S. Roswell St.	Sioux City	IA	51106
Jeff & Colleen Loffswold	2616 S. Roswell St.	Sioux City	IA	51106
Cheryl Sikma & Carmen Park	2620 S. Roswell St.	Sioux City	IA	51106
Kenneth V. & Cheryl I. Hoffman	5620 Windsor Ave.	Sioux City	IA	51106
Loving Faith Fellowship	PO Box 1146	Sioux City	IA	51102
Chad G. Menefee	2633 S. Walker St.	Sioux City	IA	51106
Richelle L. Burr	2645 S. Walker St.	Sioux City	IA	51106
Verdin N. & Linda Guevara	2637 Walker St.	Sioux City	IA	51106
Kenneth F. & Cornelia Lubbers	2641 Walker St.	Sioux City	IA	51106
Henry D. & Dottie J. Baker	2641 S. Lyons St.	Sioux City	IA	51106
Perry E. & Jeanine E. Sales	2647 S. Lyons St.	Sioux City	IA	51106
Kristine C. Frye	PO Box 65712	W. Des Moines	IA	50265
Callie J. Koza	2640 S. Lyons St.	Sioux City	IA	51106
Robert V. Blades & Angie L. Macklern	5603 Myers Ave.	Sioux City	IA	51106
Harlan H. & Barbara B. Montgomery	403 C St. #129	Sergeant Bluff	IA	51054
Jade E. Meier & Joshua J. Montagne	5611 Myers Ave.	Sioux City	IA	51106
Emily M. Jones	5615 Myers Ave.	Sioux City	IA	51106
Adam Erickson	5701 Myers Ave.	Sioux City	IA	51106
Karl J. & Rebecca S. Staben	5705 Myers Ave.	Sioux City	IA	51106
Justin C. & Alison M. Benson	5713 Myers Ave.	Sioux City	IA	51106
Robert J. & Kimberly S. Fisher	5709 Myers Ave.	Sioux City	IA	51106
Nancy M. Davis & Kristine E. Bata	5600 Myers Ave.	Sioux City	IA	51106
Tyler C. & William R. Hanna	2704 S. Lyons St.	Sioux City	IA	51106
Bruce A. & Peggy S. Simpson	5606 Myers Ave.	Sioux City	IA	51106
Patricia A. Hanson	5610 Myers Ave.	Sioux City	IA	51106
Jeremy M. & Sharolynn M. Gosch	5613 Myers Ave.	Sioux City	IA	51106
William E. Cortez	5700 Myers Ave.	Sioux City	IA	51106
Patrick E. & Sandra M. Odonnell	5704 Myers Ave.	Sioux City	IA	51106
Kyle M. George	5708 Myers Ave.	Sioux City	IA	51106
Aron Hoffmeier	5712 Myers Ave.	Sioux City	IA	51106
James J. Svoboda	5615 Seger CT.	Sioux City	IA	51106
Richard & Virginia Sokolovski	5617 Seger CT.	Sioux City	IA	51106
Darin L. & Jami R. Pixler	5621 Seger CT.	Sioux City	IA	51106
Travis S. & Michelle B. Helt	5625 Seger CT.	Sioux City	IA	51106
George D. Jr. & Elisa J. Stickney	5630 Seger CT.	Sioux City	IA	51106
Norman J. & Doris E. Trompeter	2707 Walker St.	Sioux City	IA	51106
Dennis W. & Gayle P. Cosgrove	2713 Walker St.	Sioux City	IA	51106
Angel Wallace	2715 Walker St.	Sioux City	IA	51106
Zachary D. & Hillary Teska	5628 Seger CT.	Sioux City	IA	51106
Lance M. Weaver	2719 S. Walker St.	Sioux City	IA	51106
Jaime M. Young	2723 Walker St.	Sioux City	IA	51106

<b>STAKEHOLDER REVIEW</b>	
<b>CENTURYLINK:</b>	No comments.
<b>CITY OF SIOUX CITY:</b>	The City of Sioux City Planning Office has no comments regarding the requested rezoning for the Elk Creek Animal Hospital. – Jeff Hanson, 7/8/21.
<b>FIBERCOMM:</b>	FiberComm has no objection. – Jeff Zyzda, 7/8/21.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	No comments.
<b>IOWA DEPARTMENT OF TRANSPORTATION:</b>	No comments.
<b>LONGLINES:</b>	No comments.
<b>MAGELLAN PIPELINE:</b>	No comments.
<b>MIDAMERICAN ENERGY COMPANY:</b>	I have reviewed the proposed rezoning for MEC electric. We do have facilities in the area and the owner should be aware that we will retain easement. Any costs associated with relocation are at the owner's expense. – Casey J. Meinen, 7/8/21.
<b>NATURAL RESOURCES CONSERVATION SERVICES (NRCS)</b>	No comments.
<b>NORTHERN NATURAL GAS:</b>	No comments or concerns from NNG. – Nathan Hanneman, 7/8/21.
<b>NORTHWEST IOWA POWER COOPERATIVE (NIPCO):</b>	No comments.
<b>NUSTAR PIPELINE:</b>	No comments.
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	No comments.
<b>WIATEL:</b>	No comments.
<b>WOODBURY COUNTY ASSESSOR:</b>	No comments.
<b>WOODBURY COUNTY CONSERVATION:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY MANAGEMENT:</b>	I have no comments or concerns. – Rebecca Socknat, 7/8/21.
<b>WOODBURY COUNTY ENGINEER:</b>	I have reviewed the application and have no concerns with this rezoning. The veterinary clinic has been there as long as I can remember. I am a customer of the clinic and if they follow through with their plan to build a new animal hospital and provide off street parking, the area will be better served. Current parking for customers of the animal hospital have to back into traffic on Morningside Avenue. Off road parking will hopefully be provided under a new clinic construction that will hopefully eliminate this potential hazard. – Mark Nahra, PE, 7/27/21.
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT (WCSWCD):</b>	No comments.

## ZONING ORDINANCE EVALUATION CRITERIA FOR BOARD APPROVAL

The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

### CONFORMANCE WITH THE GOALS AND OBJECTIVES SET FORTH IN THE APPROVED GENERAL DEVELOPMENT PLAN FOR WOODBURY COUNTY INCLUDING THE FUTURE LAND USE MAP.



The 2005 Future Land Use Map shows this area as Rural Residential which is equivalent to today's Suburban Residential (SR) Zoning District. The parcels are currently zoned Agricultural Preservation (AP) and Suburban Residential (SR), and the request is to change to General Commercial (GC). The request conforms to the goals and objectives of the general development plan as it relates to the economic development where "Woodbury County should support growth and stabilization of existing and new, diverse enterprises that effectively leverage public investments to create jobs, payrolls and tax base that contribute to a healthy, stable local economy." This includes economic goal 2.2:

- Support existing, growing businesses in Woodbury County

### COMPATIBILITY AND CONFORMANCE WITH THE POLICIES AND PLANS OF OTHER AGENCIES WITH RESPECT TO THE SUBJECT PROPERTY.

This property abuts the corporate boundary with the City of Sioux City. The Sioux City Planning and Zoning office had no comments about this proposal.

### CONSIDERATION OF THE CORN SUITABILITY (CSR) OF THE PROPERTY.

The CSR2 rating for this property includes ratings of 39, 24, and 95. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitability rating (e.g. over 65 CSR) from conversion to other land uses. With two ratings that are not high on that scale, this would be a suitable location to continue the non-agricultural use. The property has not been part of a farming operation over the past 54 years. There is not enough land area available to farm.

Iowa Corn Suitability Rating CSR2 (IA)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
4001D	Ida-Urban land complex, 9 to 14 percent slopes	39	0.0	1.2%
4001E	Ida-Urban land complex, 14 to 20 percent slopes	24	2.3	73.8%
4010B	Monona-Urban land complex, 2 to 5 percent slopes	95	0.8	25.0%
<b>Totals for Area of Interest</b>			<b>3.1</b>	<b>100.0%</b>



### COMPATIBILITY WITH ADJACENT LAND USES.

This property abuts Morningside Avenue, an area with mixed uses including a mobile home park, single-family dwellings, two churches, Mid-Step Services, and Countryside Healthcare. As noted, the adjacent parcels in the City of Sioux City include the Neighborhood Conservation 2 (NC.2) and the Neighborhood Conservation (NC.4) Zoning Districts. The NC.4 District includes several uses that are comparable with a veterinarian hospital. In this district and with administrative approval, the city allows hospitals, clinics, medical labs, medical offices, dental offices, and childcare centers. The NC.2 district includes conditional approval of childcare centers, funeral homes, medical offices, and dentist offices.

### COMPATIBILITY WITH OTHER PHYSICAL AND ECONOMIC FACTORS AFFECTING OR AFFECTED BY THE PROPOSED REZONING.

The proposal is compatible with other physical and economic factors in the project area as there are no major infrastructure improvements required. The final project would result in an increased taxable valuation in comparison to the previous facility. An addition of a new commercial facility would complement the existing commercial businesses within the project area.

**ANY OTHER RELEVANT FACTORS.**

This veterinarian hospital has been operating at this location for over 54 years. As of today's zoning ordinance, this property is legal nonconforming and has operated under the transitional provisions of Section 1.03. This request will put this property into compliance with the use and building requirements of the current ordinance. The Woodbury County Recorder's office includes records in their "Index to Trade Names" book under file #7350 that Morningside Veterinary Hospital was conducting business at 6003 Morningside Avenue on September 15, 1966. Below is an image of the recorded document. Since that time, the animal hospital has operated under several property owners as per the Auditor Transfer Books from 1960 to 2020 in the Recorder's office.

149		AN INDEX TO TRADE NAMES No. 2				WOODBURY COUNTY, IOWA				149	
File No.	TRADE OR ASSUMED NAME OF PERSON OR CO-PARTNERSHIP	ADDRESS WHERE BUSINESS IS CONDUCTED		VERIFIED STATEMENT		Name of Person Owning or Having an Interest in the Business	POST OFFICE ADDRESS		RESIDENCE ADDRESS		
		Street Number	Town	Date Filed	Date of Instrument		Street Number	Town	Street Number	Town	
7174	Printing, Inc	2300 S. Lincoln	Lincoln	Jan 15 1965	Jan 15 1965	Frank Wagon Blair Black Frank Origen			2300 S. Lincoln	Lincoln	
7200	Traylor Corp	511-5th St	Lincoln	Jan 25 1965	Jan 25 1965	Traylor Corp			511-5th St	Lincoln	
7206	Mid-West Kite Manufacturing Co	2404 S. Clinton St	"	Apr 15 1965	Apr 15 1965	Robert P. Wilson			2404 S. Clinton St	"	
7244	Richard Santiago	104-6th St	"	June 29 1965	June 29 1965	Richard A. Santiago			104-6th St	"	
7257	Spencer Truck & Equipment	1403 7th St	"	Aug 6 1965	Aug 5 1965	Spencer Truck & Equipment			1403 7th St	"	
7259	Mid-West Vertical Postings	221 Commerce Alley	"	" 16 "	" 16 "	Walter H. Myron Walter H. Myron			1510 Broadway St 2211 W. 4th St	"	
7273	Precher Contracting	3461-1 E. 5th St	"	Oct 13 1965	Oct 11 1965	Carl A. Precher			3461-1 E. 5th St	"	
7293	Midwest Trucking Service	2325 Douglas St	"	Jan 11 1966	Jan 6 1966	Edgar J. Koch Nathan M. Koch			2325 Douglas St	"	
7296	Monty Bank Slip	519 7th St	"	Feb 1 1966	Feb 1 1966	Martin A. Kuller			519 7th St	"	
7297	Marion Park Park Linen City	126 Liberty Blvd	"	Jan 28 1966	Jan 28 1966	Ernie H. Hutchison			2427 Liberty Blvd	"	
7335	Mitchell Hair Stylist	512 Oak St	"	July 1 1966	July 5 1966	Ronald E. Mitchell			1412 Grand St	"	
7350	Morningside Veterinary Hospital	6003 Morningside	"	Sept 15 1966	Sept 15 1966	Dr. John P. Stoll			6003 Morningside	"	
7369	Morningside Florist	1353 S. St. Catharine	"	Nov 10 1966	Nov 7 1966	Don Van Maanen	P.O. Box 2525	Mobile Station	1642 W. 20th	"	

**ORDINANCE NO. \_\_**

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT  
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

**WHEREAS** the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

**WHEREAS** the Woodbury County Board of Supervisors has received a report in respect to amending the said Ordinance from the Woodbury County Zoning Commission which held a public hearing on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

**WHEREAS** the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

**WHEREAS** the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

**NOW THEREFORE, BE IT RESOLVED** by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

**Dated this \_\_\_\_ day of \_\_\_\_\_ 2021.**

**THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS**

\_\_\_\_\_  
**Rocky De Witt, Chairman**

\_\_\_\_\_  
**Mathew A. Ung, Vice Chairman**

\_\_\_\_\_  
**Mark Monson**

\_\_\_\_\_  
**Keith Radig**

\_\_\_\_\_  
**Justin Wright**

**Adoption Timeline:**

Public Hearing and 1<sup>st</sup> Reading:

Public Hearing and 2<sup>nd</sup> Reading:

Public Hearing and 3<sup>rd</sup> Reading:

Effective:

**ITEM ONE (1)**

Property Owner: JAB Holding Co. LLC, 6003 Morningside Ave., Sioux City, IA 51106

Petitioner Applicant: JAB Holding Co. LLC, 6003 Morningside Ave., Sioux City, IA 51106

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, July 26, 2021, to review and make recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 0.84 acres located in the NW ¼ of the SW ¼ of Sec. 4, T88N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884704302005.

THE PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT (88), NORTH, RANGE FORTY-SEVEN (47), WOODBURY COUNTY, IOWA, BEING PART OF VACATED BLOCKS THREE (3) AND FIVE (5), IRVING PLACE ADDITION, INCLUDING ALLEYS AND STREETS ABUTTING VACATED BLOCKS DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE CENTER LINE OF VACATED RUDGE STREET AND THE EASTERLY LINE OF MORNINGSIDE AVENUE (FORMERLY SMITHLAND ROAD OF ELK CREEK ROAD), SAID POINT BEING FIVE HUNDRED SIXTY-ONE AND ONE HUNDREDTHS FEET (561.1') NORTHWESTERLY FROM THE SOUTH LINE OF THE SAID NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FOUR (4); THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MORNINGSIDE AVENUE FOR SIXTY-NINE AND THIRTY HUNDREDTHS FEET (69.30') THENCE EASTERLY PARALLEL TO THE SAID CENTER LINE OF VACATED RUDGE STREET FOR SEVENTY-NINE AND SEVEN HUNDREDTHS SOUTHERLY PARALLEL TO THE EASTERLY LINE OF SAID MORNINGSIDE AVENUE FOR NINE AND SIXTY-FIVE HUNDREDTHS FEET; THENCE EASTERLY PARALLEL TO THE CENTER LINE OF SAID VACATED RUDGE STREET TO THE WESTERLY RIGHT OF WAY LINE OF THE C M ST P & PAC R ROAD; THENCE NORTHWESTERLY ALONG THE SAID WESTERLY RIGHT OF WAY LINE TO THE CENTER LINE OF SAID VACATED RUDGE STREET; THENCE WESTERLY ALONG THE CENTER LINE VACATED RUDGE STREET TO THE PLACE OF BEGINNING.

**ITEM TWO (2)**

Property Owner: JAB Holding Co. LLC, 6003 Morningside Ave., Sioux City, IA 51106

Petitioner Applicant: JAB Holding Co. LLC, 6003 Morningside Ave., Sioux City, IA 51106

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, July 26, 2021, to review and make recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Suburban Residential (SR) Zoning District to the General Commercial (GC) Zoning District for 0.58 acres located in the NW ¼ of the SW ¼ of Sec. 4, T88N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel # 884704302006.

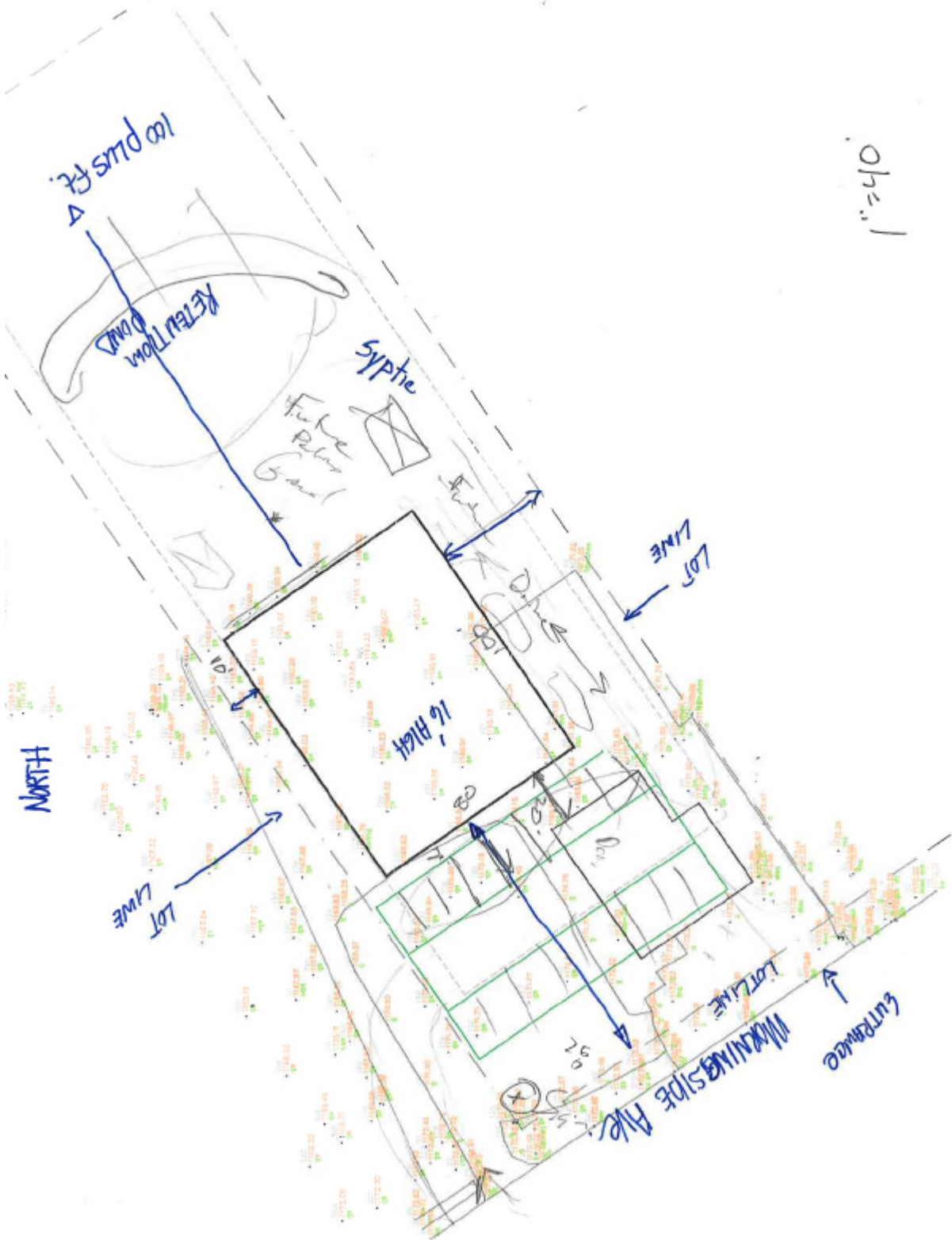
THAT PART OF THE NORTHWEST QUARTER (NW 1/4) OF SOUTHWEST QUARTER (SW 1/4) OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT (88), NORTH, RANGE FORTY-SEVEN (47), WOODBURY COUNTY, IOWA, BEING A PART OF VACATED BLOCKS THREE (3) AND FIVE (5), IRVING PLACE ADDITION,

INCLUDING ALLEYS AND STREETS ABUTTING VACATED BLOCKS DESCRIBED AS FOLLOWS:  
COMMENCING AT A POINT ON THE CENTER LINE OF VACATED RUDGE STREET AND THE EASTERLY  
LINE OF MORNINGSIDE AVENUE (FORMERLY SMITHLAND ROAD OR ELK CREEK ROAD), SAID POINT  
BEING FIVE HUNDRED AND SIXTY-ONE AND ONE TENTH (561.1) FEET NORTHWESTERLY FROM THE  
SOUTH LINE OF THE SAID NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF  
SECTION FOUR (4); THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MORNINGSIDE AVENUE  
FOR SEVENTY-EIGHT AND NINETY-FIVE HUNDREDTHS (78.95) FEET TO THE PLACE OF BEGINNING OF  
THIS DESCRIPTION; THENCE EAST PARALLEL TO THE CENTER LINE OF VACATED RUDGE STREET TO  
THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC  
RAILROAD; THENCE SOUTHERLY ALONG THE SAID WESTERLY RIGHT OF WAY LINE TO A POINT  
WHICH IS ONE HUNDRED THIRTY AND EIGHT-TENTHS (130.8) FEET SOUTH AND PERPENDICULAR TO  
THE SAID CENTER LINE OF VACATED RUDGE STREET; THENCE WEST PARALLEL TO THE SAID CENTER  
LINE OF VACATED RUDGE STREET TO THE EASTERLY LINE OF SAID MORNINGSIDE AVENUE; THENCE  
NORTHWESTERLY ALONG SAID EASTERLY LINE FOR FIFTY-ONE AND EIGHTY-FIVE HUNDREDTHS  
(51.85) FEET TO THE PLACE OF BEGINNING; AND THAT PART OF THE NORTHWEST QUARTER (NW 1/4)  
OF SOUTHWEST QUARTER (SW 1/4) OF SECTION FOUR (4), TOWNSHIP EIGHTY- EIGHT (88), NORTH,  
RANGE FORTY-SEVEN (47), WOODBURY COUNTY, IOWA, BEING A PART OF VACATED BLOCKS THREE  
(3) AND FIVE (5), IRVING PLACE ADDITION; INCLUDING ALLEYS AND STREETS ABUTTING VACATED  
BLOCKS DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE CENTER LINE OF VACATED  
RUDGE STREET AND THE EASTERLY LINE OF MORNINGSIDE AVENUE (FORMERLY SMITHLAND ROAD  
OR ELK CREEK ROAD), SAID POINT BEING FIVE HUNDRED SIXTY-ONE AND ONE-TENTH (561.1) FEET  
NORTHWESTERLY FROM THE SOUTH LINE OF THE SAID NORTHWEST QUARTER (NW 1/4) OF THE  
SOUTHWEST QUARTER (SW 1/4) OF SECTION FOUR (4); THENCE SOUTHERLY ALONG THE EASTERLY  
LINE OF SAID MORNINGSIDE AVENUE FOR SEVENTY-EIGHT AND NINETY-FIVE HUNDREDTHS (78.95)  
FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE EAST PARALLEL TO THE SAID  
CENTER LINE OF VACATED RUDGE STREET FOR SEVENTY-NINE AND SEVEN TENTHS (79.7) FEET;  
THENCE NORTHWESTERLY PARALLEL TO THE EASTERLY LINE OF SAID MORNINGSIDE AVENUE FOR  
NINE AND SIXTY-FIVE HUNDREDTHS FEET (9.65'); THENCE WESTERLY PARALLEL TO THE CENTER  
LINE OF SAID VACATED RUDGE STREET FOR SEVENTY-NINE AND SEVEN-TENTHS FEET (79.7') TO THE  
EASTERLY LINE OF SAID MORNINGSIDE AVENUE THENCE SOUTHEASTERLY FOR NINE AND SIXTY-  
FIVE HUNDREDTHS FEET (9.65') TO THE PLACE OF BEGINNING.



