



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(OCTOBER 25) (WEEK 43 OF 2022)

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

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held October 25, 2022 at 4:30 p.m. in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

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

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

AGENDA

- 4:15 p.m. 1. Closed Session {Iowa Code Section 21.5 (1) (c)}
4:30 p.m. Call Meeting to Order - Pledge of Allegiance to the Flag - Moment of Silence
2. Citizen Concerns Information
3. Approval of the agenda Action

Consent Agenda

Items 4 through 8 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

- 4. Approval of the minutes of the October 18, 2022 meeting
5. Approval of claims
6. Secondary Roads - Mark Nahra
a. Approve the tile crossing permit for J. Wardin and to direct the chair to sign the permit
b. Approve the underground utility permit for Magellan Pipeline Company and to direct the chair to sign the permit

7. Community & Economic Development – Daniel Priestley
 Approve to set dates and times for 3 public hearings, November 1st @ 4:40 p.m., November 8th @ 4:40 p.m. and November 15th @ 4:45 p.m., for Proposed Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County

8. County Treasurer – Tina Bertrand
 - a. Approve property tax refund request for parcel #894317300002 in the amount of \$1124.00
 - b. Approve property tax refund request for parcel #884707181002 in the amount of \$1876.00
 - c. Approve property tax refund request for parcel #894702453010 in the amount of \$1409.00
 - d. Approve property tax refund request for parcel #894718276010 in the amount of \$ 308.00
 - e. Approve property tax refund request for parcel #894720153004 in the amount of \$1315.00
 - f. Approve property tax refund request for parcel #894715104004 in the amount of \$1676.00
 - g. Approve property tax refund request for parcel #894726154022 in the amount of \$1007.00
 - h. Approve property tax refund request for parcel #894735116011 in the amount of \$ 849.00
 - i. Approve property tax refund request to Yes Communities OP for total amount of \$1,321.00

End Consent Agenda

- | | |
|--------------------------------|---|
| | <ol style="list-style-type: none"> 9. Community & Economic Development – Daniel Priestley <ol style="list-style-type: none"> a. Receive final report-Zoning Commission recommendation to approve rezone from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for Curtis Epling of Midwest Auto Properties, LLC’s 5-acre property located on Parcel #884701200009 Action b. Conduct public hearing on a Zoning Ordinance Map Amendment to rezone Parcel #884701200009 from AP to GC Action c. Approve the first reading of the Zoning Ordinance Map Amendment (rezone) Action |
| 4:45 p.m.
(Set time) | |
| | <ol style="list-style-type: none"> 10. Weed Commissioner – Jered Jepsen
 Receive and approve annual report of the county weed commissioner Action
 11. Secondary Roads – Mark Nahra <ol style="list-style-type: none"> a. Approve the agreement for professional services with DGR Engineering for the Elk Creek Road Paving Project and direct the chair to sign the agreement Action
 12. Board Administration – Dennis Butler
 Approval of resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the County for certain original expenditures paid in connection with specified Projects Action
 13. Reports on Committee Meetings Information
 14. Citizen Concerns Information
 15. Board Concerns Information |

**Adjourn Board of Supervisors Meeting
Convene Grant Township Trustees Meeting**

1. Approval of the agenda
2. Approval of the minutes of the 08-16-22 Grant Township Meeting
3. Approve and receive for signatures Cemetery Deed for Mike & Kim Pope
4. Reports on Committee Meetings
5. Township Citizen Concerns
6. Township Trustee Concerns

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- MON., OCT. 24 6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- TUE., OCT. 25 2:00 p.m.** Decat Board Meeting, Western Hills AEA, Room F
- WED., OCT. 26 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- THU., OCT. 27 11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
- WED., NOV. 2 10:00 a.m.** Loess Hills Alliance Protection Meeting, Pisgah, Iowa
- 11:00 a.m.** Loess Hills Alliance Stewardship Meeting
- 1:00 p.m.** Loess Hills Alliance Executive Meeting
- 4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- THU., NOV. 3 10:00 a.m.** COAD Meeting, The Security Institute
- 12:00 p.m.** Regional Policy and Legislative Affairs Committee Meeting, Hybrid
- MON., NOV. 7 6:00 p.m.** Board of Adjustment meeting, First Floor Boardroom
- WED., NOV. 9 7:30 a.m.** SIMPCO Executive- Finance Committee Meeting -Hybrid
- 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- 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
- WED., NOV. 16 12:00 p.m.** Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- 1:00 p.m.** Regional Workforce Development Meeting, 2508 4th Street, Sioux City
- THU., NOV. 17 10:00 a.m.** Siouxland Regional Transit System Meeting, Hybrid
- 11:15 a.m.** Western Iowa Community Improvement Regional Housing Trust Fund, Hybrid
- 4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- FRI., NOV. 18 12:00 p.m.** Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
- TUE., NOV. 22 2:00 p.m.** Decat Board Meeting, Western Hills AEA, Room F
- WED., NOV. 23 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- THU., NOV. 24 11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce St.
- MON., NOV. 28 6:00 p.m.** Zoning Commission Meeting, First Floor Boardroom

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.