SITE PLAN

1"=40'



**APPLICATION**

**REZONE APPLICATION & ZONING ORDINANCE MAP AMENDMENT APPLICATION**

*JAB HOLDINGS CO INC*

<b>Owner Information:</b> Owner: <u>EIK CREEK A/H</u> Aaron Bessmer Address: <u>6003 Morningside Ave</u> <u>Sioux City, Iowa</u> Phone: <u>712-771-5368</u>	<b>Applicant Information:</b> Applicant: <u>Geneva Costa</u> Rick D. Swanson Address: <u>512 So Ridge Dr.</u> <u>South Sioux City, NEB</u> Phone: <u>712-251-1165</u> <u>68776</u>
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Engineer/Surveyor: TRUE ENGINEERING (SCOT) Phone: 712-870-9709

**Property Information:** 6003 + 6001

Property Address or Address Range: 6003 Morningside Ave, Sioux City, Iowa

Quarter/Quarter: North 1/2 Sec 36 Sec: 4 Township/Range: 8847 Woodbury

Parcel ID #: 884704302001-005 or GIS #: 831315 + 884704302005 Total Acres: 0.58/15.2157

Current Use: VET CLINIC Proposed Use: SAME

Current Zoning: AP/SR Proposed Zoning: General Commercial

Average Crop Suitability Rating (submit NRCS Statement): N/A

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date: May 28 2021 Staff present: DANIEL

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property.

This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner: [Signature] Applicant: [Signature]

Date: May 25th 2021 Date: May 25th 2021

Fee: \$400 Case #: 6670

Check #: CK # 4452 5/25/21

Receipt #: # 586729





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

Date: 8/4/21

Weekly Agenda Date: 8/10/21

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** David Gleiser, CED Director

**WORDING FOR AGENDA ITEM:**

Ordinance for Zoning District Map Amendment to Rezone GIS Parcel 884724300005, owned by Lieber Properties LLC, to Agricultural Estates

A.) Public Hearing and Approval of 2nd and Final Reading

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The Board of Supervisors will hold a public hearing to discuss a proposed Zoning Ordinance Map Amendment to rezone GIS Parcel 884724300005 from Agricultural Presentation (AP) to Agricultural Estates (AE).

Following the public hearing, the Board may defer consideration of the proposal; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the zoning district map.

A 60% majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20% of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing.

The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

**BACKGROUND:**

Lieber Properties, LLC, owner of Parcel 884724300005 has filed a Zoning Ordinance Map Amendment to rezone this parcel from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District to facilitate a concurrent minor subdivision application for the purpose of establishing the Davis Estates Addition, a seven residential lot minor subdivision.

The rezone is required as the Zoning Ordinance does not allow more than two single-family dwellings per quarter-quarter section in the AP Zoning District. The proposed subdivision also involves the adjacent parcel (884724300004) which is already zoned AE. Parcel 884724300005 is located in Section 24, E ½, SW ¼, T88N R47W (Woodbury Township). Portions of the NE and SE area of the parcel are located in the Zone A floodplain. Base Flood Elevations have been obtained by the IDNR and are reflected on the final plat. This area will continue to be farmed and will be available for future development.

The property is located in an area recognized as the Loess Hills. The 2005 Future Land Use Map shows this area as Rural Residential which is equivalent to today's Suburban Residential (SR) Zoning District, which allows a much higher population density than the AE Zoning District. AE is the predominant residential zoning district in that neighborhood. This parcel has a CSR2 rating of 53.32. The agricultural goal of the Woodbury County General Development Plan is to protect prime farmland as determined by a high corn suitable rating (e.g. over 65 CSR) from conversion to other land uses. With a rating of 53.32, this is a suitable location for non-agriculture development. The request also conforms with the goals and objectives of the Development Plan as it relates to Land Use Goals 1.3 (Encourage development near cities by discouraging leap-frog development outside municipalities), and 1.4 (Recognize the Loess Hills from the "front range" to the steeply rolling hills tapering off toward the east as a unique natural resource that should be conserved by good stewardship by the owners of the land involved). The proposal is compatible with adjacent land uses as there are six existing AE lots that include four dwellings northwest of the property and there is another dwelling south of the property across Old Hwy 141. The area northeast of the property is farm ground.

Legal notifications were made in the Sioux City Journal for all required public hearings. Relevant stakeholders were contacted regarding the proposal and 13 property owners within 1,000 ft. were notified by letter about the Zoning Commission public hearing on 07/26/21. As of 7/29/21, two written statements opposing the proposal and one inquiry regarding erosion from an adjacent neighbor have been received. On 07/26/21 the Zoning Commission held a public hearing on the application. Gary Walters, county resident and Farm Manager for Wendel Real Estate, property owners southwest of the Lieber parcel spoke in opposition to the project. Upon closing the public hearing, the Zoning Commission voted in favor of recommending approval to the Board of Supervisors. On 8/3/21 the Board of Supervisors held a public hearing on the application and subsequently approved the request and conducted the 1st reading of the ordinance.

**FINANCIAL IMPACT:**

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**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 second reading of the ordinance as the final reading, waive the third reading, and adopt the ordinance.

If needed, a 3rd public hearing/reading of the ordinance has been scheduled for Tuesday, 08/17/21 at 4:50 PM.

**ACTION REQUIRED / PROPOSED MOTION:**

Open and close the public hearing.

Motion to conduct the second reading of the ordinance as the final reading, waive the third reading, and adopt the ordinance.



WOODBURY COUNTY  
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

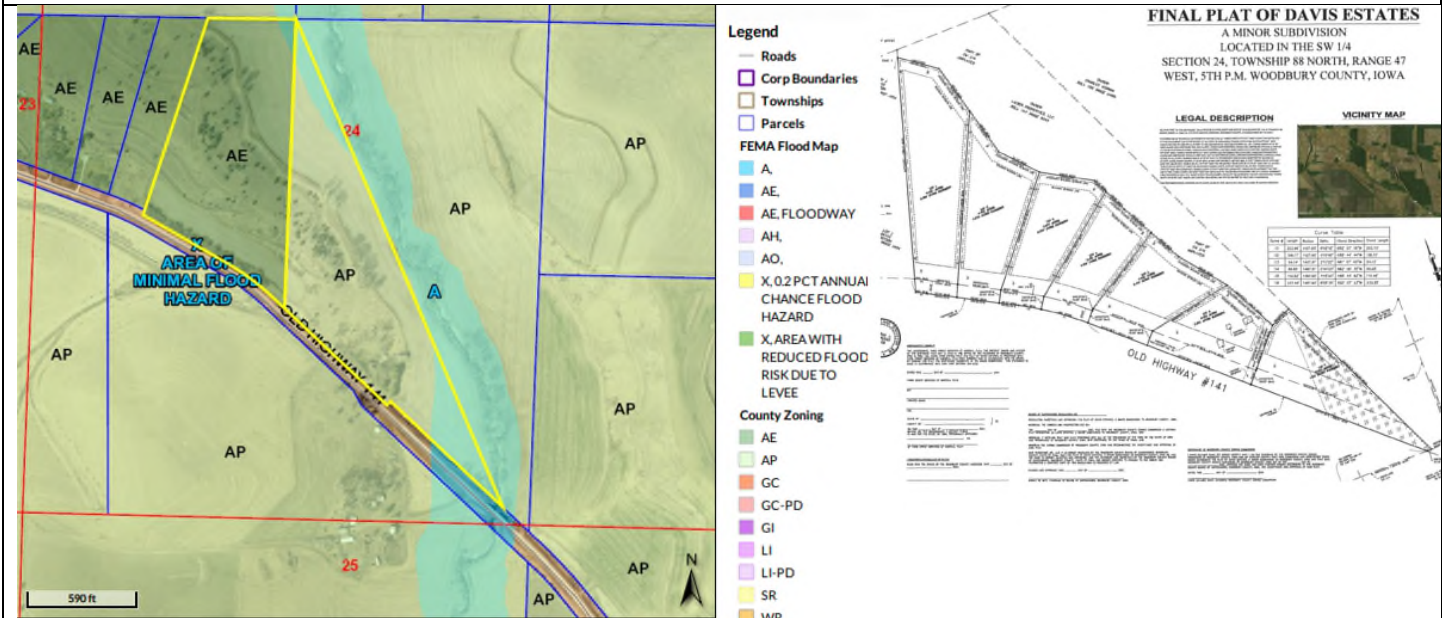
David Gleiser - Director - dgleiser@woodburycountyia.gov  
Dan Priestley - Zoning Coordinator - dpriestley@woodburycountyia.gov  
Dawn Norton - Sr. Clerk - dnorton@woodburycountyia.gov  
Telephone (712) 279-6609 Fax (712) 279-6530

FINAL REPORT – 7/28/21

**ZONING ORDINANCE MAP AMENDMENT (REZONE) PROPOSAL**  
**AGRICULTURAL PRESERVATION (AP) to AGRICULTURAL ESTATES (AE)**  
Parcel # 884724300005

FACTS OF THE CASE

Lieber Properties, LLC, owner of Parcel 884724300005 has filed a Zoning Ordinance Map Amendment to rezone this parcel from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District to facilitate a concurrent minor subdivision application for the purpose of establishing the Davis Estates Addition, a seven residential lot minor subdivision. The rezone is required as the Zoning Ordinance does not allow more than two single-family dwellings per quarter-quarter section in the AP Zoning District. The proposed subdivision also involves the adjacent parcel (884724300004) which is already zoned AE. Parcel 884724300005 is located in Section 24, E 1/2, SW 1/4, T88N R47W (Woodbury Township). Portions of the NE and SE area of the parcel are located in the Zone A floodplain.



ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION

The Woodbury County Zoning Commission voted unanimously to recommend approval of the request to rezone the property to the Agricultural Estates (AE) Zoning District as proposed.

Staff recommends approval of this Zoning Ordinance Map Amendment (Rezone) as proposed.

**Minutes - Woodbury County Zoning Commission Meeting – July 26, 2021**

The Zoning Commission (ZC) meeting convened on the 26th of July 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: Gary Walters, Jordan Rozeboom, Dustin Lieber, Ron Lieber, Rick Swanson

**Call to Order**

Chair 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 6/28/21 minutes were approved. Motion to approve: Bride. Second: Parker. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) to General Commercial (GC) – Jab Holding Company LLC**  
Priestley read the preliminary report and staff recommendation into the record. JAB Holding Co. LLC owner of the Elk Creek Animal Hospital has submitted a Zoning Ordinance Map Amendment application to rezone Parcels 884704302005 and 884704302008 to the General Commercial (GC) Zoning District to facilitate the construction of a new veterinarian hospital to replace their current facility. Parcel 884704302005 is located in the Agricultural Preservation (AP) Zoning District and Parcel 884704302008 is located in the Suburban Residential (SR) Zoning District. Both parcels are located in the N ½ of the SW ¼ of Sec. 4, T88N R47W (Woodbury Township) and neither are not located in the floodplain. Once rezoned, the two parcels will be combined in to one unified parcel. Both properties are adjacent to the City of Sioux City's corporate lines and are not located in the floodplain. Rick Swanson, contractor for JAB Holding, offered a summary of the project. Bride inquired about an adjacent property owner's comment about possible erosion. Swanson offered information about a retention pond and reseeding. Motion to close public hearing: Meister. Second: Bride. Vote 5-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed: O'Tool. Second: Meister. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) to Agricultural Estates (AE) – Lieber Properties**  
Priestley read the preliminary report and staff recommendation into the record. Lieber Properties, LLC, owner of Parcel 884724300005 has filed a Zoning Ordinance Map Amendment to rezone this parcel from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District to facilitate a concurrent minor subdivision application for the purpose of establishing the Davis Estates Addition, a seven residential lot minor subdivision. The rezone is required as the Zoning Ordinance does not allow more than two single-family dwellings per quarter-quarter section in the AP Zoning District. The proposed subdivision also involves the adjacent parcel (884724300004) which is already zoned AE. Parcel 884724300005 is located in Section 24, E ½, SW ¼, T88N R47W (Woodbury Township). Portions of the NE and SE area of the parcel are located in the Zone A floodplain. Jordan Rozeboom and Dustin Lieber offered testimony in support of the rezone and subdivision applications. Gary Walters stated his opposition to the project and shared his concerns regarding the safety of having additional driveways along Old Highway 141 and the impact it would have on the Loess Hills Scenic Byway viewscape. Walters encouraged the commissioners to oppose the development and create a plan for land use and future development. Walters was made aware of the County's 2005 General Development Plan which provides the current structure for orderly development as codified in existing policy. He was informed that the future land use map for this area is rural residential which allows a much higher population density than the proposed 2 acre lots. Walters inquired about the plan for the driveways and whether any criteria exists. Lieber and Bride both confirmed there is criteria the County Engineer adheres to for siting driveways, and Gleiser acknowledged the same for speed limits. Walters opposed a speed limit reduction in addition to ongoing residential developments along this section of Old Highway 141. Motion to close public hearing: Parker. Second: O'Tool. Vote 5-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates: Bride. Second: O'Tool. Motion approved 5-0.

**Public Hearing: Davis Estates Minor Subdivision Proposal – Lieber Properties, LLC**

Priestley read the preliminary report and staff recommendation into the record. Lieber Properties, LLC, owner of Parcels 884724300004 and 884724300005 has filed a minor subdivision application to establish seven lots for residential purposes in a 28.539-acre area. Parcel #884724300004 is located in the Agricultural Estates (AE) Zoning District while Parcel #884724300005 is located in the Agricultural Preservation (AP) Zoning District. Parcel #884724300004 is located in Section 24, E ½, T88N R47W (Woodbury Township). Parcel #884724300005 is located in Section 24, W ½ SW ¼, T88N R47W (Woodbury Township). Both parcels include areas in the Zone A floodplain. Walters inquired if the Base Flood Elevation (BFE) for this property is different than the Walnut View Addition proposal. Director Gleiser indicated that the BFE changes based on location. The area of the Walnut View was not in the floodplain but is in the proposed draft floodplain maps. Bride indicated that the current floodplain map at that location does not accurately reflect the area. Zellmer Zant stated that was an attempt by the commission to make sure that people purchasing those properties knew about the floodplain. Bride addressed the concerns

from the Loess Hills Nature Conservancy including erosion control measures. Zellmer Zant inquired about the culvert and runoff from Lot 5. Rozeboom indicated that they worked with county engineer Nahra and there would be no issue. Parker addressed comments/opposition from the Woodbury County Soil and Water Conservation District. Walters who serves on the district, mentioned his own concerns of silt runoff. Rozeboom assured the Commission that proper measures would be put in place regarding dust and dirt during the course of construction, as well as seeding post-construction. Motion to close public hearing: O'Tool. Second: Parker. Vote 5-0. A motion was made to recommend approval of the Davis Estates Addition as proposed: O'Tool. Second: Bride. Motion approved 5-0.

**Review: Conditional Use Permit Telecommunications Tower Proposal – Verizon Wireless**

Verizon Wireless (Donovan McCain) proposes to construct a 199 FT telecommunications tower with ancillary ground equipment on property owned by Randall C. Dau in the SE ¼ of the SW ¼ of Section 1, T88N R42W (Rock Township) on Parcel #884201300008 south of Cushing and east of Union Avenue. The property is located in the Agricultural Preservation (AP) Zoning District. The property is not located in the floodplain. O'Tool inquired if there will be a light on the tower. McCain stated that being below 200 FT, a light is not required as per the FAA regulations. A motion was made to recommend approval to construct and operate a telecommunications tower at the proposed location to the Board of Adjustment: O'Tool. Second: Meister. Motion approved 5-0.

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

None.

**Staff Update**

Director Gleiser offered updates about the status of the floodplain development ordinance, the IDOT SIMPCO annexation into Sioux City, the Comprehensive Plan for 2040 survey, possible future policies of teleconference access at commission meetings, and future agenda items.

**Commissioner Comment or Inquiry**

None.

**Adjourn**

Motion to adjourn: O'Tool. Second: Meister. Motion passed: 5-0. Meeting adjourned at 7:25 PM.

**LEGAL NOTIFICATION**

Notification of the public hearing before the Woodbury County Zoning Commission on Monday, July 26, 2021 at 6:00 PM was published in the Sioux City Journal's Legals Section as per Section 2.02.1(B) Administrative Procedures of the Woodbury County Zoning Ordinance.