OCTOBER 18, 2022 FORTY-SECOND MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, October 18, 2022 at 5:30 p.m. at Salix Community Center. Board members present were De Witt, Taylor, Ung, Radig, and Wright. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget and Finance Director, Melissa Thomas, Human Resources Director and Patrick Gill, Auditor/Clerk to the Board.

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

1. Pat Gill, County Auditor, submitted an article regarding the League of Women Voters forum.

Motion by Wright second by Radig to receive an article regarding the League of Women Voters forum. Carried 5-0. Copy filed.
2. Motion by Radig second by Taylor to approve the agenda for October 18, 2022. Carried 5-0. Copy filed.

Motion by Radig second by Ung to approve the following items by consent:
 3. To approve minutes of the October 11, 2022 meeting. Copy filed.
 4. To approve the claims totaling \$895,302.18. Copy filed.
 - 5a. To approve the property tax refund for Terri Stolpe, parcel #884706380015, 2825 S. Glass, in the amount of \$1,303.00. Copy filed.
 - 5b. To approve the property tax refund for Cindy Speed, parcel #884726201001, 2009 Carroll Ave, in the amount of \$3,542.50. Copy filed.
 6. To receive the appointment of Allan Pithan, 112 Country Club Dr., Anthon, to fill the vacant City of Anthon council seat, recently held by Lisa Petersen, until the next regular/general Election. Copy filed.
 - 7a. To approve the other of Randall Horsley, P/T Paramedic, Emergency Services Dept., effective 09-30-22, \$25.00/hour, 0%. Change to .05 FTE.; the other of Patrick Prorok, P/T Paramedic, Emergency Services Dept., effective 09-30-22, \$25.00/hour/ 0%. Change to .05 FTE.; the other of Jacob Smith, P/T Paramedic, Emergency Services Dept., effective 09-30-22, \$25.00/hour, 0%. Change to .05 FTE.; the other of Shawn Starr, P/T Paramedic, Emergency Services Dept., effective 09-30-22, \$25.00/hour, 0%. Change to .05 FTE.; the other of Allen Welte, P/T Paramedic, Emergency Services Dept., effective 09-30-22, \$25.00/hour, 0%. Change to .05 FTE.; the reclassification of Danielle Brady, Election Clerk II, County Auditor, effective 10-31-22, \$21.12/hour, 5.4%=\$1.10/hour. Per AFSCME Courthouse Contract agreement, from Grade 3/Step 3 to Grade 3/Step 4.; the end of probation of Jesse Duerksen, Motor Grader Operator, Secondary Roads Dept., effective 10-31-22m \$27.22/hour, 3%=\$.81/hour. Per CWA Secondary Roads Contract agreement, End of Probation Salary Increase.; the appointment of Haley Gonzalez, Civilian Jailer, County Sheriff Dept., effective 10-31-22, \$23.33/hour. Job Vacancy Posted 9-7-22. Entry Level Salary: \$23.33/hour.; and the appointment of Dawn Banys, Clerk II, County Treasurer, effective 11-01-22, \$18.22/hour. Job Vacancy Posted 9-7-22. Entry Level Salary: \$18.22/hour. Copy filed.
 - 7b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for P/T Youth Worker, Juvenile Detention Dept. AFSCME Juvenile Detention: \$20.89/hour. Copy filed.
 - 7c. To approve the Delta Dental 2023 renewal. Copy filed.
 - 8a. To approve the permit to work in the right of way for Joy Excavation and Tile. Copy filed.
 - 8b. To approve the permit to work in the right of way for SBT Foods/RP Constructors. Copy filed.
9. To approve the appointment of Chad Janzen to the Siouxland District Board of Health for the remaining time in the vacant term, ending December 31, 2024. Copy filed.

Carried 5-0.

10. Motion by Radig second by De Witt to approve the federal aid project agreement for project #BRS-C097(147)—60-97. Carried 5-0. Copy filed.
11. Motion by De Witt second by Radig to approve to amend 28E agreement with City of Sioux City regarding residency and mileage requirements. Carried 5-0. Copy filed.
12. Reports on Committee Meetings were heard.
13. There were no citizen concerns.
16. Board concerns were heard.

The Board adjourned the regular meeting until October 25, 2022.

Meeting sign in sheet. Copy filed.

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

Date: 10/20/2022 Weekly Agenda Date: 10/25/2022

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

WORDING FOR AGENDA ITEM:

Consideration of permit for a tile crossing in the county right of way

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

J. Wardin has requested a permit for a tile crossing across 250th Street in section 13 of Miller Township.

BACKGROUND:

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa.

FINANCIAL IMPACT:

No impact

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

Yes No

RECOMMENDATION:

Recommend approval of the permit for J. Wardin.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the tile crossing permit for J. Wardin and to direct the chair to sign the permit.

WOODBURY COUNTY IOWA

Application for use of Highway Right-of-Way for Underground Tile Line Facility

Permit No. _____

Woodbury County Board of Supervisors
Court House
Sloux City, Iowa

Re: Permit request for use of County Highway right-of-way for underground tile line facility

Applicant: J. Cardin
(Name of Individual or Company)

Address: 4170 250th St at county culvert

Applicant hereby requests use of county highway right-of-way to install, operate, and maintain a buried tile line facility. The facility consists of 6" PVC Tile outlet bored from handowner on North side of D50. Project is in the SW corner of The SE Quarter of Sec 13 Miller Township

The above named applicant is hereby granted permission and authority to lay, construct, operate, and maintain the above described facility in County road right-of-way at said location and as set forth in Exhibit "A" attached hereto and made a part of this permit as fully as if set out in length herein.

AGREEMENT: The applicant agrees that the following stipulations shall govern under this permit.

1. The applicant will at any time subsequent to placing said facility agree to relay, replace, reconstruct, or relocate said facility and appurtenances thereto as may become necessary to conform to new grades, alignment or widening of right-of-way resulting from maintenance or construction operations by the Board of Supervisors irrespective of whether or not additional right-of-way is acquired in connection with such highway improvement. The applicant agrees to do this promptly on order by the Board of Supervisors. If the applicant is unable to comply promptly, the Board of Supervisors may cause the work to be done.
2. The Board of Supervisors 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 part of the facility belonging to the applicant in order that the applicant may arrange to protect the facility. The Board of Supervisors will inform contractors and others working on the right-of-way of the location of the facility so that reasonable care may be taken to avoid damaging the facility. The County and the Board of Supervisors assume no responsibility, however, for failure to give such notice.
3. The County and the Board of Supervisors assume no responsibility for damages to the applicant's property occasioned by any construction or maintenance operations on said highways, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the applicant's facility.
4. The applicant shall take all reasonable precaution during the construction of said facility to protect and safeguard the lives and property of the traveling public and adjacent property owners and shall indemnify and hold the County and the Board of Supervisors harmless of any damage or losses that may be sustained by the traveling public or adjacent property owners on account of such construction operations.

Over

Application for use of highway right-of-way for underground tile line facility continued

5. Operations in the construction and maintenance of said facility shall be carried on in such a way as not to interfere with, or interrupt traffic on said highway.

6. The applicant shall hold the County and the Board of Supervisors harmless from any damage that may result to said highway because of the construction, maintenance, or operation of said facility and shall reimburse the County of the Board of Supervisors for any expenditures that the County or the Board of Supervisors may have to make on said highway on account of the applicant's facility having been constructed thereon, including bridge and culvert repairs.

7. If approved by the County Engineer, an open trench may be dug and the facility placed therein, and the trench backfilled over the facility. All backfill of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Backfilling of trenches within the right-of-way but not under the traveled roadway shall be tamped sufficiently to avoid settlement. The Applicant agrees to give the County forty-eight hours notice of its intention to start work on the highway right-of-way. Said notice shall be made in writing to the County Engineer.

All work shall be done in a workmanlike manner; the surrounding ground, slopes, and ditch bottoms shall be reshaped to conform to the area and left in a neat condition satisfactory to the County Engineer and all areas where sod has been destroyed or damaged shall be reseeded.

Applicant agrees to assume responsibility for all damages that may arise, and to this end, indemnify and hold the County and all authorized representatives thereof harmless from any and all claims, damages, loss and expense including judgments, costs and including attorneys' fees for personal injuries (including death) or property damages arising or resulting from the activities of the Applicant in connection herewith, now and at all times in the future.

Engagement in the operations as herein applied for by the applicant shall be considered and constituted an acceptance of all the terms and conditions herein set forth.

APPROVAL OF
WOODBURY COUNTY BOARD OF SUPERVISORS

BY: _____
(Chairman)

DATE: _____

APPLICANT

J. Urdin

(Name of Individual or Company)

BY: _____

(Signature)

(Title)

(Address)

DATE: 10-10-2022

Note: Applicant is to complete the original and two copies and mail to the County Engineer for his distribution as follows:

- 1 -- Applicant
- 1 -- County Engineer
- 1 -- County Auditor

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

Date: 10/20/2022 Weekly Agenda Date: 10/25/2022

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

WORDING FOR AGENDA ITEM:

Consideration of a utility permit for repair of gas line facility for Magellan Pipeline Company

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Magellan has applied for a permit to allow access to the right of way necessary for repair of an existing natural gas line between Benton Avenue and Old Highway 75.

BACKGROUND:

Work in county ROW requires a permit approved by the Board of Supervisors per section 318.8 of the Code of Iowa. The work will not disturb the traveled way and will be no closer than 5 feet from the road edge. 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 Magellan Pipeline Company.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the underground utility permit for Magellan Pipeline Company 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 Gavin W Dinwoodie- Magellan Pipeline Company L.P. Highway Old Hwy 75 and Benton Road
Address One Williams Center, OTC-8 Tulsa, OK 74172 Township Liberty
City of Salix, 51052

Office Phone 918-574-7959 Local Phone 281-723-1469 Section: NE 1/4 of NE 1/4 Sec 21

Type of Utility Installation Description Attached T 87 N, R 47 W

Plans Prepared By Copy Enclosed Yes X 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
jack & bore suspend on towers X trench
open cut plow

Estimated Starting Date 11-1-2022 Estimated Restoration Date 11-4-2022

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.