<p><b>Attorneys &amp; Legals</b></p> <p>NOTICE REGARDING THREE PUBLIC HEARINGS</p> <p>WOODBURY COUNTY ZONING COMMISSION</p> <p>The Woodbury County Zoning Commission will hold three public hearings on the following item(s) hereafter described in detail on July 26, 2021 at 6:00 PM (if no sooner thereafter) as the matter may be considered. Said hearings will be held in the Board of Supervisors Meeting Room, Nurses 104 County Courthouse, 600 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or call: 712-254-1135 and enter the Conference ID: 5167211358 during the meeting to listen or comment.</p> <p>Item One (1)</p> <p>Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment relating to the Woodbury County Zoning Ordinance and a Map for the Unincorporated Area of Woodbury County Iowa by Laker Properties, LLC.</p> <p>The proposal is to enclose from the Agricultural Preservation (AP) zoning district to the Agricultural Estates (AE) zoning district 28.539 acres located in the SW ¼ of Section 24, T88N R42W (Woodbury Township) in the County of Woodbury and State of Iowa and 12.084 acres located in the SW ¼ of Section 24, T88N R42W (Woodbury Township) in the County of Woodbury and State of Iowa. Both properties are known as GIS Parcels #884201300008 and #884201300004 and the areas are described as:</p> <p>ALL THAT PART OF THE SOUTHWEST ¼ OF SECTION 24, T88N R42W NORTH AND EAST OF OLD HIGHWAY NO. 141 IN TOWNSHIP 88 NORTH RANGE 42 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 24, THENCE NORTH 89°25'03" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST ¼ FOR 80.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°25'03" WEST ALONG SAID SOUTH LINE FOR 247.78 FEET TO THE CORNER OF OLD HIGHWAY NO. 141; THENCE NORTH 47°07'58" WEST ALONG SAID CENTERLINE FOR 1672.31 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 350.13 FEET ON A 1027.69</p>	<p>FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A LONG CHORD OF 320.38 FEET, BEARING NORTH 51°18'00" WEST; THENCE NORTH 69°02'04" WEST ALONG SAID CENTERLINE FOR 422.95 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 84.14 FEET ON A 1402.51 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A LONG CHORD OF 54.45 FEET, BEARING NORTH 61°57'48" WEST TO THE EASTERLY LINE OF DAVIS ADDITION TO WOODBURY COUNTY, IOWA; THENCE NORTH 7°18'20" EAST ALONG SAID EASTERLY LINE FOR 192.11 FEET; THENCE SOUTH 50°51'40" EAST FOR 184.00 FEET; THENCE SOUTH 19°47'45" EAST FOR 499.00 FEET; THENCE SOUTH 41°38'25" EAST FOR 211.00 FEET; THENCE SOUTH 29°45'19" EAST FOR 258.00 FEET; THENCE SOUTH 24°55'35" EAST FOR 181.00 FEET; THENCE SOUTH 07°07'29" EAST FOR 330.00 FEET; THENCE SOUTH 37°30'27" EAST FOR 680.00 FEET; THENCE SOUTH 26°54'04" EAST FOR 280.77 FEET; THENCE NORTH 83°25'07" EAST FOR 1006.00 FEET TO THE EASTERLY BOUNDARY LINE OF A SPECIAL WARRANTY DEED RECORDED IN P.O.L. 747, MAKE 8049 IN THE RECORDER'S OFFICE AT THE WOODBURY COUNTY COURTHOUSE, THENCE SOUTH 22°48'52" EAST ALONG SAID EASTERLY BOUNDARY LINE FOR 822.89 FEET TO THE POINT OF BEGINNING.</p> <p>SAID DESCRIBED PARCEL CONTAINS 28.539 ACRES, MORE OR LESS, WHICH INCLUDES 2.332 ACRES IN ROADWAY EASEMENT AND</p> <p>ALL THAT PART OF THE SOUTHWEST ¼ OF SECTION 24 IN TOWNSHIP 88 NORTH, RANGE 42 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 24, THENCE NORTH 89°25'03" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST ¼ FOR 80.00 FEET TO THE EASTERLY BOUNDARY LINE OF A SPECIAL WARRANTY DEED RECORDED IN P.O.L. 747, MAKE 8049 IN THE RECORDER'S OFFICE AT THE WOODBURY COUNTY COURTHOUSE, THENCE NORTH 29°48'52" WEST ALONG SAID EASTERLY BOUNDARY LINE FOR 629.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 29°48'52" WEST ALONG SAID EASTERLY BOUNDARY LINE FOR 1839.90 FEET TO THE NORTH LINE OF SAID SOUTHWEST ¼; THENCE SOUTH 89°39'58" WEST ALONG SAID NORTH LINE FOR 484.29 FEET TO THE NORTHEAST CORNER OF DAVIS ADDITION TO WOODBURY COUNTY, IOWA;</p>	<p>THENCE SOUTH 17°32'20" WEST ALONG THE EASTERLY LINE OF SAID DAVIS ADDITION FOR 35.74 FEET; THENCE SOUTH 53°21'40" EAST FOR 168.00 FEET; THENCE SOUTH 11°37'53" EAST FOR 480.00 FEET; THENCE SOUTH 41°38'25" EAST FOR 411.20 FEET; THENCE SOUTH 58°43'10" EAST FOR 238.00 FEET; THENCE SOUTH 20°48'39" EAST FOR 191.00 FEET; THENCE SOUTH 27°37'25" EAST FOR 320.00 FEET; THENCE SOUTH 37°30'27" EAST FOR 280.00 FEET; THENCE SOUTH 26°54'04" EAST FOR 280.77 FEET; THENCE NORTH 89°25'03" EAST FOR 156.80 FEET TO THE POINT OF BEGINNING.</p> <p>SAID DESCRIBED PARCEL CONTAINS 12.084 ACRES, MORE OR LESS.</p> <p>Owner/Applicant: Laker Properties, LLC, 1138 S. Darby Lane, North Sioux City, SD 57249</p> <p>Item Two (2)</p> <p>PROPOSED MINOR SUBDIVISION, to be known as Davis Estates Addition - a minor subdivision in a 26.536 acre portion of Parcel #884201300004, located in T88N R42W (Woodbury Township), Section 24, W ¼ SW ¼, Agricultural Estates (AE) Zoning District and Parcel #884201300004 located in T88N R42W (Woodbury Township), Section 24, E ½ SW ¼, Agricultural Preservation (AP) Zoning District, abutting the north side of Old Highway 141. The parcel acreage are located approximately 2.1 miles east of Sioux City and 2.5 miles west of Errosson. A portion of Parcel #884201300009 is located in the Zone A floodplain. This area to be subdivided in Parcel #884201300004 is not located in the floodplain. Owner/Applicant: Laker Properties, LLC, 1138 S. Darby Lane, North Sioux City, SD 57249</p>
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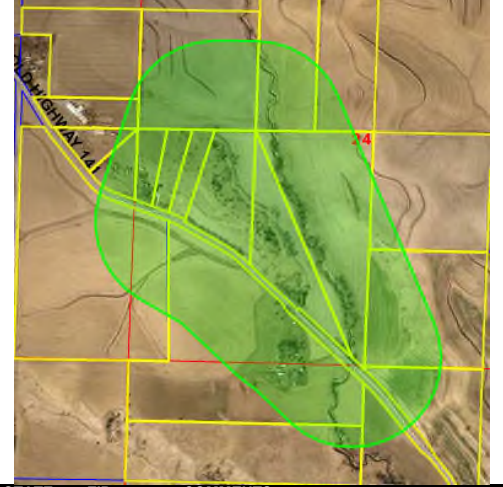
Notification of the three public hearings before the Woodbury County Board of Supervisors on August 3 at 4:50 PM, August 10 at 4:50 PM, and August 17 at 4:50 PM was published in the Sioux City Journal's Legals Section on Friday, July 30, 2021 as per Section 2.02.1(B) Administrative Procedures of the Woodbury County Zoning Ordinance.

## PROPERTY OWNERS' NOTIFICATION – 1000 FT

The 13 property owners within 1,000'; and listed on the certified abstractor's affidavit; were notified by a July 12, 2021 letter about the Zoning Commission public hearing on July 26, 2021 as per Section 2.02.1(B) of the Woodbury County Zoning Ordinance.

As of July 23, 2021, the Community & Economic Development office has received two written statements and one inquiry. Those communications are listed below.

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



PROPERTY OWNER	ADDRESS	CITY	STATE	ZIP	COMMENTS
Lieber Properties, LLC	1062 Pebble Beach Drive	North Sioux City	SD	57049	No comments.
Charles F. Widman & Charlene M. Widman	2360 220th Street	Bronson	IA	51007	No comments.
Bryan Waddell	1732 Old Hwy 141	Sgt. Bluff	IA	51054	No comments.
Francis E. Waddell Trust	4000 S. Westport Avenue, Apt. 344	Sioux Falls	SD	57106	No comments.
Douglas D. Rush & Dennis M. Rush & Dale L. Rush	1629 10th Street	Onawa	IA	51040	No comments.
Trustees of Joint Revocable Trust of Marlan J. Hill and Mavis L. Hill	1360 Maple Street	Sioux City	IA	51106	No comments.
Lee Brennan	1713 Old Hwy 141	Sergeant Bluff	IA	51054	Phone inquiry about if the development was to cause erosion that would impact his adjacent property.
Trustees of Joint Revocable Living Trust of Edward J. Beacom and Coleen J. Beacom	1709 Old Hwy 141	Sergeant Bluff	IA	51054	No comments.
Cheryl Watterson	1705 Old Hwy 141	Sergeant Bluff	IA	51054	No comments.
Casey J. Vandekop & Rachel L. Vandekop	1701 Old Hwy 141	Sergeant Bluff	IA	51054	No comments.
Abu Bekr Shrine White Horse Patrol	1689 Old Hwy 141	Sergeant Bluff	IA	51054	No comments.
Lynette Mennen	2519 E 2nd Street	Long Beach	CA	90803	No comments.
Wendell Real Estate	26638 Wirt Plaza	Waterloo	IA	68069	See letter below.

July 16, 2021

Dan Priestley, Zoning Coordinator  
Woodbury County Community & Economic Development  
Woodbury County Courthouse  
620 Douglas St., 6<sup>th</sup> Floor  
Sioux City, IA 51101

RE: Woodbury County Zoning Commission public hearing July 26, Lieber Properties request to rezone Davis Estates Addition

To the Zoning Commission:

We are the property owners of Wendel Real Estate, LLC, located on Old Highway 141 in proximity to the property under discussion. With this letter, we wish to register our concern over the rezoning of the Davis Estates Addition into seven residential lots.

With the advisement of our Farm Manager, Gary Walters, who will be in attendance at the meeting on July 26, we oppose the currently proposed residential use for that property for the following reasons:

- Seven ingress and egress **driveways** to be established off Old Highway 141 would create even further hazard to the traveling public on a highway with a speed limit of 50 (where everyone goes at least that and more) on a curving part of the highway with limited visibility for slowing and turning vehicles with no wide shoulders. One access drive, as exists now, would be preferable into a housing development with the same tax revenue or more. Don't be swayed by a developer who doesn't want to spend the money to put in a road.
- If the US Postal Service allows streetside **mailboxes**, that's another seven stops for a mail carrier creating even further hazard for the carrier and the vehicles on that roadway. In particular, additional mailboxes near the street are difficult to avoid when large and wide farm equipment is moving on Highway 141.
- **Public safety** must be your number one priority (over tax revenue), and we are wondering if the county roads and engineering staff have made an assessment and can report their findings for the additional traffic during construction over the next several years and then ongoing traffic to the area.
- Damage to the **Loess Hills** themselves. We hope the Loess Hills preservation groups will weigh in here, but once the integrity of this natural wonder is changed, we would suggest there would be problems with silt and erosion with this type of soil. Have you consulted experts on these land forms?
- Other parts of the Old Highway 141 area are being developed for residential use. Is there even a **need or demand** for these types of properties, or will the lots remain eyesores for decades without development? Shouldn't the developers be asked to show they have





confirmed buyers and even contracts before the zoning is changed as opposed to creating lots on a whim without market demand? Case in point, our property was for sale for two years with no takers for residential building. Lots remain unsold on newly rezoned property at the intersection of Old Highway 141 and the airport road. We don't need more unsold, half-baked housing developments.

In addition, by way of background, I refer you to the Woodbury County Zoning meeting a few years ago on our farm property in which a zoning change was requested for 125 acres of Loess Hills for a borrow pit for dirt for the same applicant (Lieber). Minutes of that meeting will record how at least forty **neighbors** of that property showed up to express their concern over the additional traffic the occasional trucks would post for the highway. They pleaded and cried and told stories of traffic accidents, deaths, and the potential for more danger. We hope these same neighbors will record their dissatisfaction with this current proposal for the same reasons.

**Bird** enthusiasts showed up to plead the case for the preservation of the Loess Hills as a landmark and bird nesting and flyway area.

**Bicyclists** were worried that truck traffic would pose even more danger for them on their country rides.

Neighbors were fearful that the **landscape** would be harmed and the view obliterated.

We sincerely hope these same neighbors will come to this meeting and present their cases again. Because in the matter of our property, the zoning change was not affirmed, and the neighbors' wishes were heard (despite the fact that we lost a property sale, we bear no ill will), and the deal never materialized.

Also by way of history, the FAA wished to place a radar tower at the top of Carroll Avenue as part of a national radar system serving the airport grid. We fought for five years to get the FAA to rethink the location of that tower, mustered neighbors in that battle, received legal counsel, and presented surveys by entomologists, ecologists, and bird tower experts to show that the site was unsuitable for the environment (on the central flyway, Loess Hills, proposed design was going to plant the pesky red cedar, disrupt the ecosystem on 18 acres of virgin prairie, among other issues). That tower was eventually located some distance away.

Therefore, we ask that you consider **not favoring tax revenue over public safety and environmental considerations** and vote NOT TO ALLOW a change in zoning for residential property under review at this hearing.

With all due respect,

  
Scott and Sandra Wendel  
Managing Partners  
Wendel Real Estate, LLC

26638 Wirt Plaza

## Gary Walters – July 17, 2021

**From:** Gary Walters <garywalters5504@gmail.com>  
**Sent:** Saturday, July 17, 2021 4:10 PM  
**To:** Daniel Priestley  
**Subject:** Davis Estates

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

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

Dan,

I am opposed to the proposed rezone and subdivision by Lieber Properties of the parcels of land on Hwy 141 in Woodbury Twp for several reasons and would like to attend the meeting on July 26th. Can you give me the meeting details?

Gary Walters  
text/cell: 712-251-1489  
email: [garywalters5504@gmail.com](mailto:garywalters5504@gmail.com)

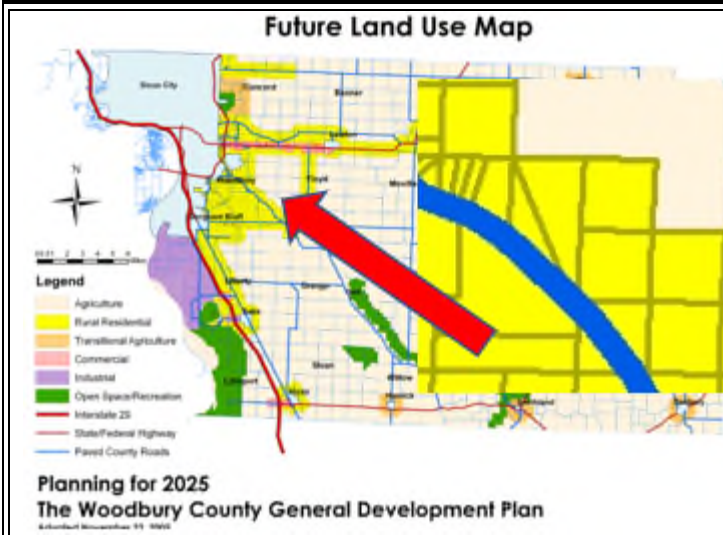


<b>STAKEHOLDER REVIEW</b>	
<b>911 COMMUNICATIONS CENTER</b>	I have no issues with this. - Glenn Sedivy, 7/13/21
<b>CENTURYLINK:</b>	No comments.
<b>CITY OF SIOUX CITY:</b>	No comments.
<b>FIBERCOMM:</b>	No comments.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	<p>As I stated in my 3/22/2021 email regarding this property, it does not appear from the information provided that the access road for this proposed subdivision will be located in the special flood hazard area (SFHA) as identified by either the effective or preliminary Flood Insurance Rate Map (FIRM). So, it does not appear that the 100-year flood would affect wheeled access to/from the subdivision. It also does not appear that any fill or structures are being proposed for those portions of the property that are located within the SFHA. However, if any fill or structures are proposed within the SFHA, a request should be submitted to the DNR to determine the Base Flood Elevation (BFE) and floodway offset from the channel. Let me know if you have any questions. – Bill Cappuccio, 7/11/21</p> <p>I appreciate your comments about the Lieber Minor Subdivision proposal. I just wanted to let you know that the developer elected to not include an access road. Instead, each lot will be accessed directly from Old Highway 141. Because of this, it appears that the lot at the south west of the subdivision will be the one impacted by the floodplain. I have attached a copy of the final plat if you have any comments based on this revised plat. Thank you! We appreciate your help. – Dan Priestley to Bill Cappuccio on 7/16/21</p> <p>Are you talking about Lot 7? If so, the SFHA is delineated on the plat. And assuming it's mapped correctly, if someone wants to construct a building or perform filling/grading in the SFHA shown on that parcel, they'll likely need the DNR to determine the BFE and floodway offset. Because the County's ordinance requires subdivisions in the SFHA that are "greater than five (5) acres or fifty (50) lots (whichever is less)" to include the BFE for those areas shown in the SFHA, it might make sense for the developer to request that information now. As for wheeled access during a flood, I'd suggest the driveway to the property be constructed outside the SFHA. But even if its not, the stream only drains ~10 sq. miles. So, any flood event that occurs probably won't last very long. Let me know if you have additional questions. – Bill Cappuccio, 7/18/21</p> <p>The Base Flood Elevation has been subsequently received and is provided in the packet below. – 7/22/21</p>
<b>LOESS HILLS PROGRAM:</b>	<p><u>Preplat Comments:</u> First off, thanks for the opportunity to provide comments. The Nature Conservancy has been committed to conservation in the Loess Hills for decades due to the landform's unique geology and high quality tallgrass prairie habitat. The Loess Hills provide essential habitat for the region's wildlife, migratory birds, and countless insect species, and are home to vegetation not found elsewhere in the state. The Nature Conservancy has identified the Loess Hills as being one of the few areas in the state of Iowa with the topographical variation and habitat connectivity to provide resiliency for wildlife in a changing climate. For these reasons I would encourage the County to examine the proposed subdivision and consider ways to mitigate potential impacts to high quality habitat. I would be happy to be involved in such discussions. It is also important to note that portions of Highway 141 are part of the Loess Hills National Scenic Byway, which attracts thousands of visitors and residents annually. Similarly, I would encourage the County and developer to consider efforts to mitigate negative impacts to the viewsapes provided by the land identified below. I am currently scheduled to be in the field next Tuesday during the meeting, but the forecast shows rain. If my field work is rescheduled I will plan to attend in person. If not, I will join by phone for the first 30 minutes. Thanks again for the opportunity to share our thoughts. – Graham McGaffin, 3/19/21</p> <p><u>Postplat Comments:</u> No comments received.</p>
<b>LONGLINES:</b>	No comments.
<b>MAGELLAN PIPELINE:</b>	This also will not impact Magellan. Have a good one! – Bryan Ferguson, 7/12/21
<b>MIDAMERICAN ENERGY COMPANY:</b>	<p>There are no MEC gas facilities in the proposed subdivision. – Tyler Alquist, 7/12/21</p> <p>I have reviewed the proposed rezone for MEC electric – The developer should be made aware that they are responsible for any costs associated with extending power to the proposed subdivision. – Casey Meinen, 7/10/21</p>
<b>NATURAL RESOURCES CONSERVATION SERVICES (NRCS)</b>	No comments.
<b>NORTHERN NATURAL GAS:</b>	No comments.
<b>NORTHWEST IOWA POWER COOPERATIVE (NIPCO):</b>	No comments.
<b>NUSTAR PIPELINE:</b>	As far as Nustar Pipeline is concern, work is west of this property. All clear with Nustar. – Domingo Torres, 7/12/21
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	No comments.
<b>WIATEL:</b>	No comments.
<b>WOODBURY COUNTY ASSESSOR:</b>	No comments.
<b>WOODBURY COUNTY CONSERVATION:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY MANAGEMENT:</b>	No comments.
<b>WOODBURY COUNTY ENGINEER:</b>	No comments.
<b>WOODBURY COUNTY RECORDER:</b>	No comments.
<b>WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):</b>	Woodbury Co REC has not comments or concerns. – Kent Amundson, 7/9/21
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT (WCSWCD):</b>	The WCSWCD recommends against allowing this subdivision to proceed. The Loess Hills are an unique landform in Iowa in which development and buildings detract from the natural attractiveness of the area. In this case the proposed subdivision is just outside of Sioux City and along the scenic byway which many people travel to enjoy an undeveloped landscape. The terrain is quite steep and developing the lots will likely result in significant soil erosion during construction. In general, additional development should be curtailed all along the front range of the Loess Hills landform to preserve the unique characteristics of the area. - Neil Stockfleth, 7/11/21
<b>WOODBURY COUNTY TREASURER:</b>	Taxes for both parcels are paid in full. – Kim Koepke, 7/9/21

## ZONING ORDINANCE EVALUATION CRITERIA FOR BOARD APPROVAL

The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

### CONFORMANCE WITH THE GOALS AND OBJECTIVES SET FORTH IN THE APPROVED GENERAL DEVELOPMENT PLAN FOR WOODBURY COUNTY INCLUDING THE FUTURE LAND USE MAP.



The 2005 Future Land Use Map shows this area as Rural Residential which is equivalent to today's Suburban Residential (SR) Zoning District. The parcel is currently zoned Agricultural Preservation (AP), and the request is to change to Agricultural Estates (AE), which is the predominant zoning district within that neighborhood. The request conforms with the goals and objectives of the development plan as it relates to land use goals 1.3 and 1.4:

- Encourage development near cities by discouraging leap-frog development outside municipalities.
- Recognize the Loess Hills from the "front range" to the steeply rolling hills tapering off toward the east as a unique natural resource that should be conserved by good stewardship by the owners of the land involved.

### COMPATIBILITY AND CONFORMANCE WITH THE POLICIES AND PLANS OF OTHER AGENCIES WITH RESPECT TO THE SUBJECT PROPERTY.

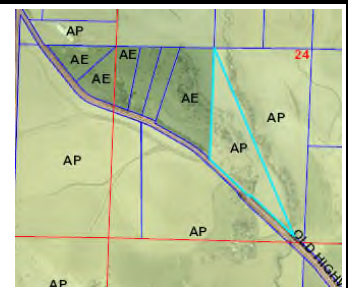
The subject property is located in the area recognized as the Loess Hills. The Woodbury County Soil and Water Conservation District offered their opposition to the proposal due to the effects of erosion and the impact to the natural view. The Loess Hills Conservancy offered initial concerns during the preplat process about the importance of mitigating the impacts to habitat and the negative impact to the views.

### CONSIDERATION OF THE CORN SUITABILITY (CSR) OF THE PROPERTY.

This property has a CSR2 rating of 53.32. See attached soil report. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitable rating (e.g. over 65 CSR) from conversion to other land uses. With a rating that is not high on that scale, this would be a suitable location for non-agriculture.

### COMPATIBILITY WITH ADJACENT LAND USES.

This proposal is compatible with adjacent land uses. Just northwest of the property, there are already six existing AE lots that include four dwellings. There is also a dwelling south of the property across Old Hwy 141. The area northeast of the property includes farm ground.



### COMPATIBILITY WITH OTHER PHYSICAL AND ECONOMIC FACTORS AFFECTING OR AFFECTED BY THE PROPOSED REZONING.

The proposal is compatible with other physical and economic factors in the project area as there are no major infrastructure improvements required. The physical factors affected by this proposed rezone relate to the subject property being located in the Loess Hills.

### ANY OTHER RELEVANT FACTORS.

The southeast portion of the parcel is located within the special flood hazard area. The base flood elevation level as reported by the Iowa Department of Natural Resources is 1,114.9' NAVD88. This area will continue to be farmed but will be available for future development.

**ORDINANCE NO. \_\_**

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT  
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

**WHEREAS** the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

**WHEREAS** the Woodbury County Board of Supervisors has received a report in respect to amending the said Ordinance from the Woodbury County Zoning Commission which held a public hearing on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

**WHEREAS** the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

**WHEREAS** the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

**NOW THEREFORE, BE IT RESOLVED** by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

**Dated this \_\_\_\_ day of \_\_\_\_\_ 2021.**

**THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS**

\_\_\_\_\_  
**Rocky De Witt, Chairman**

\_\_\_\_\_  
**Mathew A. Ung, Vice Chairman**

\_\_\_\_\_  
**Mark Monson**

\_\_\_\_\_  
**Keith Radig**

\_\_\_\_\_  
**Justin Wright**

**Adoption Timeline:**

Public Hearing and 1<sup>st</sup> Reading:

Public Hearing and 2<sup>nd</sup> Reading:

Public Hearing and 3<sup>rd</sup> Reading:

Effective:

**ITEM ONE (1)**

Property Owner: Lieber Properties, LLC, 1138 S. Derby Lane, North Sioux City, SD 57049

Petitioner Applicant: Lieber Properties, LLC, 1138 S. Derby Lane, North Sioux City, SD 57049

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, July 26, 2021, to review and make a recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 28.539 acres located in the SW ¼ of Section 24, T88N R47W (Woodbury Township) in the County of Woodbury and State of Iowa and for 12.094 acres located in the SW ¼ of Section 24, T88N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. Both properties are known as GIS Parcels #884724300005 and #884724300004.

**ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24 LYING NORTH AND EAST OF OLD HIGHWAY NO. 141 IN TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA DESCRIBED AS FOLLOWS:**

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE NORTH 89°35'03" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 FOR 99.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°35'03" WEST ALONG SAID SOUTH LINE FOR 21.75 FEET TO THE CENTERLINE OF SAID OLD HIGHWAY NO. 141; THENCE NORTH 47°37'36" WEST ALONG SAID CENTERLINE FOR 1672.31 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 330.13 FEET ON A 1427.60 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A LONG CHORD OF 329.39 FEET, BEARING NORTH 54°15'05" WEST; THENCE NORTH 60°52'34" WEST ALONG SAID CENTERLINE FOR 422.95 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 54.14 FEET ON A 1427.51 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A LONG CHORD OF 54.13 FEET, BEARING NORTH 61°57'45" WEST TO THE EASTERLY LINE OF DAVIS ADDITION TO WOODBURY COUNTY, IOWA; THENCE NORTH 17°15'20" EAST ALONG SAID EASTERLY LINE FOR 1082.11 FEET; THENCE SOUTH 53°31'40" EAST FOR 198.00 FEET; THENCE SOUTH 13°57'45" EAST FOR 469.00 FEET; THENCE SOUTH 41°35'25" EAST FOR 211.20 FEET; THENCE SOUTH 59°43'15" EAST FOR 258.00 FEET; THENCE SOUTH 24°35'33" EAST FOR 191.00 FEET; THENCE SOUTH 27°07'23" EAST FOR 330.00 FEET; THENCE SOUTH 37°50'27" EAST FOR 260.00 FEET; THENCE SOUTH 26°54'04" EAST FOR 280.77 FEET; THENCE NORTH 65°28'57" EAST FOR 105.85 FEET TO THE EASTERLY BOUNDARY LINE OF A SPECIAL WARRANT DEED RECORDED IN ROLL 747, IMAGE 9349 IN THE RECORDER'S OFFICE AT THE WOODBURY COUNTY COURTHOUSE; THENCE SOUTH 23°48'50" EAST ALONG SAID EASTERLY BOUNDARY LINE FOR 922.89 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 28.539 ACRES, MORE OR LESS, WHICH INCLUDES 3.932 ACRES IN ROADWAY EASEMENT; AND

**ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24 IN TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS:**

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE NORTH 89°35'03" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 FOR 99.00 FEET TO THE EASTERLY



BOUNDARY LINE OF A SPECIAL WARRANTY DEED RECORDED IN ROLL 747, IMAGE 9349 IN THE RECORDER'S OFFICE AT THE WOODBURY COUNTY COURTHOUSE; THENCE NORTH 23°48'50" WEST ALONG SAID EASTERLY BOUNDARY LINE FOR 922.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 23°48'50" WEST ALONG SAID EASTERLY BOUNDARY LINE FOR 1939.90 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 89°55'54" WEST ALONG SAID NORTH LINE FOR 454.29 FEET TO THE NORTHEAST CORNER OF DAVIS ADDITION TO WOODBURY COUNTY, IOWA; THENCE SOUTH 17°15'20" WEST ALONG THE EASTERLY LINE OF SAID DAVIS ADDITION FOR 35.74 FEET; THENCE SOUTH 53°31'40" EAST FOR 198.00 FEET; THENCE SOUTH 13°57'45" EAST FOR 469.00 FEET; THENCE SOUTH 41°35'25" EAST FOR 211.20 FEET; THENCE SOUTH 59°43'15" EAST FOR 258.00 FEET; THENCE SOUTH 24°35'33" EAST FOR 191.00 FEET; THENCE SOUTH 27°07'23" EAST FOR 330.00 FEET; THENCE SOUTH 37°50'27" EAST FOR 260.00 FEET; THENCE SOUTH 26°54'04" EAST FOR 280.77 FEET; THENCE NORTH 65°28'57" EAST FOR 105.85 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 12.094 ACRES, MORE OR LESS.

## ELEVATION



## BASE FLOOD ELEVATION (BFE) LETTER



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS  
LT. GOVERNOR ADAM GREGG  
DIRECTOR KAYLA LYON

7/22/2021

JORDAN ROZEBOOM  
LIEBER PROPERTIES LLC  
1138 SOUTH DERBY LANE  
NORTH SIOUX CITY, SD 57049

Project Description: BFE Determination – For a property located at 1719 Old Hwy 141, Sergeant Bluff, IA 51054; (Little Whisky Creek)

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.4184/-96.2643; Woodbury County

Iowa DNR Project ID Number: 2021-1362

Dear Jordan Rozeboom,

This is in reference to your request for determination of the "100-year" flood elevation (a.k.a. the base flood elevation, or BFE) for the property identified on your application. The Flood Insurance Rate Map (FIRM) for Woodbury County shows a portion of this property as being in the Special Flood Hazard Area (SFHA).

Based on the information available, we estimate the current existing condition 100-year flood elevation to be 1,114.9', NAVD88 at the location referenced above. You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMT website using the tracking number above. (PERMT Website Address: <https://programs.iowadnr.gov/permt/>)

Please contact me by phone at 515-725-8368 or by email at [graham.young@dnr.iowa.gov](mailto:graham.young@dnr.iowa.gov) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Graham Young".

Graham Young  
Flood Plain Management and Dam Safety Section

WALLACE BUILDING, 502 E 9<sup>TH</sup> ST, DES MOINES IA 50319

Phone: 515-725-8200

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

Fax: 515-725-8202



**Summary**

Parcel ID 884724300005  
 Alternate ID 826620  
 Property Address 1719 OLD HWY 141  
 SERGEANT BLUFF IA 51054  
 Sec/Twp/Rng 24-88-47  
 Brief ALL BETWEEN HWY & A LINE FROM NW COR TO PT 6RDS W OF SE COR E 1/2  
 Tax Description SW1/4 24-88-47  
 (Note: Not to be used on legal documents)  
 Deed Book/Page 747-9349 (6/24/2016)  
 Gross Acres 20.62  
 Net Acres 20.62  
 Adjusted CSR Pts 996.5  
 Zoning AP - AGRICULTURAL PRESERVATION  
 District 0039 WOODBURY/SBL  
 School District SGT BLUFF LUTON  
 Neighborhood N/A  
 Main Area Square Feet N/A



**Owner**

Deed Holder  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Contract Holder**

Mailing Address  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Land**

Lot Area 20.62 Acres ; 898,207 SF

**Residential Dwellings**

**Residential Dwelling**  
 Occupancy Single-Family / Owner Occupied  
 Style 1 1/2 Story Frame  
 Architectural Style N/A  
 Year Built 1900  
 Condition Normal  
 Roof Asph / Gable  
 Flooring  
 Foundation Conc.  
 Exterior Material WOOD  
 Interior Material Pls  
 Brick or Stone Veneer  
 Total Gross Living Area 1,714 SF  
 Main Area Square Feet 1008  
 Attic Type None;  
 Number of Rooms 7 above; 1 below  
 Number of Bedrooms 3 above; 0 below  
 Basement Area Type Full  
 Basement Area 1,008  
 Basement Finished Area 252 - Standard Finish  
 Plumbing 1 Base Plumbing (Full);  
 Appliances 1 Range Unit; 1 Oven - Single;  
 Central Air Yes  
 Heat Yes  
 Fireplaces  
 Porches 15 Frame Enclosed (64 SF); 15 Frame Enclosed (60 SF);  
 Decks  
 Additions  
 Garages 400 SF - Det Frame (Built 1930);

**Agricultural Buildings**

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Barn - Flat	GP BARN	28	38	1950	1

**Sales**

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
4/23/2012	HURD TOMMY LEE & HURD MARY A	LIEBER DUSTIN D & MELISSA A	722/6444	Sale between family members or related parties	Deed		\$113,000.00

**Valuation**

	2021	2020	2019	2018	2017
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$25,230	\$23,850	\$23,850	\$34,710	\$34,710
+ Assessed Building Value	\$1,940	\$1,770	\$1,770	\$2,440	\$2,440
+ Assessed Dwelling Value	\$73,560	\$66,990	\$66,990	\$60,900	\$60,900
= Gross Assessed Value	\$100,730	\$92,610	\$92,610	\$98,050	\$98,050
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$100,730	\$92,610	\$92,610	\$98,050	\$98,050

**Summary**

Parcel ID 884724300004  
 Alternate ID 826635  
 Property Address N/A  
 Sec/Twp/Rng 24-88-47  
 Brief Tax Description EX A TCT BEING 861.85' ON N X 1055.25' ON E X 799.5' ON W IN NW CORNER NE OF HWY141 W1/2 SW1/4 24-88-47 CONTAINS 15.16 AC  
 (Note: Not to be used on legal documents)  
 Deed Book/Page 747-9349 (6/24/2016)  
 Gross Acres 20.10  
 Net Acres 20.10  
 Adjusted CSR Pts 722.54  
 Zoning AE - AGRICULTURAL ESTATES  
 District 0039 WOODBURY/SBL  
 School District SGT BLUFF LUTON  
 Neighborhood N/A  
 Main Area Square Feet N/A

**Owner**

Deed Holder  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Contract Holder**

Mailing Address  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Land**

Lot Area 20.10 Acres ; 875,556 SF

**Sales**

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
4/23/2012	HURD TOMMY LEE & HURD MARY A	LIEBER DUSTIN D & MELISSA A	722/6444	Sale between family members or related parties	Deed		\$0.00

Show There are other parcels involved in one or more of the above sales:

**Valuation**

	2021	2020	2019	2018	2017
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$18,300	\$17,290	\$17,290	\$25,170	\$25,170
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$18,300	\$17,290	\$17,290	\$25,170	\$25,170
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$18,300	\$17,290	\$17,290	\$25,170	\$25,170



## SOIL REPORT - Parcel #884724300004 and Parcel #884724300005

### Summary

Parcel ID	884724300004		
Gross Acres	20.10		
ROW Acres	0.00		
Gross Taxable Acres	20.10		
Exempt Acres	0.00		
Net Taxable Acres	20.10	(Gross Taxable Acres - Exempt Land)	
Average Unadjusted CSR2	38.84	(780.77 CSR2 Points / 20.1 Gross Taxable Acres)	

Agländ Active Config 2017 CSR2

### Sub Parcel Summary

Columns

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	11.47	43.29	496.55	496.55
Non-Crop	8.63	32.93	284.22	225.99
<b>Total</b>	<b>20.10</b>		<b>780.77</b>	<b>722.54</b>

### Soil Summary

Columns

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.21	18.69	18.69
100% Value	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	3.20	262.40	262.40
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.49	86.42	86.42
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.77	24.64	24.64
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	5.80	104.40	104.40
Non-Crop	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	0.02	1.64	0.89
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	2.84	164.72	107.98
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	1.00	32.00	31.26
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	4.77	85.86	85.86
<b>Total</b>				<b>20.10</b>	<b>780.77</b>	<b>722.54</b>

### Summary

Parcel ID	884724300005		
Gross Acres	20.62		
ROW Acres	0.00		
Gross Taxable Acres	20.62		
Exempt Acres	0.00		
Net Taxable Acres	20.62	(Gross Taxable Acres - Exempt Land)	
Average Unadjusted CSR2	53.32	(1099.54 CSR2 Points / 20.62 Gross Taxable Acres)	

Agländ Active Config 2017 CSR2

### Sub Parcel Summary

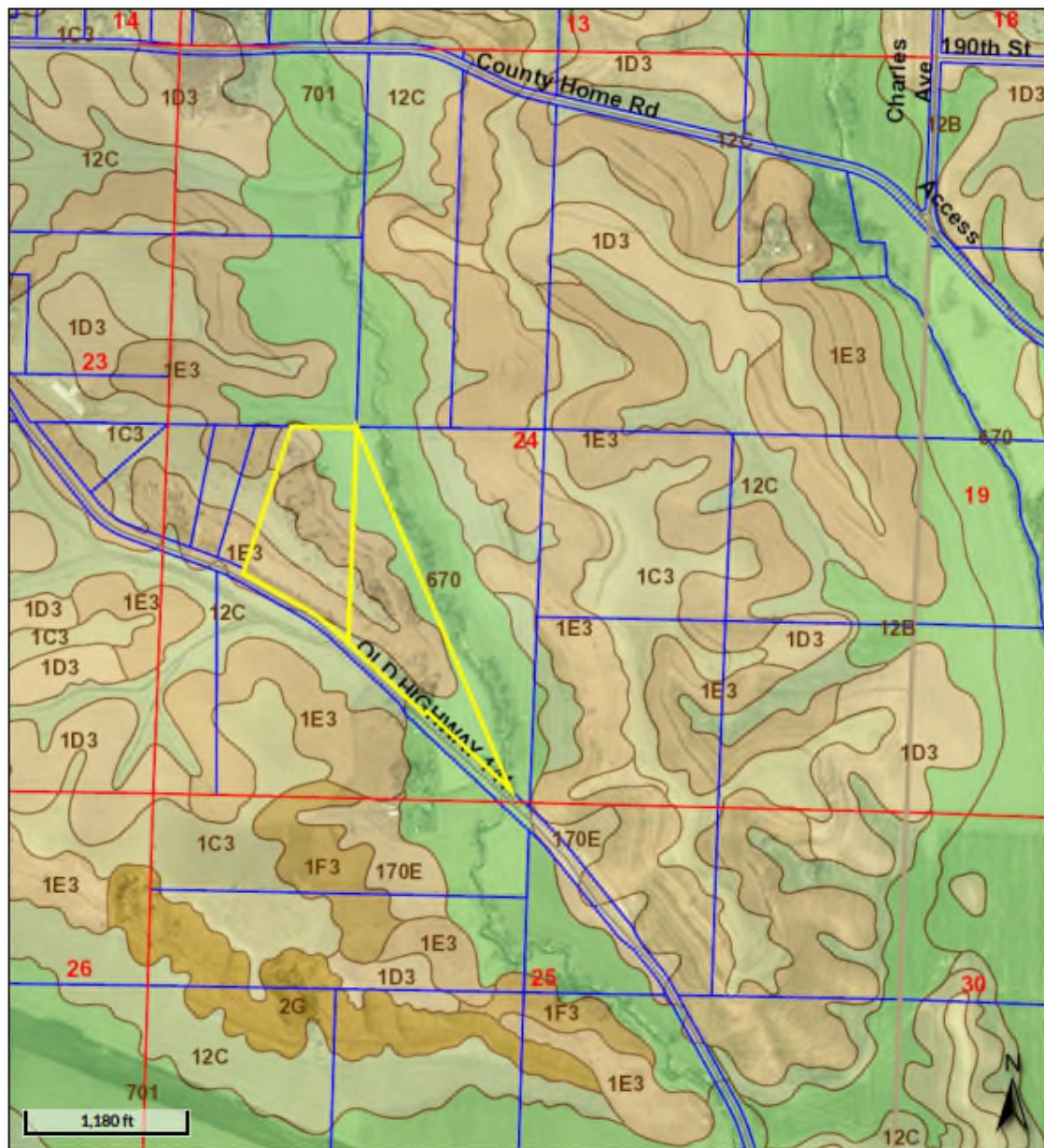
Columns

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	13.18	59.58	785.29	785.29
Non-Crop	7.44	42.24	314.25	211.21
<b>Total</b>	<b>20.62</b>		<b>1,099.54</b>	<b>996.50</b>

### Soil Summary

Columns

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.43	38.27	38.27
100% Value	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	8.03	658.46	658.46
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.09	5.22	5.22
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	4.63	83.34	83.34
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	1.19	105.91	54.84
Non-Crop	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	0.71	58.22	31.42
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.26	73.08	47.91
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	4.28	77.04	77.04
<b>Total</b>				<b>20.62</b>	<b>1,099.54</b>	<b>996.50</b>



### Overview



### Legend

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





### Rezoning Application & Zoning Ordinance Map Amendment

<b>Owner Information:</b>	<b>Applicant Information:</b>
Owner <u>Lieber Properties LLC</u>	Applicant <u>Lieber Properties LLC</u>
Address <u>1138 S Derby Lane</u> <u>N Sioux City, SD 57049</u>	Address <u>1138 S Derby Lane</u> <u>N Sioux City, SD 57049</u>
Phone <u>712-898-1024</u>	Phone <u>712-898-1024</u>

Engineer/Surveyor Tim Lamprecht Phone 712-253-5085

**Property Information:**

Property Address or Address Range 1719 Old Hwy 141, Sergeant Bluff, IA 51054

Quarter/Quarter SW 1/4 Sec 24 Twship/Range 88-47

Parcel ID # \_\_\_\_\_ or GIS # 884724300005/004 Total Acres 20.62(005) / 20.10(004)

Current Use Agriculture/Residential Proposed Use Agriculture/Residential

Current Zoning AP(005)/AE(004) Proposed Zoning AE (both 005+004)

Average Crop Suitability Rating (submit NRCS Statement) 62.2

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date 3/23/21 Staff present Don Pruehby, David Gleason, Mark Nelson

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property.

This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

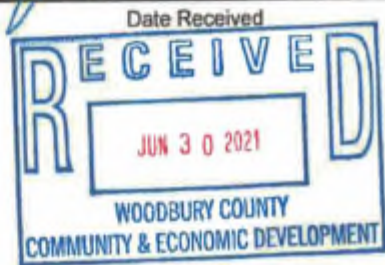
Owner [Signature] Agent of Lieber Properties LLC Applicant [Signature] Agent of Lieber Properties LLC

Date 6/30/2021 Date 6/30/2021

Fee: \$400 Case #: 16683

Check #: 2610

Receipt #: \_\_\_\_\_



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

Date: 8/5/21 Weekly Agenda Date: 8/10/21

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** David Gleiser, CED Director

**WORDING FOR AGENDA ITEM:**

Approval of Final Plat for the Davis Estates, a Minor Subdivision

**ACTION REQUIRED:**

- |  |  |  |
|--|--|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input checked="" type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/>    | Other: Informational <input type="checkbox"/>          | Attachments <input checked="" type="checkbox"/>    |

**EXECUTIVE SUMMARY:**

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

**BACKGROUND:**

Lieber Properties, LLC, owner of Parcels 884724300004 and 884724300005 have filed a minor subdivision application to establish the Davis Estates, a 7-lot minor subdivision for future residential development. Parcel 894634100004 is addressed as 7510 Correctionville Road. It is in the Concord Township and is zoned Agricultural Estates (AE). The adjacent Parcel (884724300005) is located in the Woodbury Township and is being rezoned to Agricultural Estates (AE) from Agricultural Preservation (AP). Both parcels include areas in the Zone A floodplain. The final plat reflects the required Base Flood Elevations for these areas as provided by the IDNR. The proposed lots and uses are compliant with the zoning ordinance. The County Engineer has sited and approved all proposed driveways for access and has verified closure of the final plat. All required legal notifications were made and all relevant agency stakeholders and property owners were notified of this request and related public hearings. As of 8/5/21, the CED office has received 5 public comments expressing concerns and/or opposition to the proposal primarily due to the project being located within the Loess Hills landform area. The project area does not require extra-territorial review as it is not within any city's 2-mile boundary. On 7/26/21, the Woodbury County Planning & Zoning Commission held a public hearing on the application and received public testimony. Upon closing the hearing, the Commission subsequently voted unanimously to recommend approval of the final plat as proposed.

**FINANCIAL IMPACT:**

None

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

- Yes  No

**RECOMMENDATION:**

Receive the final staff report and Zoning Commission's recommendation from their 7/26/21 meeting.  
Approve the plat and authorize the Chairman to sign the resolution.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to receive the final staff report and Zoning Commission's recommendation from their 7/26/21 meeting.  
Motion to approve the Davis Estates final plat and authorize the Chairman to sign the resolution.