By [Signature] Title Sr. Real Estate Representative
(Signature of Authorized Utility Representative) Date 10-20-2022

PERMIT APPROVAL BY PERMITTING AUTHORITY

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

By (Signature of Woodbury County Board Chairman) Title

Date

By (Signature of Woodbury County Engineer) Title

Date

Other Special Provisions:

Permit Provisions and Conditions of Issuance

- 1. The County and/or the County Board of Supervisors will not be charged with any responsibility for damages to the Applicant's property occasioned by any construction or maintenance operations on said county roads, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the Applicant's facilities.

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

Description of work:

Magellan contractors will be excavating the area in question down to the pipeline. Expose the line, investigate, sand blast-cleaning the exterior of the pipeline. Apply a new metal sleeve on the pipeline anomaly of the area in question. Weld and recoat the sleeve with a protective and cathodic sealant. The entire process weather permitting takes 2-3 days maximum. The trench soil will be compacted and grass seed spread to ensure revegetation, and the surface is left in as good or better condition than prior to the excavation work.

Location: off Old Hwy 75 at Benton Road to the East side of the Hwy. Part of trench in bar ditch, 42.34244697, -96.31093833 Woodbury Co

Work in Woodbury Co ROW

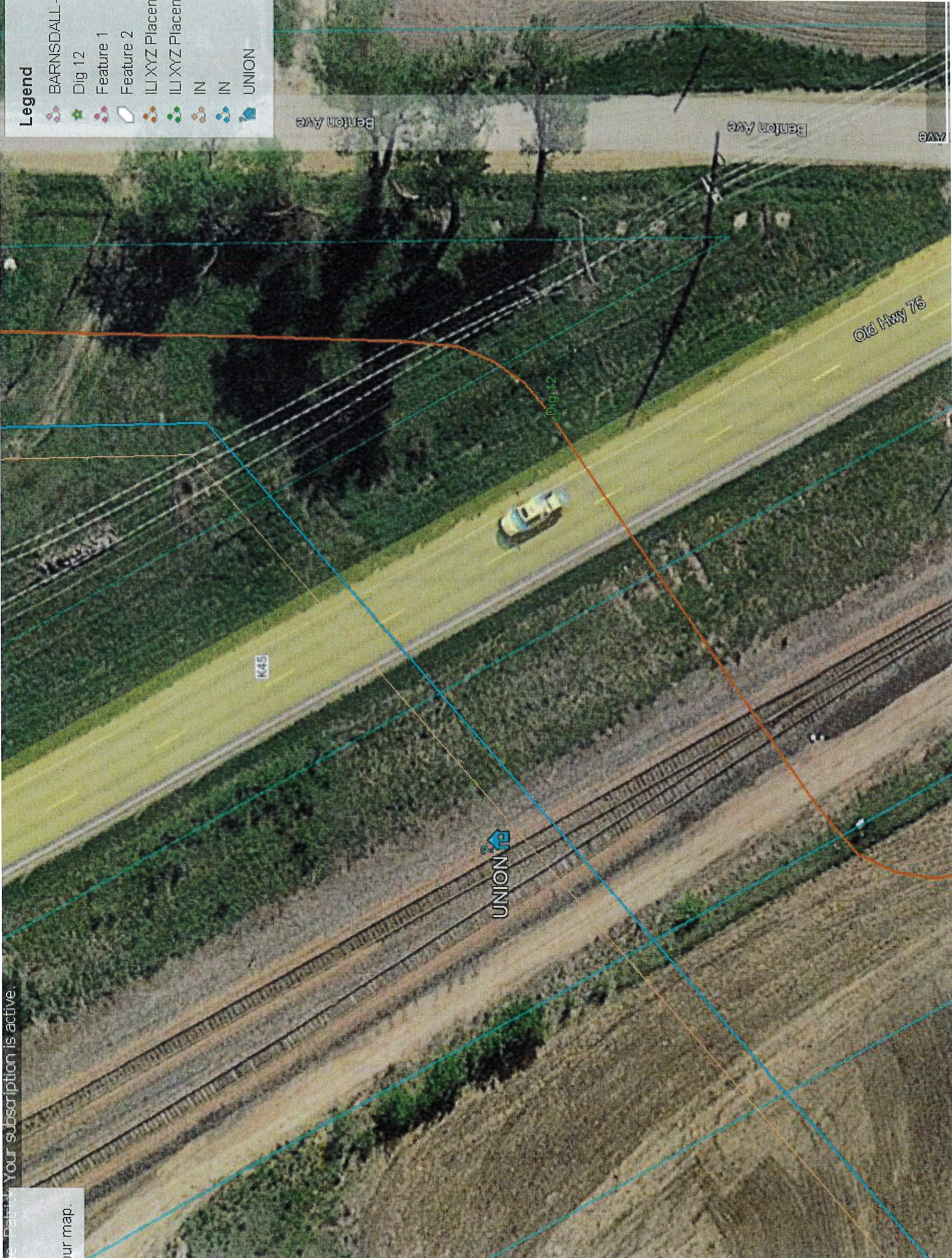


Legend

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our map.

Legend

- BARNSDALL -
- Dig 12
- Feature 1
- Feature 2
- ILI XYZ Placen
- ILI XYZ Placen
- IN
- IN
- UNION



AWG

Old Hwy 75

Benton Ave

Benton Ave

K45

Dig 12

UNION 

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

Date: 10/20/22 Weekly Agenda Date: 10/25/22

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

WORDING FOR AGENDA ITEM:

Motion to set dates and times for 3 Public Hearings for Proposed Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County. Tuesday, 11/1/22, 4:40 PM; Tuesday, 11/8/22, 4:40 PM; Tuesday, 11/15/22, 4:45 PM.

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:

This item requests the Board to set the dates and times of Proposed Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County.

BACKGROUND:

The purpose of this request is to set 3 public hearing dates/times for the consideration of Zoning Ordinance Map Amendments to the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County. The Board will receive a recommendation for the Zoning Commission.

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?

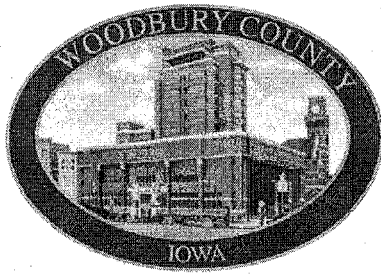
Yes No

RECOMMENDATION:

Motion to set dates and times for 3 Public Hearings for Proposed Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County.
Tuesday, 11/1/22, 4:40 PM
Tuesday, 11/8/22, 4:40 PM
Tuesday, 11/15/22, 4:45 PM

ACTION REQUIRED / PROPOSED MOTION:

A) Motion to set dates and times for 3 Public Hearings for Proposed Zoning Ordinance Text Amendments to the Woodbury County Zoning Ordinance to address the temporary sales of food, beverages, goods, and services during future RAGBRAI events along the RAGBRAI route in unincorporated Woodbury County.
Tuesday, 11/1/22, 4:40 PM
Tuesday, 11/8/22, 4:40 PM
Tuesday, 11/15/22, 4:45 PM



Tina M Bertrand
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

October 14, 2022

Dear Board of Supervisors,

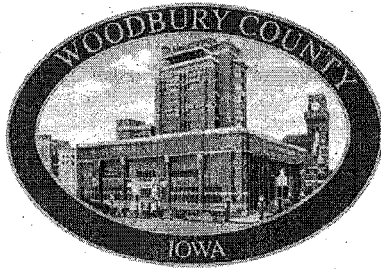
During the month of September, the following parcels received overpayments from their escrow accounts. I am requesting approval to do the following refunds:

8943 17 300 002	Steve & Valerie Linden Refund back to Wells Fargo Bank	1266 Knox Ave	\$1124.00
8847 07 181 002	Victor Diaz Refund back to Corelogic/Flagstar Bank	3333 Chalet Ct	\$1876.00
8947 02 453 010	Travis Delperdang Refund back to Corelogic/Nationstar DBA Mr. Cooper	4220 47 th St	\$1409.00
8947 18 276 010	Lucas Roder Refund back to Corelogic/Nationstar DBA Mr. Cooper	1900 Plum Creek Rd	\$ 308.00
8947 20 153 004	Tyler Byers Refund back to Corelogic/US Bank Home Mtg	1409 N View Terrace	\$1315.00
8947 15 104 004	Easton Miller Refund back to Corelogic/Carrington Mtg	3636 Dupont St	\$1676.00
8947 26 154 022	Michael Funck Refund back to Corelogic/M & T Bank	913 Cecelia St	\$1007.00
8947 35 116 011	Dustin Courey Refund back to Corelogic/US Bank Home Mtg	3221 Washington Ave	\$ 849.00

Thank you for your time,

A handwritten signature in black ink that reads "Janet L. Trimpe". The signature is written in a cursive, flowing style.

Janet L Trimpe
Woodbury County Tax Deputy



Tina M Bertrand
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

October 14, 2022

RE: Refund of property taxes

Dear Board of Supervisors,

Yes Communities OP is requesting a refund for overpayment of property taxes on the following mobile homes:

WK1110254IN	(ZOE DUNN)	\$117.00
FMT430IN1812719A	(ALEXIS UHL)	\$114.00
INFL555A11169HP13	(DIANNA LONGWELL)	\$ 99.00
M307437	(KYLIE HOUGHTALING)	\$ 194.00
MDC377875IN	(FELLWILL DERROY VENTURA)	\$ 194.00
INFL455A10888HP13	(JEFFREY EVANS)	\$ 97.00
INFL455A10882HP13	(THOMAS HENRY)	\$ 94.00
005000HA000272A	(THERESA THOMPSON)	\$ 180.00
P305513	(SEAN MANSFIELD)	\$ 158.00
PI01991D	(JASON ROSAUER)	\$ 74.00

Yes Communities OP has escrows on the above homes, but the owners had already paid the property taxes themselves. Can you approve the above refunds back to Yes Communities OP?

Thank you for your time,

Janet L Trimpe
Woodbury County Tax Deputy

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

Date: 10/20/22

Weekly Agenda Date: 10/25/22

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

WORDING FOR AGENDA ITEM:

a. Receive final report-Zoning Commission recommendation to approve rezone from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for Curtis Epling of Midwest Auto Properties, LLC's 5-acre property located on Parcel #884701200009. b. Conduct Public Hearing on a Zoning Ordinance Map Amendment to rezone from AP to GC. c. Approve the 1st Reading of the Ordinance

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors will hold a public hearing at 4:45 PM to discuss a proposed Zoning Ordinance Map Amendment to rezone Curtis Epling of Midwest Auto Properties, LLC's 5-acre property located on Parcel #884701200009, Government Lot 1, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the General Commercial (GC) Zoning District.