COUNTY: WOODBURY  
 SECTION: 24 TOWNSHIP: 88 RANGE: 47  
 1/4 QUOT PART: SW 1/4  
 CITY:  
 PROPRIETOR: LIEBER PROPERTIES, LLC  
 REQUESTED BY: DUSTIN LIEBER  
 SURVEYOR: TIMOTHY J. LAMPRECHT  
 COMPANY: CIVIL ENGINEERS & CONSTRUCTORS, LLC  
 RETURN TO: TIMOTHY J. LAMPRECHT  
 1270 SOUTH DERBY LANE  
 NORTH BLOOM CITY, SD 57040

# FINAL PLAT OF DAVIS ESTATES

A MINOR SUBDIVISION  
 LOCATED IN THE SW 1/4

SECTION 24, TOWNSHIP 88 NORTH, RANGE 47  
 WEST, 5TH P.M. WOODBURY COUNTY, IOWA

## LEGEND

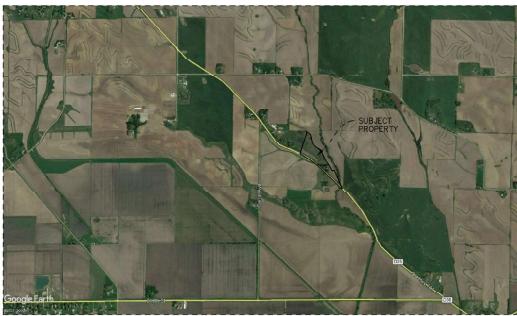
- FOUND 1/2" ROD W/ CAP #23525 UNLESS OTHERWISE INDICATED
- FOUND MAG NAIL
- SET MAG NAIL IN PAVEMENT
- SET 1/2" x 30" REBAR W/ ORANGE CAP #23525
- M MEASURED DIMENSION
- R RECORD DIMENSION
- BASIS OF BEARING  
 IOWA REGIONAL LOW DISTORTION NETWORK ZONE 4

## LEGAL DESCRIPTION

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE NORTH 89°35'03" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 FOR 99.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°35'03" WEST ALONG SAID SOUTH LINE FOR 23.75 FEET TO THE CENTERLINE OF SAID OLD HIGHWAY NO. 141; THENCE NORTH 47°27'30" WEST ALONG SAID CENTERLINE FOR 1272.31 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 330.13 FEET ON A 342.60 FOOT RADIUS CURVE, CONVEX SOUTHWESTERLY, HAVING A LONG CHORD OF 329.23 FEET, BEARING NORTH 54°15'05" WEST; THENCE NORTH 60°52'34" WEST ALONG SAID CENTERLINE FOR 422.95 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 54.14 FEET ON A 1427.51 FOOT RADIUS CURVE, CONVEX SOUTHWESTERLY, HAVING A LONG CHORD OF 54.13 FEET, BEARING NORTH 61°57'45" WEST TO THE EASTERLY LINE OF DAVIS ADDITION TO WOODBURY COUNTY, IOWA; THENCE NORTH 17°15'20" EAST ALONG SAID EASTERLY LINE FOR 108.11 FEET; THENCE SOUTH 53°31'40" EAST FOR 186.00 FEET; THENCE SOUTH 13°57'45" EAST FOR 469.00 FEET; THENCE SOUTH 41°35'25" EAST FOR 211.20 FEET; THENCE SOUTH 59°48'15" EAST FOR 258.00 FEET; THENCE SOUTH 24°38'33" EAST FOR 101.00 FEET; THENCE SOUTH 27°07'23" EAST FOR 180.00 FEET; THENCE SOUTH 27°07'23" EAST FOR 360.00 FEET; THENCE SOUTH 34°54'00" EAST FOR 280.77 FEET; THENCE NORTH 65°28'57" EAST FOR 125.85 FEET TO THE EASTERLY BOUNDARY LINE OF A SPECIAL WARRANTY DEED RECORDED IN P.L.L. #11, HENCE 399 IN THE RECORDER'S OFFICE OF THE WOODBURY COUNTY CLERK; THENCE SOUTH 23°48'50" EAST ALONG SAID EASTERLY BOUNDARY LINE FOR 922.89 FEET TO THE POINT OF BEGINNING.  
 SAID DESCRIBED PARCEL CONTAINS 28.539 ACRES, MORE OR LESS, WHICH INCLUDES 3.932 ACRES IN ROADWAY EASEMENT.

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	223.96'	1427.60'	8°59'18"	N52°07'15"W	223.73'
C2	106.17'	1427.60'	4°15'40"	N58°44'44"W	106.15'
C3	54.14'	1427.51'	2°10'22"	N61°57'45"W	54.13'
C4	60.00'	1487.51'	2°34'03"	N62°09'30"W	60.00'
C5	110.52'	1487.60'	4°15'24"	N58°44'52"W	110.49'
C6	233.40'	1487.60'	8°50'34"	N52°07'23"W	233.25'

## VICINITY MAP



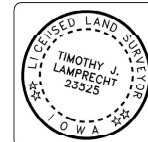
**Civil Engineers & Constructors, LLC**

PO Box 195, NSC, SD 57049

Phone  
712.222.1452

Fax  
855.492.9920

Website  
ceconstructors.com



150' 0 150'  
 SCALE 1"=150'

PROJECT # :  
21511  
 SHEET:  
1 OF 2

CEC  
 CIVIL ENGINEERS & CONSTRUCTORS, LLC  
 1270 S. Derby Lane  
 North Bloom City, SD 57049  
 712.222.1452 ph  
 855.492.9920 fax  
 www.ceconstructors.com



# FINAL PLAT OF DAVIS ESTATES

A MINOR SUBDIVISION  
LOCATED IN THE SW 1/4

SECTION 24, TOWNSHIP 88 NORTH, RANGE 47  
WEST, 5TH P.M. WOODBURY COUNTY, IOWA

## OWNER/DEVELOPER

LIEBER PROPERTIES, LLC  
3915 MARTINS YARD  
SIOUX CITY, IOWA, 51104

## LAND SURVEYOR

CIVIL ENGINEERS & CONSTRUCTORS, LLC  
1270 SOUTH DERBY LANE  
NORTH SIOUX CITY, SD  
712-222-1452  
TIMOTHY J. LAMPRECHT LS  
TMLBCECONSTRUCTORS.COM

## SUBDIVISION

7 LOTS 28.539 ACRES INCLUDING EASEMENT  
ROADWAY EASEMENT 3.932 ACRES

## ZONING

EXISTING: AC AGRICULTURAL ESTATES  
AP AGRICULTURAL PRESERVATION

PROPOSED: AE (AGRICULTURAL ESTATES)

MINIMUM LOT AREA: 2 ACRES  
MINIMUM LOT WIDTH: 200'

## BUILDING SETBACKS

FRONT YARD = 75'  
REAR YARD = 50' (10' ACCESSORY)  
SIDE YARD = 20' (10' ACCESSORY)  
CORNER SIDE YARD = 50'  
MAXIMUM HEIGHT = 45'  
OTHER REGULATIONS APPLY.  
SEE SUBDIVISION ORDINANCES FOR DETAILS.

NOT STREETS, ROADS, PARKS, SCHOOL SITES OR  
PUBLIC FACILITIES ARE PROPOSED

FEMA MAP NUMBER 19193C0225D

LOTS 1-6, ZONE X  
LOT 7, ZONE A & X  
ZONE A BFE 1114.9 (NAVD 88)  
AS PER IOWA DNR LETTER DATED 1/22/21

## RECITATION

KNOW ALL MEN BY THESE PRESENTS,

THAT LIEBER PROPERTIES, LLC, THE OWNERS OF THE REAL ESTATE DESCRIBED IN THE  
ATTACHED SURVEYOR'S CERTIFICATE HAS IN PURSUANCE OF IOWA CODE CHAPTER 354, CAUSED  
SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AND  
STREETS AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT, AND SAID  
CERTIFICATE OF TIMOTHY J. LAMPRECHT, A LICENSED SURVEYOR, WHO SURVEYED AND  
PLATTED THE SAME TO BE KNOWN AS DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA  
AND THAT SAME IS DEPOSITED WITH THE OWNERS FREE CONSENT  
AND IN ACCORDANCE WITH THEIR DESIRES AS SOLE OWNERS AND PROPRIETOR THEREOF.

EXECUTED AT SIOUX CITY, IOWA, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021

LIEBER PROPERTIES, LLC

BY: DUSTIN D. LIEBER, MANAGER

BY: MELISSA A. LIEBER, MANAGER

STATE OF \_\_\_\_\_ } 55  
COUNTY OF \_\_\_\_\_ }

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC  
IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED  
DUSTIN D. LIEBER AND MELISSA A. LIEBER, TO BE KNOWN TO BE THE PERSONS  
NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT,  
AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR  
VOLUNTARY ACT AND DEED.

## NOTARY PUBLIC IN AND FOR SAID STATE OF \_\_\_\_\_

## BOARD OF SUPERVISORS RESOLUTION

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.  
WHEREAS, THE OWNERS AND PROPRIETORS DO ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN  
PLAT DESIGNATED AS DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND

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

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

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

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

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

ROCKY DE WITT, CHAIRMAN OF BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA

ATTEST: PATRICK F. GILL, SECRETARY

## CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

I CHRIS ZELLNER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING  
COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN  
UNDER ADJUDICATION THE PLAT OF DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA AND THAT SAID  
WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

2021, APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY  
COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

CHRISTINE ZELLNER ZANT, CHAIRMAN WOODBURY COUNTY ZONING COMMISSION

DAVID GLEISER, PLANNING & ZONING DIRECTOR  
WOODBURY COUNTY ZONING COMMISSION

## TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, TINA M. BERTRAND, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THERE  
ARE NO UNPAID TAXES OR SPECIAL ASSESSMENTS AGAINST THE LAND DESCRIBED IN THE  
SURVEYOR'S CERTIFICATE AND THE LAND IS FREE FROM CERTIFIED TAXES AND CERTIFIED  
SPECIAL ASSESSMENTS.

DATED: \_\_\_\_\_ 2021

TINA M. BERTRAND, TREASURER, WOODBURY COUNTY, IOWA

## MORTGAGEE'S COMMENT

THE UNDERSIGNED, FARM CREDIT SERVICES OF AMERICA, F.L.A., THE PRESENT WRITER AND HOLDER  
OF THE MORTGAGE DATED MAY 3, 2013 IN THE OFFICE OF THE RECORDER OF WOODBURY COUNTY,  
IOWA IN ROLL 722, IMAGE 6455 STATES THAT THE PLAT OF DAVIS ESTATES, IS PREPARED WITH  
FARM CREDIT SERVICES OF AMERICA, F.L.A. FREE CONSENT AND IN ACCORDANCE WITH ITS DESIRE,  
BY SIGNING THIS PLAT, THE MORTGAGEE CONSENTS TO THE MINOR SUBDIVISION. THIS STATEMENT IS  
MADE IN ACCORDANCE WITH IOWA CODE SECTION 354.1(2).

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021

FARM CREDIT SERVICES OF AMERICA, F.L.A.

## PRINTED NAME:

ITS: \_\_\_\_\_

STATE OF \_\_\_\_\_ } 55  
COUNTY OF \_\_\_\_\_ }

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021,  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC  
IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED  
\_\_\_\_\_ AS  
OF FARM CREDIT SERVICES OF AMERICA, F.L.A.

## COUNTY ENGINEER'S CERTIFICATE

I, MARK NAHRA, P.E., THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA, DO  
HEREBY CERTIFY THAT THE BOUNDARY LINES OF THE ATTACHED PLAT, AND LOTS  
THEREIN, BEING MATHEMATICALLY CHECKED AND CONFORM WITH THE LATEST  
REQUIREMENTS AS PROVIDED FOR IN THE WOODBURY COUNTY SUBDIVISION  
ORDINANCE FOR THE UNINCORPORATED AREA OF WOODBURY COUNTY, IOWA.

DATED: \_\_\_\_\_ 2021

MARK NAHRA, P.E. WOODBURY COUNTY ENGINEER

## AUDITOR'S CERTIFICATE OF APPROVAL OF SUBDIVISION PLAT NAME

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021, THE WOODBURY COUNTY  
AUDITOR'S OFFICE HAS REVIEWED THE FINAL PLAT OF DAVIS ESTATES  
TO WOODBURY COUNTY, IOWA, AND PURSUANT TO IOWA CODE  
354.6(2) AND 354.1(1)(c), WE APPROVE OF THE SUBDIVISION NAME OR TITLE AND HAVE  
NO OBJECTIONS TO THE SUBDIVISION PLAT BEING RECORDED.

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

## AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA } 55  
COUNTY OF WOODBURY }

DOCKET NO: \_\_\_\_\_  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

RECORDED IN PLAT ENVELOPE \_\_\_\_\_ INDEXED AND DELIVERED TO THE  
COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED: \_\_\_\_\_ 2021  
PATRICK F. GILL, AUDITOR AND RECORDER,  
WOODBURY COUNTY, IOWA  
BY: DIANE SWOBODA PETERSON, DEPUTY

## ASSESSOR'S CERTIFICATE OF FILING

FILED WITH THE OFFICE OF THE WOODBURY COUNTY ASSESSOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

JULIE CONOLLY, ASSESSOR, WOODBURY COUNTY, IOWA

## PLAT TITLE OPTION FOR FINAL PLAT OF DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

COUNTY AUDITOR AND RECORDER  
WOODBURY COUNTY, IOWA

DEAR SIR:

WE HAVE THIS DATE EXAMINED A COMPLETE ABSTRACT OF TITLE, PURSUANT TO IOWA CODE SECTION 354.1(1)(3), TO THE PROPERTY DESCRIBED IN THE SURVEYOR'S  
CERTIFICATE OF TITLE, THE FINAL PLAT OF DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, LAST RECEIVED BY TONALSOBY PRODUKT COMPANY.

ABSTRACTERS DATED: \_\_\_\_\_ 2021 AT 8:09 A.M. AND FROM SAID ABSTRACT FIRM GOOD AND MERCHANTABILITY TITLE TO SAID  
PREMISES VESTED IN LIEBER PROPERTIES, LLC, THE PROPRIETORS, FREE AND CLEAR OF ALL MORTGAGES, LIENS AND OTHER ENCUMBRANCES, EXCEPT AS FOLLOWS:

1. A REAL ESTATE MORTGAGE TO FARM CREDIT SERVICES OF AMERICA, F.L.A. BY DUSTIN DEAN LIEBER AND MELISSA ANNE LIEBER, HUSBAND AND WIFE, FILED MAY 3, 2013  
AS IN ROLL 722, IMAGE 6455.
2. A RIGHT OF WAY EASEMENT TO WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE ASSOCIATION FILED JUNE 25, 1975 IN ROLL 38, IMAGE 2169.
3. EASEMENTS AS SHOWN ON THE PLAT.
4. ALL CERTIFIED REAL ESTATE TAXES AND SPECIAL ASSESSMENTS, EXCEPT AS SHOWN HEREIN, DUE AND PAYABLE HAVE BEEN PAID: 2019/2020 REAL ESTATE TAXES -  
FIRST INSTALLMENTS PAID, THE SECOND INSTALLMENT PAID.

DATED: \_\_\_\_\_ 2021.

JEREMY B. SAINT  
ATTORNEY AT LAW

## SURVEYOR'S CERTIFICATE

I, TIMOTHY J. LAMPRECHT, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE  
STATE OF IOWA, HOLDING CERTIFICATE NO. 23525, DO HEREBY CERTIFY THAT THE PLAT KNOWN  
AS DAVIS ESTATES, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE  
REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT  
THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE DESCRIBED PROPERTY. I DO  
HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AS DESCRIBED  
IN THE SUBDIVISION PLATTED, THAT THE LOTS ARE OF THE DIMENSIONS, NAMES AND  
LOCATIONS AS SHOWN ON SAID PLAT, AND THAT IRON STAKES ARE DRIVEN AT EACH CORNER OF  
EACH LOT OF SAID SUBDIVISION UNLESS OTHERWISE NOTED.

TIMOTHY J. LAMPRECHT, P.L.S. DATE \_\_\_\_\_  
LICENSE NUMBER 23525  
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2021  
2 SHEETS COVERED BY THIS SEAL  
PILOT DATE: JULY 7, 2021



**APPLICATION**

**WOODBURY COUNTY, IOWA  
MINOR SUBDIVISION APPLICATION**

Applicant: Lieber Properties LLC  
Name of Owner

Mailing Address: 1138 South Derby Lane; North Sioux City, SD 57049  
Street City or Town State and Zip + 4

Property Address: 1719 Old Hwy 141; Sergeant Bluff, IA 51054  
Street City or Town State and Zip + 4

Ph/Cell #: 712-898-1024 E-mail Address: jordanrozeboom@lieberinc.com

To subdivide land located in the SW Quarter of Section 24-88-47

Civil Township Woodbury GIS Parcel # 884724300004, 884724300005

Name of Subdivision: Davis Estates

*NW/3/4*

Subdivision Area in Acres 28.539 m/l Number of Lots 7

**Attachments:**

1. Ten (10) copies of grading plans; if required.
2. Twenty six (26) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
  - a. Legal description of proposed subdivision.
  - b. Plat showing clearly the boundaries of the subdivision.
  - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: Tim Lamprecht Ph/Cell: 712-253-5085

Attorney: Jeremy Saint Ph/Cell: 712-224-7557

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

Owner's Signature: [Signature] Agent of Lieber Properties LLC

Zoning Director: [Signature]

**For Office Use Only:**

Zoning District AE Flood District X Date 6-30-21 No. 6684

Application Fee \$285 CL #2605 4 Lots or less (\$200) \_\_\_\_\_

5 Lots or more (\$250 plus \$5 per lot) \_\_\_\_\_







WOODBURY COUNTY  
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

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

# FINAL REPORT: DAVIS ESTATES

## MINOR SUBDIVISION PROPOSAL

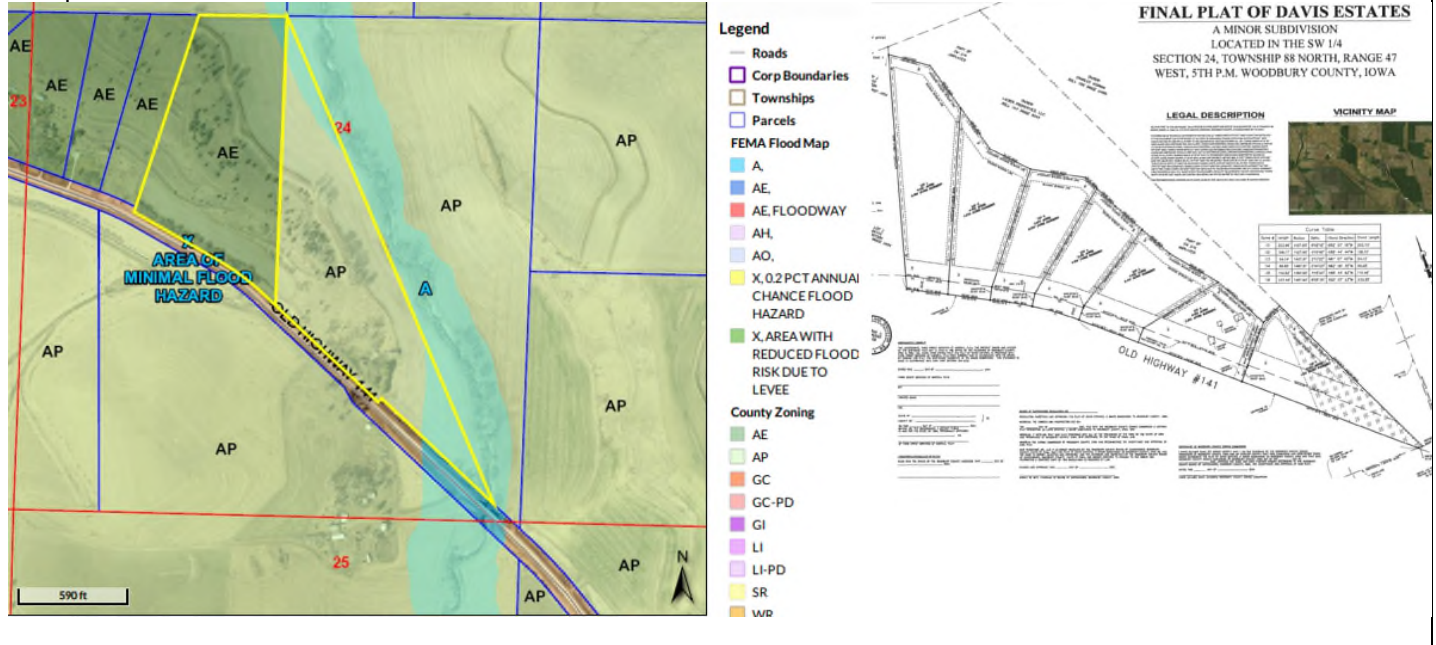
Parcel #884724300004 and Parcel #884724300005

### Table of Contents

- Summary
- Zoning Commission & Staff Recommendation & Zoning Commission Minutes
- Ordinance Requirements (Staff & Zoning Commission)
- Application
- Legal Notifications
- Extraterritorial Review
- Stakeholder Comments
- Supporting Documentation
- Final Plat

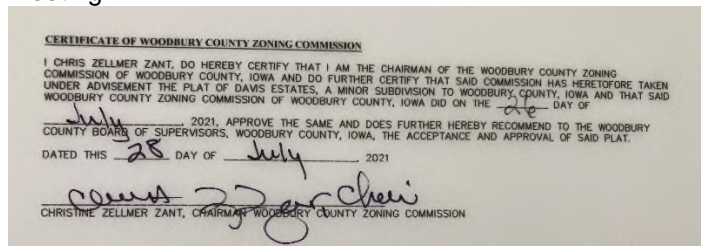
## SUMMARY

Lieber Properties, LLC, owner of Parcels 884724300004 and 884724300005 has filed a minor subdivision application to establish seven lots for residential purposes in a 28.539-acre area. Parcel #884724300004 is located in the Agricultural Estates (AE) Zoning District while Parcel #884724300005 is located in the Agricultural Preservation (AP) Zoning District. Parcel #884724300004 is located in Section 24, E 1/2, T88N R47W (Woodbury Township). Parcel #884724300005 is located in Section 24, W 1/2 SW 1/4, T88N R47W (Woodbury Township). Both parcels include areas in the Zone A floodplain.



## ZONING COMMISSION AND STAFF RECOMMENDATION

The Zoning Commission voted to recommend approval to the Board of Supervisors following at their July 26, 2021 meeting.



Staff recommends approval of this minor subdivision proposal.

## ZONING COMMISSION – DRAFT MINUTES FROM JULY 26, 2021

### Minutes - Woodbury County Zoning Commission Meeting – July 26, 2021

The Zoning Commission (ZC) meeting convened on the 28th of July 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: Gary Walters, Jordan Rozeboom, Dustin Lieber, Ron Lieber, Rick Swanson

#### Call to Order

Chair 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 6/28/21 minutes were approved. Motion to approve: Bride. Second: Parker. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) to General Commercial (GC) – Jab Holding Company LLC**  
Priestley read the preliminary report and staff recommendation into the record. JAB Holding Co. LLC owner of the Elk Creek Animal Hospital has submitted a Zoning Ordinance Map Amendment application to rezone Parcels 884704302005 and 884704302008 to the General Commercial (GC) Zoning District to facilitate the construction of a new veterinarian hospital to replace their current facility. Parcel 884704302005 is located in the Agricultural Preservation (AP) Zoning District and Parcel 884704302008 is located in the Suburban Residential (SR) Zoning District. Both parcels are located in the N ½ of the SW ¼ of Sec. 4, T88N R47W (Woodbury Township) and neither are not located in the floodplain. Once rezoned, the two parcels will be combined in to one unified parcel. Both properties are adjacent to the City of Sioux City's corporate lines and are not located in the floodplain. Rick Swanson, contractor for JAB Holding, offered a summary of the project. Bride inquired about an adjacent property owner's comment about possible erosion. Swanson offered information about a retention pond and reseeding. Motion to close public hearing: Meister. Second: Bride. Vote 5-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed: O'Tool. Second: Meister. Motion approved 5-0.