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:

Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone) on the property as referenced as Parcel #884701200009, Government Lot 1, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022 for the Zoning Commission public hearing and on October 20, 2022 for the Board of Supervisors' public hearings. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended for a pavement agreement to be signed as the rezone has the potential to generate traffic and the parcel should participate in the cost of any future pavement to meet the needs of traffic at a new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. The Woodbury County Zoning Commission voted 5-0 to recommend approval of the rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District with the condition that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and that the applicant follow the floodplain regulations.

FINANCIAL IMPACT:

0

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

Yes No

RECOMMENDATION:

Receive final report and Zoning Commission recommendation from their 10/5/22 meeting.
Open and close the public hearing. (Set Time: 4:45 PM)
Conduct and approve the first reading of the ordinance.
The 2nd and 3rd public hearings and readings of the ordinance have been scheduled for Tuesday, 11/1/22 at 4:45 PM, and Tuesday, 11/8/22 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

- a. Receive final report-Zoning Commission recommendation to approve rezone from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for Curtis Epling of Midwest Auto Properties, LLC's 5-acre property located on Parcel #884701200009.
- b. Conduct Public Hearing on a Zoning Ordinance Map Amendment to rezone Parcel #884701200009 from AP to GC. (Set Time: 4:45 PM)
- c. Motion to Approve the 1st Reading of the Zoning Ordinance Map Amendment (rezone).



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**
620 DOUGLAS STREET – SIOUX CITY, IA 51101

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

**ZONING ORDINANCE MAP AMENDMENT (REZONE) PROPOSAL
AGRICULTURAL PRESERVATION (AP) to GENERAL COMMERCIAL (GC) ZONING DISTRICT
Midwest Auto Properties, LLC (Curtis Epling)
FINAL REPORT – 10/20/22**

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
<p>Applicant(s): Midwest Auto Properties, LLC (Curtis Epling) Application Type: Zoning Ordinance Map Amendment (Rezone) Current Zoning District: Agricultural Preservation (AP) Proposed Zoning District: General Commercial (GC) Total Acres: 5.00 Acres Current Use: AG Proposed Use: Outdoor Storage Corn Suitability Rating(s): 71.38 (Beacon) Pre-application Meeting: August 29, 2022 Application Date: August 29, 2022 Legal Notice Date: September 29, 2022 Stakeholders' (1000') Letter Date: September 26, 2022 Zoning Commission Public Hearing Date: October 5, 2022 Board of Supervisors Public Hearing Dates: October 25, 2022, November 1, 2022, and November 8, 2022 (optional).</p>	<p>Parcel(s): 884701200009 Township: T88N R47W (Woodbury) Section: 1 Quarter: Government Lot 1 Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A (Floodplain) Address: 1605 Charles Ave., Lawton, IA 51030</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Summary, Recommendation, Aerial & Plat Excerpt <input type="checkbox"/> Review Criteria <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation <input type="checkbox"/> Application

SUMMARY

Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone) on the property as referenced as Parcel #884701200009, Government Lot 1, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022 for the Zoning Commission public hearing and on October 20, 2022 for the Board of Supervisors' public hearings. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended for a pavement agreement to be signed as the rezone has the potential to generate traffic and the parcel should participate in the cost of any future pavement to meet the needs of traffic at a new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. The Woodbury County Zoning Commission voted 5-0 to recommend approval of the rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District with the condition that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and that the applicant follow the floodplain regulations.

AERIAL MAP

FLOODPLAIN

<p>Parcel ID: 884701200009 Alternate ID: E20892 Owner Address: MIDWEST AUTO PROPERTIES, LLC Sec/Twp/Rng: 1-88-47 Class: A 1901 HWY 20 Property Address: 1605 CHARLES AVE Acreage: 5 LAWTON, IA 51030</p> <p>District: 0000 Brief Tax Description: PT GOVTL LOT 1 BEING A TCT COM SE COR OF GOV LOT 1 THEC N 425.97' THEC WLY 33.02' TO POB THEC S 392.56' THEC W 406.92' THEC N 554.23' THEC E 306.38' THEC SELY 190.38' TO POB 1-88-47 S ACRES <small>(Note: Not to be used on legal documents)</small></p>	<p>Parcel ID: 884701200009 Alternate ID: E20892 Owner Address: MIDWEST AUTO PROPERTIES, LLC Sec/Twp/Rng: 1-88-47 Class: A 1901 HWY 20 Property Address: 1605 CHARLES AVE Acreage: 5 LAWTON, IA 51030</p> <p>District: 0000 Brief Tax Description: PT GOVTL LOT 1 BEING A TCT COM SE COR OF GOV LOT 1 THEC N 425.97' THEC WLY 33.02' TO POB THEC S 392.56' THEC W 406.92' THEC N 554.23' THEC E 306.38' THEC SELY 190.38' TO POB 1-88-47 S ACRES <small>(Note: Not to be used on legal documents)</small></p>

ZONING COMMISSION AND STAFF RECOMMENDATIONS

Zoning Commission Recommendation

The Woodbury County Zoning Commission voted 5-0 to recommend approval of the rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District with the condition that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and that the applicant follow the floodplain regulations.

Staff Recommendation

With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue.

Minutes - Woodbury County Zoning Commission Special Meeting – October 5, 2022

The Zoning Commission (ZC) meeting convened on the 5th of October at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Deb Main, Gayle Palmquist

Call to Order

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

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – August 22, 2022

O'Tool motioned. Second: Parker 5-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) From AP To GC Proposal – Midwest Auto Properties, LLC (Curtis Epling) – Parcel #884701200009

Priestley read the preliminary report and staff recommendation into the record. Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone), for the parcel from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022 no comments or inquires have been receive about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended a pavement agreement be signed as the rezone has the potential to generate traffic and the parcel owner should participate in the cost of any future pavement to meet the needs of traffic at the new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information receive and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. Deb Main asked how close this parcel was from the proposed pipeline. Bride stated this action pertains to a rezone of the property. Current owners are not selling the property. Motion to close public hearing: Bride. Second: O'Tool. Motion approved 5-0. Priestley offered an explanation as to how staff can enforce the floodplain regulations to address the concerns by Neil Stockfleth of the Woodbury County Soil and Water Conservation District. Although the applicant is not present at this public hearing, Priestley has had conversations with the applicant and his surveyor, and they are aware of the need to determine Base Flood Elevation (BFE) as part of meeting the floodplain development regulations. O'Tool recommended approval of zoning rezone request by Midwest Auto Properties, LLC from AP to GC with the conditions that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and requirement for an approved floodplain development permit. Second: Bride. Motion approved 5-0.

Information/Discussion: Zoning Requirements Concerning the Permitting of Hazardous Liquid Pipelines including the Conditional Use Permit Requirements in the Zoning Ordinance and Possible Ordinances or Ordinance Amendments

Priestley offered information about recent proposals to consider amendments for the permitting of hazardous liquid pipelines. Three possible options include continuing with the existing zoning ordinance language for a conditional use permit, adopting an amendment to the zoning ordinance to include additional criteria for consideration, and adopting a standalone ordinance where the Board of Supervisors become the permitting body. Staff has recently met with the county attorney's office and county engineer to review the proposal. Community and Economic Development staff had recommended using the existing ordinance criteria and recommending that the Board of Supervisors consider passing a resolution asking for the Zoning Commission and Board of Adjustment to ask for further information to assist with the clarification of the conditional use permit criteria. Priestley informed the commissioners that Supervisor Radig has requested for the consideration of a proposal to institute 500 FT setbacks from the pipeline. Deb Main and Gayle Palmquist addressed the board by offering concerns about the effects of

hazardous liquid pipelines. They encouraged the county to use their regulatory authority to pass an ordinance to regulate pipelines.

Information/Discussion: Permitting of RAGBRAI Special Events for the Sales of Food, Beverages (With and Without Alcohol), Goods and Services, When RAGBRAI Selects Woodbury County as a Location for the Annual Event.

Priestley presented a proposed Zoning Ordinance Text Amendment to allow for the sales of food, beverages, goods, and services when RAGBRAI selects Woodbury County as a location for their annual event. The proposal includes a temporary use provision and a Conditional Use Permit option if there is a desire to sell alcohol products. The temporary use provision allows for the sales of food, beverages (with no alcohol), goods, and services. A conditional use permit would be required if there is a desire to sell alcohol products.

Information/Discussion: Permitting of Special Events

Priestley offered information about the possible permitting of events other than RAGBRAI. He noted the concerns that the Zoning Commission had referenced at the August 22, 2022 meeting. After discussions with the County Attorney's office, there were concerns about a general special events category and the possible impacts to other uses. Thus, the RAGBRAI proposal was developed to specifically address the challenges of selling goods and services in the unincorporated area of Woodbury County during the 2022 RAGBRAI event.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

Priestley indicated that the public meeting attendance for Comp Plan 2040 has been low and public input is important for the future development of Woodbury County. Priestley stated that the Board of Supervisor meetings are also an important tool for public input and awareness of issues involving the County. Meeting schedules and agendas are posted on the Woodbury County website.

Adjourn

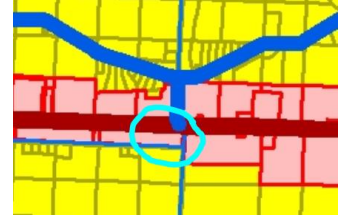
Motion by O'Tool. Second: O'Tool. 5-0. The meeting adjourned at 7:50 PM.

EVALUATION CRITERIA

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 General Commercial (GC). The parcel is currently zoned Agricultural Preservation (AP) and the request is to change to GC for the purpose of using the property for outdoor storage and eventually having a building for automotive repair.. The request conforms to the goals and objectives of the general development plan as it relates to the following land use goals:



- **Land Use Goal 1.1:** Adopt a land use plan that designates areas for anticipated future population and business growth needs of the County.
- **Land Use Goal 1.2:** Adopt development regulations that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure.
- **Land Use Goal 1.3:** Encourage development near cities by discouraging leap-frog development outside municipalities.
- **Economic Development 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.

There are no conflicts with the policies and plans of other agencies.