**Public Hearing: Zoning Ordinance Map Amendment (Rezone) to Agricultural Estates (AE) – Lieber Properties**  
Priestley read the preliminary report and staff recommendation into the record. Lieber Properties, LLC, owner of Parcel 884724300005 has filed a Zoning Ordinance Map Amendment to rezone this parcel from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District to facilitate a concurrent minor subdivision application for the purpose of establishing the Davis Estates Addition, a seven residential lot minor subdivision. The rezone is required as the Zoning Ordinance does not allow more than two single-family dwellings per quarter-quarter section in the AP Zoning District. The proposed subdivision also involves the adjacent parcel (884724300004) which is already zoned AE. Parcel 884724300005 is located in Section 24, E ½, SW ¼, T88N R47W (Woodbury Township). Portions of the NE and SE area of the parcel are located in the Zone A floodplain. Jordan Rozeboom and Dustin Lieber offered testimony in support of the rezone and subdivision applications. Gary Walters stated his opposition to the project and shared his concerns regarding the safety of having additional driveways along Old Highway 141 and the impact it would have on the Loess Hills Scenic Byway viewscape. Walters encouraged the commissioners to oppose the development and create a plan for land use and future development. Walters was made aware of the County's 2005 General Development Plan which provides the current structure for orderly development as codified in existing policy. He was informed that the future land use map for this area is rural residential which allows a much higher population density than the proposed 2 acre lots. Walters inquired about the plan for the driveways and whether any criteria exists. Lieber and Bride both confirmed there is criteria the County Engineer adheres to for siting driveways, and Gleiser acknowledged the same for speed limits. Walters opposed a speed limit reduction in addition to ongoing residential developments along this section of Old Highway 141. Motion to close public hearing: Parker. Second: O'Tool. Vote 5-0. A motion was made to recommend approval to the Board of Supervisors for the request as proposed to Agricultural Estates: Bride. Second: O'Tool. Motion approved 5-0.

#### Public Hearing: Davis Estates Minor Subdivision Proposal – Lieber Properties, LLC

Priestley read the preliminary report and staff recommendation into the record. Lieber Properties, LLC, owner of Parcels 884724300004 and 884724300005 has filed a minor subdivision application to establish seven lots for residential purposes in a 28.539-acre area. Parcel #884724300004 is located in the Agricultural Estates (AE) Zoning District while Parcel #884724300005 is located in the Agricultural Preservation (AP) Zoning District. Parcel #884724300004 is located in Section 24, E ½, T88N R47W (Woodbury Township). Parcel #884724300005 is located in Section 24, W ½ SW ¼, T88N R47W (Woodbury Township). Both parcels include areas in the Zone A floodplain. Walters inquired if the Base Flood Elevation (BFE) for this property is different than the Walnut View Addition proposal. Director Gleiser indicated that the BFE changes based on location. The area of the Walnut View was not in the floodplain but is in the proposed draft floodplain maps. Bride indicated that the current floodplain map at that location does not accurately reflect the area. Zellmer Zant stated that was an attempt by the commission to make sure that people purchasing those properties knew about the floodplain. Bride addressed the concerns

from the Loess Hills Nature Conservancy including erosion control measures. Zellmer Zant inquired about the culvert and runoff from Lot 5. Rozeboom indicated that they worked with county engineer Nahra and there would be no issue. Parker addressed comments/opposition from the Woodbury County Soil and Water Conservation District. Walters who serves on the district, mentioned his own concerns of silt runoff. Rozeboom assured the Commission that proper measures would be put in place regarding dust and dirt during the course of construction, as well as seeding post-construction. Motion to close public hearing: O'Tool. Second: Parker. Vote 5-0. A motion was made to recommend approval of the Davis Estates Addition as proposed: O'Tool. Second: Bride. Motion approved 5-0.

**Review: Conditional Use Permit Telecommunications Tower Proposal – Verizon Wireless**

Verizon Wireless (Donovan McCain) proposes to construct a 199 FT telecommunications tower with ancillary ground equipment on property owned by Randall C. Dau in the SE ¼ of the SW ¼ of Section 1, T88N R42W (Rock Township) on Parcel #884201300008 south of Cushing and east of Union Avenue. The property is located in the Agricultural Preservation (AP) Zoning District. The property is not located in the floodplain. O'Tool inquired if there will be a light on the tower. McCain stated that being below 200 FT, a light is not required as per the FAA regulations. A motion was made to recommend approval to construct and operate a telecommunications tower at the proposed location to the Board of Adjustment: O'Tool. Second: Meister. Motion approved 5-0.

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

None.

**Staff Update**

Director Gleiser offered updates about the status of the floodplain development ordinance, the IDOT SIMPCO annexation into Sioux City, the Comprehensive Plan for 2040 survey, possible future policies of teleconference access at commission meetings, and future agenda items.

**Commissioner Comment or Inquiry**

None.

**Adjourn**

Motion to adjourn: O'Tool. Second: Meister. Motion passed: 5-0. Meeting adjourned at 7:25 PM.

**CED STAFF - ORDINANCE REQUIREMENTS**

**The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, CED staff:**

	<b>shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per Iowa Code.</b>
	Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the standards for a subdivision plat per Iowa Code Section 354.
	<b>shall accept payment of applicable fees, and distribute copies of the final plat to the Planning &amp; Zoning Commission, the appropriate county departments and public utilities; and</b>
	Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.
	<b>shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and</b>
	Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.
	<b>shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and</b>
	Staff verified that the final plat conforms to the standards of the subdivision ordinance regulations, as well as the required form of the final plat.
	<b>shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.</b>

<p>Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff recommends that the developer take measures to mitigate adverse impacts to the habit, soil, and the viewscape to be in harmony with the established neighborhood.</p>
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**PLANNING AND ZONING COMMISSION - ORDINANCE REQUIREMENTS**

**The County’s Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, the Planning and Zoning Commission:**

**shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and**

Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 ft have also been met.

**shall review the final plat and preliminary report and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and**

Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a “Preliminary Report” format and made them available to the Commission in advance of the required public hearing. The Commission also will hold a July 26, 2021 public hearing to review, analyze, and discuss the final plat and other relevant information.

**may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and**

Staff does not recommend any conditions for this final plat pursuant to development goal 1.4 which is to “recognize the Loess Hills from the ‘front range’ to the steeply rolling hills tapering off toward the east as a unique natural resource that should be conserved by good stewardship by the owners of the land involved.”

**shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.**

During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.



**LEGAL NOTIFICATION**

Published in the Sioux City Journal's Legals Section on Friday, July 16, 2021

**Attorneys & Legals**

NOTICE REGARDING THREE PUBLIC HEARINGS: The Woodbury County Zoning Commission will hold three public hearings on the following items: 1) rezoning application for the following parcel: 24, T8N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. 2) rezoning application for the following parcel: 24, T8N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. 3) rezoning application for the following parcel: 24, T8N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The public hearings will be held on the following dates and times: July 23, 2021 at 6:00 PM at the Board of Supervisors Meeting Room, Number 104 County Courthouse 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or call 712-684-1133 and enter the Conference ID: 2187211956 during the meeting to listen or comment.

Item One(1): Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (resort) to the Woodbury County Zoning Ordinance and/or Map for the Incorporated Area of Woodbury County known as Lieber Properties, LLC. The proposal is to rezone from the Agricultural Resubdivision (AR) zoning district to the Agricultural Estates (AE) zoning district for 28.538 acres located in the SW 1/4 of Section 24, T8N R47W (Woodbury Township) in the County of Woodbury and State of Iowa and 29.116 acres located in the SW 1/4 of Section 24, T8N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. Both properties are known as GIS Parcels #88472430006 and #88472430008 and the street are depicted below.

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24 LYING NORTH AND EAST OF OLD HIGHWAY NO. 141 IN TOWNSHIP 24 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, THENCE NORTH 89°50'00" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 FOR 80.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING NORTH 89°50'00" WEST ALONG SAID SOUTH LINE FOR 21.75 FEET TO THE CENTERLINE OF SAID OLD HIGHWAY NO. 141, THENCE NORTH 47°37'30" WEST ALONG SAID CENTERLINE FOR 187.28 FEET, THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 383.13 FEET ON A 1427.60

FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A LONG CHORD OF 302.28 FEET, BEARING NORTH 54°18'00" WEST, THENCE NORTH 24°18'00" WEST ALONG SAID CENTERLINE FOR 422.96 FEET, THENCE NORTHWESTERLY ALONG SAID CENTERLINE FOR 24.14 FEET ON A 142.03 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A LONG CHORD OF 14.15 FEET, BEARING NORTH 61°57'45" WEST TO THE EASTERLY LINE OF DAVIS ADDITION, T2 TO WOODBURY COUNTY, IOWA, THENCE NORTH 7°18'20" EAST ALONG SAID EASTERLY LINE 1082.11 FEET, THENCE SOUTH 50°31'42" EAST FOR 188.00 FEET, THENCE SOUTH 24°35'30" EAST FOR 493.00 FEET, THENCE SOUTH 41°38'25" EAST FOR 211.00 FEET, THENCE SOUTH 94°41'19" EAST FOR 268.00 FEET, THENCE SOUTH 24°35'30" EAST FOR 181.00 FEET, THENCE SOUTH 27°07'22" EAST FOR 330.00 FEET, THENCE SOUTH 37°00'27" EAST FOR 260.00 FEET, THENCE SOUTH 83°28'57" EAST FOR 105.86 FEET TO THE EASTERLY BOUNDARY LINE OF A SPECIAL WARRANTY DEED RECORDED IN ROLL 747, IMAGE 9349 IN THE RECORDER'S OFFICE AT THE WOODBURY COUNTY COURTHOUSE, THENCE SOUTH 23°48'00" EAST ALONG SAID EASTERLY BOUNDARY LINE FOR 822.89 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 28.538 ACRES, MORE OR LESS, WHICH INCLUDES 3.532 ACRES IN ROADWAY EASEMENT AND

ALL THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24 IN TOWNSHIP 24 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 24, THENCE NORTH 89°50'00" WEST ALONG THE SOUTH LINE OF SAID EASTERLY BOUNDARY LINE FOR 622.89 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING NORTH 23°48'00" WEST ALONG SAID EASTERLY BOUNDARY LINE FOR 1939.90 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4, THENCE SOUTH 89°50'00" WEST ALONG SAID NORTH LINE FOR 454.28 FEET TO THE NORTHEAST CORNER OF DAVIS ADDITION TO WOODBURY COUNTY, IOWA,

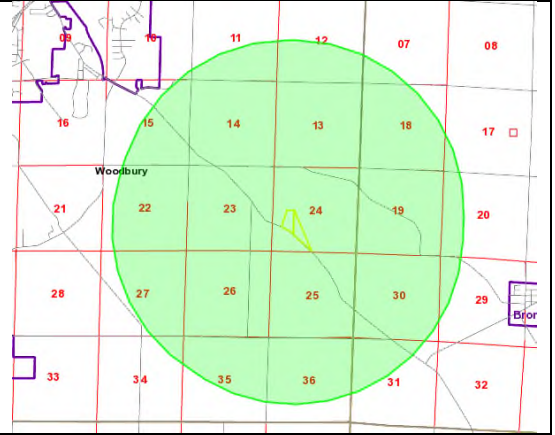
THENCE SOUTH 17°32'00" WEST ALONG THE EASTERLY LINE OF SAID DAVIS ADDITION FOR 26.74 FEET, THENCE SOUTH 58°21'40" EAST FOR 188.00 FEET, THENCE SOUTH 19°37'45" EAST FOR 460.00 FEET, THENCE SOUTH 41°38'25" EAST FOR 211.00 FEET, THENCE SOUTH 94°41'19" EAST FOR 268.00 FEET, THENCE SOUTH 24°35'30" EAST FOR 181.00 FEET, THENCE SOUTH 27°07'22" EAST FOR 330.00 FEET, THENCE SOUTH 37°00'27" EAST FOR 260.00 FEET, THENCE SOUTH 83°28'57" EAST FOR 105.86 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 12.084 ACRES, MORE OR LESS.

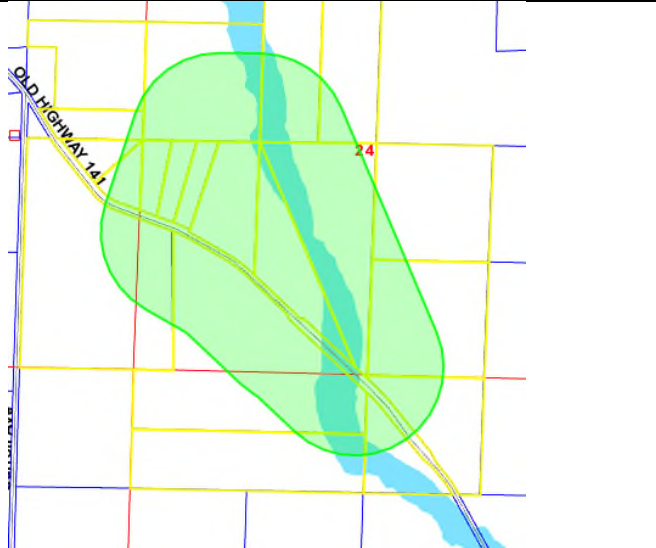
Owner/Applicant: Lieber Properties, LLC, 1138 S. Dairy Lane, North Sioux City, SD 57043 Item Two (2): PROPOSED MINOR SUBDIVISION, to be known as Davis Estate Address - a minor subdivision in a 26.538 acre portion of Parcel #88472430006 located in T8N R47W (Woodbury Township), Section 24, W 1/4 SW 1/4 Agricultural Estates (AE) Zoning District and Parcel #88472430008 located in T8N R47W (Woodbury Township), Section 24, E 1/2 SW 1/4 Agricultural Estates (AE) Zoning District, including the north side of Old Highway 141. The above parcels are located approximately 2.1 miles east of Sioux City and 2.5 miles west of Bronson. A portion of Parcel #88472430008 is located in the Zone A floodplain. This area to be subdivided in Parcel #88472430008 is not located in the floodplain. Owner/Applicant: Lieber Properties, LLC, 1138 S. Dairy Lane, North Sioux City, SD 57043

**EXTRATERRITORIAL REVIEW**

This property is not within two (2) miles of a corporate boundary and does not require extraterritorial review under Iowa Code, Section 354.9. The purple lines on the graphic denotes corporate boundaries.



**PROPERTY OWNER(S) NOTIFICATION – 1000'**



The 13 property owners within 1,000'; and listed on the certified abstractor's affidavit; were notified by a July 12, 2021 letter about the Zoning Commission public hearing on July 26, 2021.

As of July 23, 2021, the Community & Economic Development office has received two written statements and one inquiry. Those communications are listed below.

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

PROPERTY OWNER	ADDRESS	CITY	STATE	ZIP	COMMENTS
Lieber Properties, LLC	1062 Pebble Beach Drive	North Sioux City	SD	57049	
Charles F. Widman & Charlene M. Widman	2360 220th Street	Bronson	IA	51007	
Bryan Waddell	1732 Old Hwy 141	Sgt. Bluff	IA	51054	
Francis E. Waddell Trust	4000 S. Westport Avenue, Apt. 344	Sioux Falls	SD	57106	

Douglas D. Rush & Dennis M. Rush & Dale L. Rush	1629 10th Street	Onawa	IA	51040	
Trustees of Joint Revocable Trust of Marlan J. Hill and Mavis L. Hill	1360 Maple Street	Sioux City	IA	51106	
Lee Brennan	1713 Old Hwy 141	Sergeant Bluff	IA	51054	Phone inquiry about if the development was to cause erosion that would impact his adjacent property.
Trustees of Joint Revocable Living Trust of Edward J. Beacom and Coleen J. Beacom	1709 Old Hwy 141	Sergeant Bluff	IA	51054	
Cheryl Watterson	1705 Old Hwy 141	Sergeant Bluff	IA	51054	
Casey J. Vandekop & Rachel L. Vandekop	1701 Old Hwy 141	Sergeant Bluff	IA	51054	
Abu Bekr Shrine White Horse Patrol	1689 Old Hwy 141	Sergeant Bluff	IA	51054	
Lynette Mennen	2519 E 2nd Street	Long Beach	CA	90803	
Wendell Real Estate	26638 Wirt Plaza	Waterloo	IA	68069	See letter below.

## Sara and Scott Wendell – July 16, 2021

July 16, 2021

Dan Priestley, Zoning Coordinator  
Woodbury County Community & Economic Development  
Woodbury County Courthouse  
620 Douglas St., 6<sup>th</sup> Floor  
Sioux City, IA 51101

RE: Woodbury County Zoning Commission public hearing July 26, Lieber Properties request to rezone Davis Estates Addition

To the Zoning Commission:

We are the property owners of Wendel Real Estate, LLC, located on Old Highway 141 in proximity to the property under discussion. With this letter, we wish to register our concern over the rezoning of the Davis Estates Addition into seven residential lots.

With the advisement of our Farm Manager, Gary Walters, who will be in attendance at the meeting on July 26, we oppose the currently proposed residential use for that property for the following reasons:

- Seven ingress and egress **driveways** to be established off Old Highway 141 would create even further hazard to the traveling public on a highway with a speed limit of 50 (where everyone goes at least that and more) on a curving part of the highway with limited visibility for slowing and turning vehicles with no wide shoulders. One access drive, as exists now, would be preferable into a housing development with the same tax revenue or more. Don't be swayed by a developer who doesn't want to spend the money to put in a road.
- If the US Postal Service allows streetside **mailboxes**, that's another seven stops for a mail carrier creating even further hazard for the carrier and the vehicles on that roadway. In particular, additional mailboxes near the street are difficult to avoid when large and wide farm equipment is moving on Highway 141.
- **Public safety** must be your number one priority (over tax revenue), and we are wondering if the county roads and engineering staff have made an assessment and can report their findings for the additional traffic during construction over the next several years and then ongoing traffic to the area.
- Damage to the **Loess Hills** themselves. We hope the Loess Hills preservation groups will weigh in here, but once the integrity of this natural wonder is changed, we would suggest there would be problems with silt and erosion with this type of soil. Have you consulted experts on these land forms?
- Other parts of the Old Highway 141 area are being developed for residential use. Is there even a **need or demand** for these types of properties, or will the lots remain eyesores for decades without development? Shouldn't the developers be asked to show they have



confirmed buyers and even contracts before the zoning is changed as opposed to creating lots on a whim without market demand? Case in point, our property was for sale for two years with no takers for residential building. Lots remain unsold on newly rezoned property at the intersection of Old Highway 141 and the airport road. We don't need more unsold, half-baked housing developments.

In addition, by way of background, I refer you to the Woodbury County Zoning meeting a few years ago on our farm property in which a zoning change was requested for 125 acres of Loess Hills for a borrow pit for dirt for the same applicant (Lieber). Minutes of that meeting will record how at least forty **neighbors** of that property showed up to express their concern over the additional traffic the occasional trucks would post for the highway. They pleaded and cried and told stories of traffic accidents, deaths, and the potential for more danger. We hope these same neighbors will record their dissatisfaction with this current proposal for the same reasons.

**Bird** enthusiasts showed up to plead the case for the preservation of the Loess Hills as a landmark and bird nesting and flyway area.

**Bicyclists** were worried that truck traffic would pose even more danger for them on their country rides.

Neighbors were fearful that the **landscape** would be harmed and the view obliterated.

We sincerely hope these same neighbors will come to this meeting and present their cases again. Because in the matter of our property, the zoning change was not affirmed, and the neighbors' wishes were heard (despite the fact that we lost a property sale, we bear no ill will), and the deal never materialized.

Also by way of history, the FAA wished to place a radar tower at the top of Carroll Avenue as part of a national radar system serving the airport grid. We fought for five years to get the FAA to rethink the location of that tower, mustered neighbors in that battle, received legal counsel, and presented surveys by entomologists, ecologists, and bird tower experts to show that the site was unsuitable for the environment (on the central flyway, Loess Hills, proposed design was going to plant the pesky red cedar, disrupt the ecosystem on 18 acres of virgin prairie, among other issues). That tower was eventually located some distance away.

Therefore, we ask that you consider **not favoring tax revenue over public safety and environmental considerations** and vote NOT TO ALLOW a change in zoning for residential property under review at this hearing.

With all due respect,

  
Scott and Sandra Wendel  
Managing Partners  
Wendel Real Estate, LLC

26638 Wirt Plaza

## Gary Walters – July 17, 2021

**From:** Gary Walters <garywalters5504@gmail.com>  
**Sent:** Saturday, July 17, 2021 4:10 PM  
**To:** Daniel Priestley  
**Subject:** Davis Estates

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

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

Dan,

I am opposed to the proposed rezone and subdivision by Lieber Properties of the parcels of land on Hwy 141 in Woodbury Twp for several reasons and would like to attend the meeting on July 26th. Can you give me the meeting details?

Gary Walters  
text/cell: 712-251-1489  
email: [garywalters5504@gmail.com](mailto:garywalters5504@gmail.com)



<b>STAKEHOLDER COMMENTS</b>	
<b>911 COMMUNICATIONS CENTER:</b>	I have no issues with this. – Glenn Sedivy, 7/13/21
<b>CENTURYLINK:</b>	No comments.
<b>FIBERCOMM:</b>	No comments.
<b>IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):</b>	<p>As I stated in my 3/22/2021 email regarding this property, it does not appear from the information provided that the access road for this proposed subdivision will be located in the special flood hazard area (SFHA) as identified by either the effective or preliminary Flood Insurance Rate Map (FIRM). So, it does not appear that the 100-year flood would affect wheeled access to/from the subdivision. It also does not appear that any fill or structures are being proposed for those portions of the property that are located within the SFHA. However, if any fill or structures are proposed within the SFHA, a request should be submitted to the DNR to determine the Base Flood Elevation (BFE) and floodway offset from the channel. Let me know if you have any questions. – Bill Cappuccio, 7/11/21</p> <p>I appreciate your comments about the Lieber Minor Subdivision proposal. I just wanted to let you know that the developer elected to not include an access road. Instead, each lot will be accessed directly from Old Highway 141. Because of this, it appears that the lot at the south west of the subdivision will be the one impacted by the floodplain. I have attached a copy of the final plat if you have any comments based on this revised plat. Thank you! We appreciate your help. – Dan Priestley to Bill Cappuccio on 7/16/21</p> <p>Are you talking about Lot 7? If so, the SFHA is delineated on the plat. And assuming it's mapped correctly, if someone wants to construct a building or perform filling/grading in the SFHA shown on that parcel, they'll likely need the DNR to determine the BFE and floodway offset. Because the County's ordinance requires subdivisions in the SFHA that are "greater than five (5) acres or fifty (50) lots (whichever is less)" to include the BFE for those areas shown in the SFHA, it might make sense for the developer to request that information now. As for wheeled access during a flood, I'd suggest the driveway to the property be constructed outside the SFHA. But even if its not, the stream only drains ~10 sq. miles. So, any flood event that occurs probably won't last very long. Let me know if you have additional questions. – Bill Cappuccio, 7/18/21</p> <p>The Base Flood Elevation has been subsequently received and is provided in the packet below. – 7/22/21</p>
<b>LOESS HILLS PROGRAM (NATURE CONSERVANCY):</b>	<p><u>Preplat Comments:</u> First off, thanks for the opportunity to provide comments. The Nature Conservancy has been committed to conservation in the Loess Hills for decades due to the landform's unique geology and high quality tallgrass prairie habitat. The Loess Hills provide essential habitat for the region's wildlife, migratory birds, and countless insect species, and are home to vegetation not found elsewhere in the state. The Nature Conservancy has identified the Loess Hills as being one of the few areas in the state of Iowa with the topographical variation and habitat connectivity to provide resiliency for wildlife in a changing climate. For these reasons I would encourage the County to examine the proposed subdivision and consider ways to mitigate potential impacts to high quality habitat. I would be happy to be involved in such discussions. It is also important to note that portions of Highway 141 are part of the Loess Hills National Scenic Byway, which attracts thousands of visitors and residents annually. Similarly, I would encourage the County and developer to consider efforts to mitigate negative impacts to the viewscales provided by the land identified below. I am currently scheduled to be in the field next Tuesday during the meeting, but the forecast shows rain. If my field work is rescheduled I will plan to attend in person. If not, I will join by phone for the first 30 minutes. Thanks again for the opportunity to share our thoughts. – Graham McGaffin, 3/19/21</p> <p><u>Postplat Comments:</u> No comments received.</p>
<b>LONGLINES:</b>	No comments.
<b>MAGELLAN PIPELINE:</b>	This also will not impact Magellan. Have a good one! – Bryan Ferguson, 7/12/21
<b>MIDAMERICAN ENERGY COMPANY:</b>	<p>There are no MEC gas facilities in the proposed subdivision. – Tyler Alquist, 7/12/21</p> <p>I have reviewed the proposed rezone for MEC electric – The developer should be made aware that they are responsible for all costs associated with extending power to the proposed subdivision. – Casey Meinen, 7/10/21</p>
<b>NATURAL RESOURCES CONSERVATION SERVICES (NRCS)</b>	No comments.
<b>NORTHERN NATURAL GAS:</b>	No comments.
<b>NORTHWEST IOWA POWER COOPERATIVE (NIPCO):</b>	No comments.
<b>NUSTAR PIPELINE:</b>	As far as Nustar Pipeline is concern, work is west of this property. All clear with Nustar. – Domingo Torres, 7/12/21
<b>SIOUXLAND DISTRICT HEALTH DEPARTMENT:</b>	No comments.
<b>WIATEL:</b>	No comments.
<b>WOODBURY COUNTY ASSESSOR:</b>	No comments.
<b>WOODBURY COUNTY CONSERVATION:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY SERVICES:</b>	No comments.
<b>WOODBURY COUNTY EMERGENCY MANAGEMENT:</b>	No comments.
<b>WOODBURY COUNTY ENGINEER:</b>	See memo below.
<b>WOODBURY COUNTY RECORDER:</b>	No comments.
<b>WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):</b>	Woodbury Co REC has no comments or concerns. – Kent Amundson, 7/9/21
<b>WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:</b>	The WCSWCD recommends against allowing this subdivision to proceed. The Loess Hills are an unique landform in Iowa in which development and buildings detract from the natural attractiveness of the area. In this case the proposed subdivision is just outside of Sioux City and along the scenic byway which many people travel to enjoy an undeveloped landscape. The terrain is quite steep and developing the lots will likely result in significant soil erosion during construction. In general, additional development should be curtailed all along the front range of the Loess Hills landform to preserve the unique characteristics of the area. – Neil Stockfleth, 7/11/21
<b>WOODBURY COUNTY TREASURER:</b>	Taxes for both parcels are paid in full. – Kim Koepke, 7/9/21



## Woodbury County Secondary Roads Department

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

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

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

SECRETARY  
Tish Brice  
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator  
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nahra, County Engineer

Date: July 19, 2021

Subject: Davis Estates Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated July 9, 2021.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. Except for the existing driveway serving lots 6 and 7, accesses will be steep. Driveways can be located almost anywhere along lot 1-4 frontages. Lot 5 options are limited by the waterway running parallel to the roadway that crosses from the west side of the road near the SW corner of the lot, but sufficient space is available to place a driveway upstream of the road culvert within the lot boundaries, or anywhere along the frontage with a suitably sized culvert. Lots 6 and 7 will need to share the existing driveway for the house located on lot 6.
- I have no other concerns or issues with this minor subdivision application.

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

Cc: File

## BASE FLOOD ELEVATION (BFE) LETTER



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS

LT. GOVERNOR ADAM GREGG

DIRECTOR KAYLA LYON

7/22/2021

JORDAN ROZEBOOM  
LIEBER PROPERTIES LLC  
1138 SOUTH DERBY LANE  
NORTH SIOUX CITY, SD 57049

Project Description: BFE Determination – For a property located at 1719 Old Hwy 141, Sergeant Bluff, IA 51054; (Little Whisky Creek)

Project Latitude / Longitude Location(s): Buildings and Associated Fill 42.4184/-96.2643; Woodbury County

Iowa DNR Project ID Number: 2021-1362

Dear Jordan Rozeboom,

This is in reference to your request for determination of the "100-year" flood elevation (a.k.a. the base flood elevation, or BFE) for the property identified on your application. The Flood Insurance Rate Map (FIRM) for Woodbury County shows a portion of this property as being in the Special Flood Hazard Area (SFHA).

Based on the information available, we estimate the current existing condition 100-year flood elevation to be 1,114.9', NAVD88 at the location referenced above. You may download additional copies, or verify the Iowa DNR Flood Plain and Dam Safety Section (Department) official response document(s) for this project at the Iowa DNR Flood Plain PERMT website using the tracking number above. (PERMT Website Address: <https://programs.iowadnr.gov/permt/>)

Please contact me by phone at 515-725-8368 or by email at [graham.young@dnr.iowa.gov](mailto:graham.young@dnr.iowa.gov) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Graham Young".

Graham Young  
Flood Plain Management and Dam Safety Section

WALLACE BUILDING, 502 E 9<sup>TH</sup> ST, DES MOINES IA 50319

Phone: 515-725-8200

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

Fax: 515-725-8202

ELEVATION





**Summary**

Parcel ID 884724300005  
 Alternate ID 826620  
 Property Address 1719 OLD HWY 141  
 SERGEANT BLUFF IA 51054  
 Sec/Twp/Rng 24-88-47  
 Brief ALL BETWEEN HWY & A LINE FROM NW COR TO PT 6RDS W OF SE COR E1/2  
 Tax Description SW1/4 24-88-47  
 (Note: Not to be used on legal documents)  
 Deed Book/Page 747-9349 (6/24/2016)  
 Gross Acres 20.62  
 Net Acres 20.62  
 Adjusted CSR Pts 996.5  
 Zoning AP - AGRICULTURAL PRESERVATION  
 District 0039 WOODBURY/SBL  
 School District SGT BLUFF LUTON  
 Neighborhood N/A  
 Main Area Square Feet N/A



**Owner**

Deed Holder  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Contract Holder**

Mailing Address  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Land**

Lot Area 20.62 Acres ; 898,207 SF

**Residential Dwellings**

Residential Dwelling  
 Occupancy Single-Family / Owner Occupied  
 Style 1 1/2 Story Frame  
 Architectural Style N/A  
 Year Built 1900  
 Condition Normal  
 Roof Asph / Gable  
 Flooring  
 Foundation Conc.  
 Exterior Material WOOD  
 Interior Material Pls  
 Brick or Stone Veneer  
 Total Gross Living Area 1,714 SF  
 Main Area Square Feet 1008  
 Attic Type None;  
 Number of Rooms 7 above; 1 below  
 Number of Bedrooms 3 above; 0 below  
 Basement Area Type Full  
 Basement Area 1,008  
 Basement Finished Area 252 - Standard Finish  
 Plumbing 1 Base Plumbing (Full);  
 Appliances 1 Range Unit; 1 Oven - Single;  
 Central Air Yes  
 Heat Yes  
 Fireplaces  
 Porches 15 Frame Enclosed (64 SF); 15 Frame Enclosed (60 SF);  
 Decks  
 Additions  
 Garages 400 SF - Det Frame (Built 1930);

**Agricultural Buildings**

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Barn - Flat	GP BARN	28	38	1950	1

**Sales**

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
4/23/2012	HURD TOMMY LEE & HURD MARY A	LIEBER DUSTIN D & MELISSA A	722/6444	Sale between family members or related parties	Deed		\$113,000.00

**Valuation**

	2021	2020	2019	2018	2017
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$25,230	\$23,850	\$23,850	\$34,710	\$34,710
+ Assessed Building Value	\$1,940	\$1,770	\$1,770	\$2,440	\$2,440
+ Assessed Dwelling Value	\$73,560	\$66,990	\$66,990	\$60,900	\$60,900
= Gross Assessed Value	\$100,730	\$92,610	\$92,610	\$98,050	\$98,050
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$100,730	\$92,610	\$92,610	\$98,050	\$98,050

**Summary**

Parcel ID 884724300004  
 Alternate ID 826635  
 Property Address N/A  
 Sec/Twp/Rng 24-88-47  
 Brief Tax Description EX A TCT BEING 861.85' ON N X 1055.25' ON E X 799.5' ON W IN NW CORNER NE OF HWY141 W1/2 SW1/4 24-88-47 CONTAINS 15.16 AC  
 (Note: Not to be used on legal documents)  
 Deed Book/Page 747-9349 (6/24/2016)  
 Gross Acres 20.10  
 Net Acres 20.10  
 Adjusted CSR Pts 722.54  
 Zoning AE - AGRICULTURAL ESTATES  
 District 0039 WOODBURY/SBL  
 School District SGT BLUFF LUTON  
 Neighborhood N/A  
 Main Area Square Feet N/A

**Owner**

Deed Holder  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Contract Holder**

Mailing Address  
 Lieber Properties LLC  
 1062 Pebble Beach Dr  
 North Sioux City SD 57049

**Land**

Lot Area 20.10 Acres ; 875,556 SF

**Sales**

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
4/23/2012	HURD TOMMY LEE & HURD MARY A	LIEBER DUSTIN D & MELISSA A	722/6444	Sale between family members or related parties	Deed		\$0.00

Show There are other parcels involved in one or more of the above sales:

**Valuation**

	2021	2020	2019	2018	2017
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$18,300	\$17,290	\$17,290	\$25,170	\$25,170
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$18,300	\$17,290	\$17,290	\$25,170	\$25,170
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$18,300	\$17,290	\$17,290	\$25,170	\$25,170

## SOIL REPORT - Parcel #884724300004 and Parcel #884724300005

### Summary

Parcel ID	884724300004	
Gross Acres	20.10	
ROW Acres	0.00	
Gross Taxable Acres	20.10	
Exempt Acres	0.00	
Net Taxable Acres	20.10	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	38.84	(780.77 CSR2 Points / 20.1 Gross Taxable Acres)

Agland Active Config 2017 CSR2

### Sub Parcel Summary

Columns

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	11.47	43.29	496.55	496.55
Non-Crop	8.63	32.93	284.22	225.99
<b>Total</b>	<b>20.10</b>		<b>780.77</b>	<b>722.54</b>

### Soil Summary

Columns

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.21	18.69	18.69
100% Value	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	3.20	262.40	262.40
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.49	86.42	86.42
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.77	24.64	24.64
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	5.80	104.40	104.40
Non-Crop	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	0.02	1.64	0.89
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	2.84	164.72	107.98
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	1.00	32.00	31.26
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	4.77	85.86	85.86
<b>Total</b>				<b>20.10</b>	<b>780.77</b>	<b>722.54</b>

### Summary

Parcel ID	884724300005	
Gross Acres	20.62	
ROW Acres	0.00	
Gross Taxable Acres	20.62	
Exempt Acres	0.00	
Net Taxable Acres	20.62	(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	53.32	(1099.54 CSR2 Points / 20.62 Gross Taxable Acres)

Agland Active Config 2017 CSR2

### Sub Parcel Summary

Columns

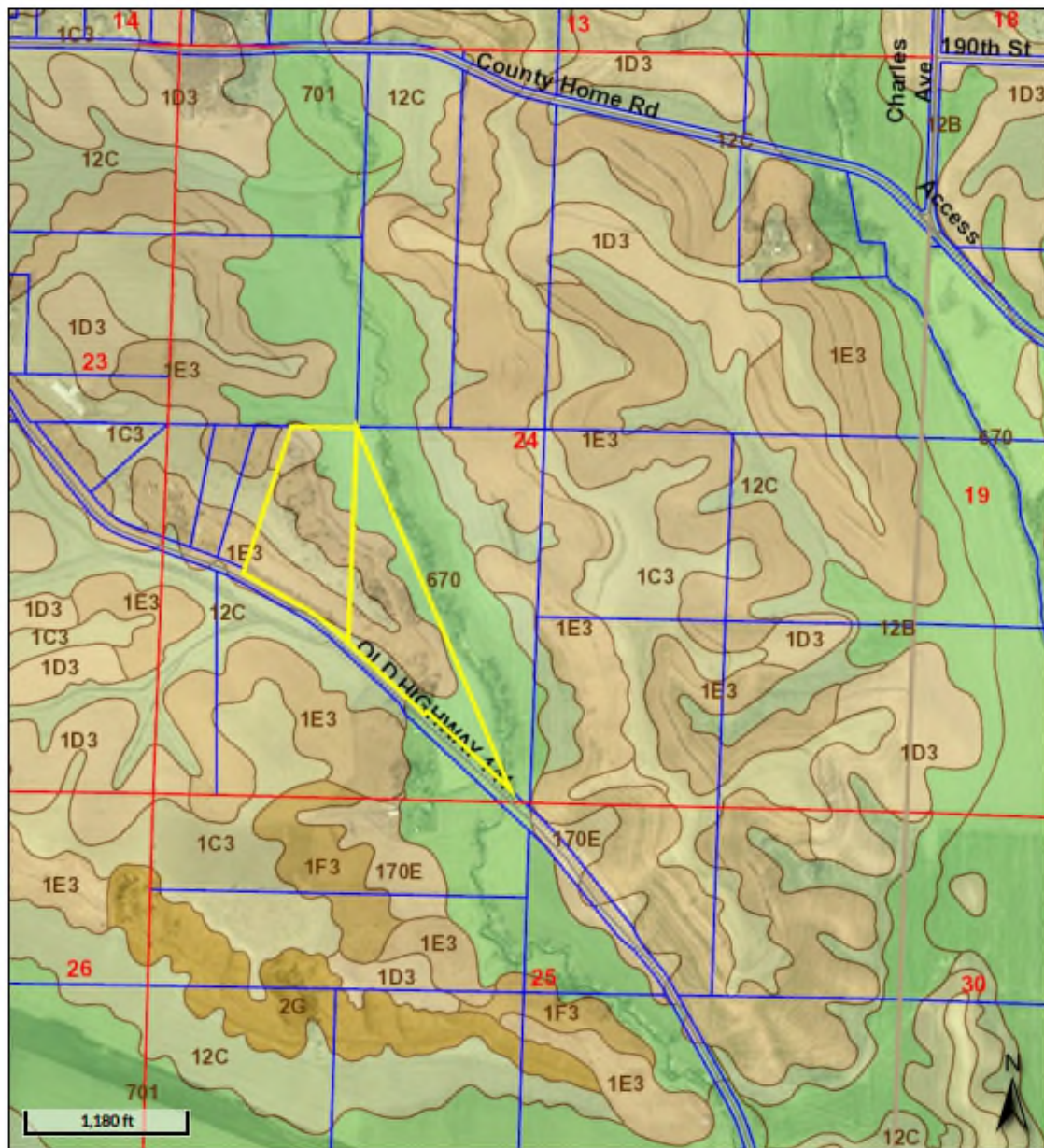
Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	13.18	59.58	785.29	785.29
Non-Crop	7.44	42.24	314.25	211.21
<b>Total</b>	<b>20.62</b>		<b>1,099.54</b>	<b>996.50</b>

### Soil Summary

Columns

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.43	38.27	38.27
100% Value	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	8.03	658.46	658.46
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.09	5.22	5.22
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	4.63	83.34	83.34
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	1.19	105.91	54.84
Non-Crop	670	RAWLES SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODE	82.00	0.71	58.22	31.42
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.26	73.08	47.91
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	4.28	77.04	77.04
<b>Total</b>				<b>20.62</b>	<b>1,099.54</b>	<b>996.50</b>





### Overview



### Legend

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

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

Date: 08/05/2021 Weekly Agenda Date: 08/10/2021

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

**WORDING FOR AGENDA ITEM:**

Request to sell used sign truck, a Bailey Bridge, semi grill guard, and used tires

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The secondary road department has a used sign truck, semi tractor grill guard, a Bailey Bridge, and used tires to dispose of and we would like to sell them at auction to dispose of them.

**BACKGROUND:**

Our new sign truck is a different class vehicle from our old truck and due to the time it took to complete the equipping of the new truck, we could not trade the vehicle. We now need to dispose of the old truck. The county uses GovDeals auction service for such sales. We propose to do so for our sign truck, a Bailey bridge, a salvaged semi truck tractor grill guard, and used tires.

**FINANCIAL IMPACT:**

This will recuperate some revenue for the secondary road department

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

Yes  No

**RECOMMENDATION:**

That the county road department be allowed to dispose of used equipment by auction.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to allow the county to sell a used sign truck, a Bailey Bridge, used tires, and other minor equipment at auction through GovDeals.

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

Date: 8/4/2021 Weekly Agenda Date: 8/10/2021

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

**WORDING FOR AGENDA ITEM:**

Receive and consider bids for Propane for heating county buildings for FY 2022

**ACTION REQUIRED:**

- |  |   |  |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/>   | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/>    | Other: Informational <input type="checkbox"/> | Attachments <input type="checkbox"/>               |

**EXECUTIVE SUMMARY:**

The county annually receives bids for propane supplied for heating for the Secondary Road Department, Emergency Services, Conservation and the Little Courthouse at Anthon.

**BACKGROUND:**

The county is taking bids for 52,200 gallons of propane this year. This is an increase due in part to replacing the electrical heating system at our Pierson shed with a propane system.

**FINANCIAL IMPACT:**

Propane is an annual budget item for the county departments.

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

Yes  No

**RECOMMENDATION:**

Recommend that the board receive the bids and consider award.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion that the board receive the bids and consider award to the low bidder.



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

Date: 8/4/2021 Weekly Agenda Date: 8/10/2021

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

**WORDING FOR AGENDA ITEM:**

Receive and consider bids for calcium chloride for FY 2022

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The county annually receives bids for calcium chloride for snow removal.

**BACKGROUND:**

The county took bids for approximately 132 tons of calcium chloride this year. This is roughly 44 tons each for two districts and 22 tons each for the other two districts.

**FINANCIAL IMPACT:**

Calcium chloride is an annual budget item for the county road department.

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

Yes  No

**RECOMMENDATION:**

Recommend that the board receive the bids and consider award.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion that the board receive the bids and consider award to the low bidder.





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

Date: 8/4/2021 Weekly Agenda Date: 8/10/2021

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

**WORDING FOR AGENDA ITEM:**

Consider approval of a federal aid replacement fund project agreement for project numbered STBG-SWAP-C097(142)--FG-97

**ACTION REQUIRED:**

- |  |   |  |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/>   | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/>    | Other: Informational <input type="checkbox"/> | Attachments <input type="checkbox"/>               |

**EXECUTIVE SUMMARY:**

Woodbury County is receiving STBG-SWAP funding for the replacement of PCC Pavement on K64, through and north of Hornick. A funding agreement is presented for board approval.

**BACKGROUND:**

The Board is required to sign a project agreement with the Iowa DOT for projects involving funds awarded through the Iowa DOT. The funding is awarded through SRTPA and is provided by the state for county road projects. The project is to remove and the existing pavement on K64 from Hwy 141 north to Old 141 near Holly Spring with new PCC Pavement during the 2022 construction season.

**FINANCIAL IMPACT:**

STBG-SWAP program funding is providing \$1,200,000 from the SRTPA regional planning agency. The balance of the project cost will be funded through the Woodbury County farm to market fund and local secondary road funds.

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

Yes  No

**RECOMMENDATION:**

Recommend that the board approve the STBG-SWAP project agreement with the Iowa DOT for the above captioned project and direct the chair to sign the agreement.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the federal aid project agreement for projects STBG-SWAP-C097(142)--FG-97 and direct the chair to sign said agreement.

**IOWA DEPARTMENT OF TRANSPORTATION  
Agreement for a Surface Transportation Block Grant Program Federal-aid Swap Project**

Recipient: Woodbury County

Project No.: STBG-SWAP—C097(142)—FG-97

Iowa DOT Agreement No.: 3-20-STBG-SWAP-030

This is an agreement between the Woodbury County, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department) for Surface Transportation Block Grant (STBG) Program Federal-aid Swap funds under 761 Iowa Administrative Code (IAC) Chapter 162. Iowa Code Section 306A.7 provides for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STBG Federal-aid Swap funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact persons will be the Local Systems Project Development Engineer, Christy VanBuskirk, and Western Region Local Systems Field Engineer, Zachary A. Gunsolley. The Recipient's contact person shall be the County Engineer.
3. The Recipient shall be responsible for the development and completion of the following described STBG project:  
On K64, from Intersection of Iowa 141 North and East 3.6 miles to County Route D25 PCC Pavement – Replace.
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STBG Federal-aid Swap funds. The portion of the project costs reimbursed by STBG Federal-aid Swap funds shall be up to \$1,200,000 for the following phases of work as stipulated by the Siouxland Regional Transportation Planning Assoc. :  
  - Preliminary Engineering
  - Construction Engineering
  - Right-of-Way
  - X Construction
  - Other (please specify) \_\_\_\_\_.
6. The Recipient shall pay for all project costs not reimbursed with STBG Federal-aid Swap funds.
7. If the project described in Section 3 drops out of the Siouxland Regional Transportation Planning Assoc. current TIP or the approved current STIP prior to obligation of funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
8. The Recipient shall let the project for bids through the Department.
9. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
10. It is the intent of both parties that no third party beneficiaries be created by this agreement.

11. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written acceptance of the Department and the Recipient.

---

**IN WITNESS WHEREOF**, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

---

**County Signature Block**

This agreement was approved by official action of the Woodbury County Board of Supervisors in official session on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Auditor

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

---

**IOWA DEPARTMENT OF TRANSPORTATION  
Highway Administration**

By \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_\_

Zachary A. Gunsolley, P.E.  
Local Systems Field Engineer  
Western Region

## EXHIBIT 1

### General Agreement Provisions for use of Federal-aid Swap Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

#### 1. General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Instructional Memorandums to Local Public Agencies (I.M.s), available on-line at: [https://iowadot.gov/local\\_systems/publications/im/lpa\\_ims](https://iowadot.gov/local_systems/publications/im/lpa_ims). The Recipient shall follow the applicable procedures and guidelines contained in the I.M.s in effect at the time project activities are conducted.
- b. In accordance with Iowa Code Chapter 216 and associated subsequent nondiscrimination laws and regulations, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. The Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and acceptance process, plan and construction reviews, and funding participation.
- e. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

#### 2. Programming

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, funds cannot be obligated.
- b. Before beginning any work for which funding reimbursement will be requested, the Recipient shall submit a written request for acceptance to the Department. The Department will notify the Recipient when acceptance is granted. The cost of work performed prior to acceptance will not be reimbursed. The turning in of plans for letting by the Department's administering bureau shall be considered acceptance for construction. The Department will notify the Recipient when acceptance is granted.

#### 3. Design and Consultant Services

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.



**4. Environmental Requirements and other Agreements or Permits.**

- a. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the applicable procedures in the Instructional Memorandums to Local Public Agencies Table of Contents, Chapter 4 – Environmental Regulations.

**5. Right-of-Way, Railroads, and Utilities.**

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.600, Right-of-Way Acquisition, and the Department's Right of Way Bureau Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures.
- b. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way.
- c. The Recipient shall obtain agreements from utility companies as needed. The Recipient shall comply with the "Policy for Accommodating Utilities on the County and City a Non-Primary Federal-aid Road System" for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Department's "Policy for Accommodating and Adjustment of Utilities on the Primary Road System" The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.

**6. Contract Procurement.**

- a. The following provisions apply only to projects involving physical construction or improvements to transportation facilities:
- b. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- c. The Recipient shall be responsible for the following:
  - i. Prepare and submit the PS&E and other contract documents to the Department for review and acceptance in accordance with I.M. 3.700, Check and Final Plans and I.M. 3.500, Bridge or Culvert Plans, as applicable.
  - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department.
  - iii. Follow the procedures in I.M. 5.030, Iowa DOT Letting Process, to analyze the bids received; make a decision to either award a contract to the lowest responsive bidder or reject all bids; and if a contract is awarded, execute the contract documents and return to Department.

Note: The Department may not be able to allow a project to be let in the scheduled letting due to possible issues with cash flow availability.

- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 5.050, Project Development Certification Instructions. The project will not be turned in for bid letting until the Department has reviewed and accepted the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.

- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice that the Department has concurred in the contract award.

## **7. Construction.**

- a. The Recipient shall follow the procedures in I.M. 6.000, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities. The Recipient's engineer shall at all times be responsible for inspection of the project.
- b. A full-time employee of the Recipient shall serve as the person in responsible charge of the project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- c. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. Proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as needed.
- d. The project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <https://www.iowadot.gov/erl/index.html>.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.

## **8. Reimbursements.**

- a. The Recipient will be initially responsible for all project costs. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least semi-annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1, if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the total funds available for the project. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final review or audit selected by the Administering Bureau, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final review is complete and after the Recipient has provided all required paperwork, the Department will release the funds withheld.
- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any funds received; for example, Federal funds not received through FHWA, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient do exceed the total project costs, the Recipient shall either:
  - i. in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
  - ii. refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds.

**9. Project Close-out.**

- a. Acceptance of the completed construction shall be with the concurrence of the Department. Within 30 days of completion of construction or other activities authorized by this agreement, the Recipient shall provide written notification to the Department. The Recipient shall follow and request a final review, in accordance with the procedures in I.M. 6.110, Final Review, Audit, and Close-out Procedures for Federal-aid, Federal-aid Swap, and Farm-to-Market Projects. Failure to comply with the procedures may result in loss of funds and the ability to let future projects through the Department; reimbursed funds shall be returned and a possible suspension may be placed on the Recipient from receiving funds from the Department on future projects until the Recipient has demonstrated responsible management of funds on roadway projects.
- b. For construction projects, the Recipient shall provide a certification by a professional engineer, architect, or landscape architect as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make this documentation available at all reasonable times for review by the Department. Copies of this documentation shall be furnished by the Recipient if requested. Such documentation shall be retained for at least 3 years from the date of the Department's signature of the Department's Final Payment Form (Form 830436) or the bottom part of the Certificate of Completion and Final Acceptance of Agreement Work (Form 640003).
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department.

AUTHORIZE ISSUANCE OF GENERAL  
OBLIGATION URBAN RENEWAL  
COUNTY ROAD IMPROVEMENT  
BONDS

424093-20

Sioux City, Iowa

August 10, 2021

The Board of Supervisors of Woodbury County, Iowa, met on August 10, 2021, at \_\_\_\_\_ .m. at the Woodbury County Courthouse.

The meeting was called to order by the Chairperson, and the roll was called showing the following Supervisors present and absent:

Present: \_\_\_\_\_

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

It was reported that, on July 27, 2021, the Board had approved a bond purchase agreement with Piper Sandler & Co. for the sale of the County's General Obligation Urban Renewal County Road Improvement Bonds, Series 2021, and that it was necessary for the Board to authorize the issuance of those Bonds.

Supervisor \_\_\_\_\_ introduced the following resolution, related to authorization of the issuance of the County's General Obligation Urban Renewal County Road Improvement Bonds, Series 2021, and moved its adoption, seconded by Supervisor \_\_\_\_\_. After due consideration and discussion, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

The Chairperson declared the resolution duly adopted as hereinafter set out.

••••

At the conclusion of the meeting, and upon motion and vote, the Board adjourned.

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Chairperson, Board of Supervisors

Attest:

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County Auditor



RESOLUTION NO. \_\_\_\_\_

Providing for the sale and issuance of General Obligation Urban Renewal County Road Improvement Bonds, Series 2021

WHEREAS, Chapters 331 and 403 of the Code of Iowa authorize counties to enter into loan agreements and issue general obligation bonds for the purpose of paying the cost of planning, undertaking and carrying out certain types of urban renewal projects under the authority of Chapter 403, provided notice is published, including notice of the right to petition for an election; and

WHEREAS, the Board of Supervisors (the “Board”) of Woodbury County, Iowa (the “County”) has established the Grow Woodbury County Urban Renewal Area (the “Urban Renewal Area”), based on a finding of the need for economic development in the County and has amended the urban renewal plan for the Urban Renewal Area to designate an urban renewal project consisting of improvements to County gravel roads in order to assist economic development (the “Urban Renewal Project”); and

WHEREAS, the Board has proposed to enter into a loan agreement (the “General Obligation Urban Renewal County Road Improvement Loan Agreement”) and issue general obligation bonds in a principal amount not to exceed \$10,000,000, pursuant to the provisions of Section 331.402, Subsection 331.441(2)(b)(14), Section 331.442, Section 331.443 and Chapter 403 of the Code of Iowa, for the purpose of paying the costs of the Urban Renewal Project; and

WHEREAS, notice of the proposed action has been published, including the right to petition for an election, and a hearing has been held, and no petition has been filed asking that the question of entering into the Urban Renewal County Road Improvement Loan Agreement and issuing the Bonds be submitted to the registered voters of the County; and

WHEREAS, the Board has expressed its intent to enter into the Urban Renewal County Road Improvement Loan Agreement and to issue the Bonds; and

WHEREAS, on July 27, 2021, the Board approved a Bond Purchase Agreement with Piper Sandler & Co. (the “Purchaser”) for the sale of the County’s \$8,820,000 General Obligation Urban Renewal County Road Improvement Bonds, Series 2021 (the “Bonds”); and

WHEREAS, it is necessary to take action for the approval of the Loan Agreement and to authorize the issuance of the Bonds;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Woodbury County, Iowa, as follows:

Section 1. The County shall enter into the Loan Agreement with the Purchaser in substantially the form as has been placed on file with the Board, providing for a loan to the County in the principal amount of \$8,820,000.

The Chairperson of the Board and County Auditor are hereby authorized and directed to sign the Loan Agreement on behalf of the County, and the Loan Agreement is hereby approved.

Section 2. The Bonds are hereby authorized to be issued in evidence of the obligation of the County under the Loan Agreement, in the total aggregate principal amount of \$8,820,000, to be dated August 24, 2021, in the denomination of \$5,000 each, or any integral multiple thereof, maturing annually on June 1 in each of the years, in the respective principal amounts and bearing interest at the respective rates as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>
2023	\$520,000	4.00%	2028	\$920,000	4.00%
2024	\$790,000	4.00%	2029	\$960,000	4.00%
2025	\$820,000	4.00%	2030	\$995,000	3.00%
2026	\$850,000	4.00%	2031	\$1,025,000	3.00%
2027	\$885,000	4.00%	2032	\$1,055,000	3.00%

Section 3. BOKF, N.A., Lincoln, NE is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the “Registrar” or the “Paying Agent”. The County shall enter into an agreement (the “Registrar/Paying Agent Agreement”) with the Registrar, in substantially the form as has been placed on file with the Board; the Chairperson and County Auditor are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the County; and the Registrar/Paying Agent Agreement is hereby approved.

The County reserves the right to prepay part or all of the principal of the Bonds maturing in each of the years 2030, 2031 and 2032, prior to and in any order of maturity on June 1, 2029, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or mailed by certified mail to the registered owners thereof at the addresses shown on the County’s registration books not less than 30 days prior to such redemption date. Any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if funds are not available, such redemption shall be cancelled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was sent. All of such Bonds as to which the County reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

Accrued interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2022. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Payment of interest on the Bonds shall be made to the registered owners appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid to the registered owners at the addresses shown on such registration books. Principal of the Bonds shall be payable in lawful money of the United States of America to the registered owners or their legal representatives upon presentation and surrender of the Bond or Bonds at the office of the Paying Agent.

The Bonds shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson of the Board and attested with the official manual or facsimile signature of the County Auditor, and shall be fully registered Bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. Each Bond shall be transferable only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 4. Notwithstanding anything above to the contrary, the Bonds shall be issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York (“DTC”). On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the “Participants”). In the event that DTC determines not to continue to act as securities depository for the Bonds or the County determines not to continue the book-entry system for recording ownership interests in the Bonds with DTC, the County will discontinue the book-entry system with DTC. If the County does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the County will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the County identifies a qualified securities depository to replace DTC, the County will register and

deliver replacement bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Bonds.

Ownership interest in the Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive certificated Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the County to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The County will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for whom they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for whom the Participant acquires an interest in the Bonds.

DTC will receive payments from the County, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the County to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Bonds acquired. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except as specifically provided herein. Interest and principal will be paid when due by the County to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 5. The Bonds shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF IOWA

WOODBURY COUNTY

GENERAL OBLIGATION URBAN RENEWAL COUNTY ROAD IMPROVEMENT BOND,  
SERIES 2021

No. \_\_\_\_\_ \$ \_\_\_\_\_

RATE	MATURITY DATE	BOND DATE	CUSIP
_____ %	June 1, _____	August 24, 2021	_____

Woodbury County (the "County"), Iowa, for value received, promises to pay on the maturity date of this Bond to

Cede & Co.  
New York, NY

or registered assigns, the principal sum of

THOUSAND DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of BOKF, N.A., Lincoln, NE (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2022, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest on this Bond is payable to the registered owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date, and shall be paid to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Bond is one of a series of General Obligation Urban Renewal County Road Improvement Bonds, Series 2021 (the "Bonds"), issued in the aggregate principal amount of \$8,820,000 by the County to evidence its obligation under a certain Loan Agreement, dated as of August 24, 2021 (the "Loan Agreement"), entered into by the County for the purpose of financing construction of improvements to certain County roads.

The Bonds are issued pursuant to and in strict compliance with the provisions of Sections 331.402, 331.441 and 403.9 of the Code of Iowa, 2021, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and



securing the payment of the Bonds (the “Resolution”), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The County reserves the right to prepay part or all of the principal of the Bonds maturing in each of the years 2030, 2031 and 2032, prior to and in any order of maturity on June 1, 2029, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000.

If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be sent by electronic means or by certified mail to the registered owners thereof at the addresses shown on the County’s registration books not less than 30 days prior to such redemption date. All of such Bonds as to which the County reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

This Bond is fully negotiable but shall be fully registered as to both principal and interest in the name of the owner on the books of the County in the office of the Registrar, after which no transfer shall be valid unless made on said books and then only upon presentation of this Bond to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form hereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The County, the Registrar and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the County, the Registrar and the Paying Agent shall not be affected by any notice to the contrary.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Bond as the same will respectively become due; and that the total indebtedness of the County, including this Bond, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Woodbury County, Iowa, by its Board of Supervisors, has caused this Bond to be executed with the duly authorized facsimile signature of its Chairperson and attested with the duly authorized facsimile signature of its County Auditor, all as of August 24, 2021.

WOODBURY COUNTY, IOWA

By (DO NOT SIGN)  
Chairperson, Board of Supervisors

Attest:

(DO NOT SIGN)  
County Auditor

Registration Date: (Registration Date)

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Resolution.

BOKF, N.A.  
Lincoln, NE  
Registrar

By (Authorized Signature)  
Authorized Officer

ABBREVIATIONS

The following abbreviations, when used in this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

- |         |   |  |  |
|---------|---|--|--|
| TEN COM | - | as tenants in common   | UTMA _____   |
| TEN ENT | - | as tenants by the entireties   | (Custodian)  |
| JT TEN  | - | as joint tenants with right of survivorship and not as tenants in common | As Custodian for _____<br>(Minor)<br>under Uniform Transfers to Minors Act<br>_____<br>(State) |

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned assigns this Bond to

\_\_\_\_\_  
(Please print or type name and address of Assignee)

\_\_\_\_\_  
PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

and does hereby irrevocably appoint \_\_\_\_\_, Attorney, to transfer this Bond on the books kept for registration thereof with full power of substitution.

Dated: \_\_\_\_\_

Signature guaranteed:

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

(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

\_\_\_\_\_  
NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Bond in every particular, without alteration or enlargement or any change whatever.

Section 6. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration, authentication and delivery to or upon the direction of the Purchaser, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement and the sale of the Bonds is hereby ratified and confirmed in all respects.

Section 7. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years:

For collection in the fiscal year beginning July 1, 2022,  
sufficient to produce the net annual sum of \$1,089,850;

For collection in the fiscal year beginning July 1, 2023,  
sufficient to produce the net annual sum of \$1,091,250;

For collection in the fiscal year beginning July 1, 2024,  
sufficient to produce the net annual sum of \$1,089,650;

For collection in the fiscal year beginning July 1, 2025,  
sufficient to produce the net annual sum of \$1,086,850;

For collection in the fiscal year beginning July 1, 2026,  
sufficient to produce the net annual sum of \$1,087,850;

For collection in the fiscal year beginning July 1, 2027,  
sufficient to produce the net annual sum of \$1,087,450;

For collection in the fiscal year beginning July 1, 2028,  
sufficient to produce the net annual sum of \$1,090,650;

For collection in the fiscal year beginning July 1, 2029,  
sufficient to produce the net annual sum of \$1,087,250;

For collection in the fiscal year beginning July 1, 2030,  
sufficient to produce the net annual sum of \$1,087,400;

For collection in the fiscal year beginning July 1, 2031,  
sufficient to produce the net annual sum of \$1,086,650.

Section 8. A certified copy of this resolution shall be filed with the County Auditor, and the Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Bonds remain outstanding and unpaid, any funds of the County which may lawfully be applied for such purpose, including incremental property tax revenues, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in Section 7 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for said purpose and evidenced in the County's budget.

Section 9. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current available funds of the County in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 10. It is the intention of the County that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

Section 11. The Securities and Exchange Commission (the "SEC") has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule") that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, an underwriter has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding.

On the date of issuance and delivery of the Bonds, the County will execute and deliver a Continuing Disclosure Certificate pursuant to which the County will undertake to comply with the Rule. The County covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate.

Section 12. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.



Section 13. This resolution shall be in full force and effect immediately upon its approval and adoption, as provided by law.

Passed and approved August 10, 2021.

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Chairperson, Board of Supervisors

Attest:

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County Auditor

STATE OF IOWA

SS:

WOODBURY COUNTY

I, the undersigned, County Auditor of Woodbury County, do hereby certify that as such Auditor I have in my possession or have access to the complete records of the County and of its Board of Supervisors and officers and that I have carefully compared the transcript hereto attached with those records and that the transcript hereto attached is a true, correct and complete copy of all the records in relation to the issuance of General Obligation Urban Renewal County Road Improvement Bonds, Series 2021, evidencing the County's obligation under a Loan Agreement.

I further certify that no appeal has been taken to the District Court from the decision of the Board of Supervisors to enter into the Loan Agreement, to issue the Bonds or to levy taxes to pay the principal of and interest on the Bonds.

I further certify that the taxes provided for in that resolution will in due time, manner and season be entered on the State and County tax lists of this County for collection in the fiscal year beginning July 1, 2022, and subsequent years as provided in the resolution

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
County Auditor

August 5, 2021

Dennis Butler  
Woodbury County Courthouse  
620 Douglas  
Sioux City, Iowa 51101

Re: \$8,820,000 General Obligation Urban Renewal County Road Improvement Bonds,  
Series 2021  
Our File No. 424093-20

Dear Dennis:

I have prepared a resolution that may be adopted by the Woodbury County Board of Supervisors on August 10 in order to authorize the issuance of the County's General Obligation Urban Renewal County Road Improvement Bonds, Series 2021.

Please return an original executed copy to my office.

If you have any questions, please contact me.

Best regards,

Robert E. Josten

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

Date: 8/4/2021 Weekly Agenda Date: 8/10/2021

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

**WORDING FOR AGENDA ITEM:**

Approval of Baker Group proposal to furnish assistance with filing for the ARPA funds

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The American Rescue Plan offers \$350 billion for eligible state, local, territorial, and Tribal governments

**BACKGROUND:**

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each government to meet local needs. The U.S. Treasury implements the provisions of this program. There will be two webinars, August 9, 2021 with GFOA and August 11 with the U.S. Treasury on compliance and filing reports.

**FINANCIAL IMPACT:**

Up to \$5,000 including time and material at a rate of \$100 per hour.

**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 assistance from The Baker Group with filing for the ARPA Reports and form review for the Woodbury County Law Enforcement Center.

**ACTION REQUIRED / PROPOSED MOTION:**

Approval of proposal from The Baker Group.



**Baker Group**  
1600 SE Corporate Woods Drive  
Ankeny, Iowa 50021-7501  
Phone: 515.262.4000  
855.262.4000  
Fax: 515.266.1025  
www.thebakergroup.com

August 3, 2021

Woodbury County Board of Supervisors  
Attn: Dennis Butler  
620 Douglas St.  
Sioux City, IA 51101

**Subject:** Filing for ARPA Funds

Dear Dennis:

Baker Group is pleased to offer this proposal to furnish assistance with filing for ARPA funds and form review, for the Woodbury County Law Enforcement Center.

**Total Price:**

Project will be time and material at a rate of \$100/hour with total price to not exceed \$5,000.00 without additional approval.

Sincerely,

*Shane Albrecht*

Shane Albrecht  
Senior Project Manager, PMP CDCMP

APPROVED BY: \_\_\_\_\_

Name: \_\_\_\_\_

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

Date: \_\_\_\_\_