Consideration of the Corn Suitability (CSR) of the property.

The CSR2 rating for this property includes ratings of 71.38. 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.

Summary

Parcel ID	884701200009
Gross Acres	5.00
ROW Acres	0.00
Gross Taxable Acres	5.00
Exempt Acres	0.00
Net Taxable Acres	5.00 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	71.38 (356.91 CSR2 Points / 5 Gross Taxable Acres)

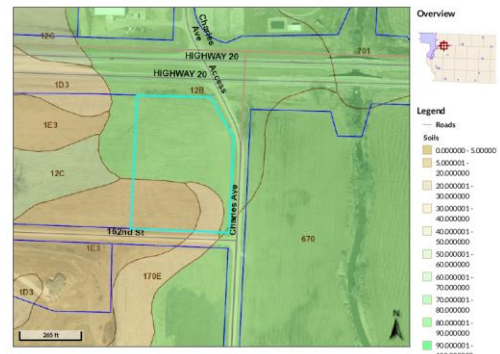
Aglard Active Config: 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	5.00	71.38	356.91	356.91
Non-Crop	0.00	0.00	0.00	0.00
Total	5.00		356.91	356.91

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	3.33	309.69	309.69
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.44	25.08	25.08
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	1.23	22.14	22.14
Total				5.00	356.91	356.91



Compatibility with adjacent land uses.

The rezone proposal to GC comports with the Woodbury County Future Land Use Map (2005) as this parcel is designated as a future GC parcel. The area adjacent to this property includes mixed uses including a residential dwelling approximately 330 FT to the southwest on an AP parcel. The area also includes commercially zoned property to the east, northeast and north as well as agricultural to the south, southwest and northwest. This property abuts Highway 20, Charles Avenue, and 162nd Street.



Compatibility with other physical and economic factors affecting or affected by the proposed rezoning.

This property abuts Highway 20, Charles Avenue, and 162nd Street. If any commercial development were to proceed in this area, the eventual paving of Charles Avenue and 162nd Street may be required. Thus, the property owner should be required to sign pavement agreements to address Charles Avenue and 162nd Streets.

Any other relevant factors.

This property is located in the Special Flood Hazard Area (SFHA – floodplain). The property owner(s) must elevate any structures as required by the Woodbury County Zoning Ordinance or seek a Letter of Map Amendment for Areas that could possibly be outside of the floodplain if found by a surveyor and FEMA.

CURRENT – EFFECTIVE FLOODPLAIN MAP



DRAFT FLOODPLAIN MAP (Possibly Effective Jan./Feb. 2024)



LEGAL NOTIFICATION FOR ZONING COMMISSION PUBLIC HEARING

Published in the Sioux City Journal's Legals Section on **September 29, 2022.**

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Planning & Zoning
Accounts Payable
620 DOUGLAS STREET 6TH FLOOR
SIOUX CITY IA 51101

ORDER NUMBER 52147

Subscribed and sworn before me in Sioux City, in said County,

this 29 day of September, 2022

Chris Cirrus

Michelle Graham Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 09/29/2022

TOTAL AD COST: 33.37

FILED ON: 9/29/2022

NOTICE REGARDING PUBLIC HEARING FOR
A ZONING ORDINANCE MAP AMENDMENT
(REZONE)

WOODBURY COUNTY
ZONING COMMISSION

The Woodbury County Zoning Commission will hold a public hearing on the following item hereafter described in detail during a special meeting on October 5, 2022 at 6:00 PM or as soon thereafter as the matter may be considered. The said hearing will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of 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. There is an option available to call 712-464-1133 and enter the Conference ID: 403 184 608# during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

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 (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Midwest Auto Properties, L.L.C.

The proposed amendment is to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acres located on Government Lot 1, Section 1, T88N, R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884701230009 and is described as The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

Owner(s)/Applicant(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lawton, IA 51030, Curtis Eping, 1901 Highway 20, Lawton, IA 51030. Property Address, 1605 Charles Avenue, Lawton, IA 51030.

Customer Ad Proof

180-60017915 Woodbury County Planning & Zoning

Order Nbr 52563

Publication Sioux City Journal

Contact Woodbury County Planning & Zoning
Address 1 620 DOUGLAS STREET 6TH FLOOR
Address 2
City St Zip SIOUX CITY IA 51101
Phone 7122796557
Fax 7122796530

PO Number
Rate Open
Order Price 37.47
Amount Paid 0.00
Amount Due 37.47

Section Legal
SubSection
Category 015 Attorneys & Legals

Start/End Dates 10/20/2022 - 10/20/2022
Insertions 1
Size 64

Ad Key 52563-1
Keywords BOS PHN EPLING

Salesperson(s) Legal Legal
Taken By Sue Weydert

Notes

Ad Proof

NOTICE REGARDING PUBLIC HEARINGS FOR A ZONING ORDINANCE MAP AMENDMENT (REZONE) WOODBURY COUNTY BOARD OF SUPERVISORS

The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on Tuesday, October 25, 2022 at 4:45 PM, Tuesday, November 1, 2022 at 4:45 PM and Tuesday, November 8, 2022 at 4:45 PM or as soon as possible thereafter as the matter may be considered. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors.

Such hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment.

Copies of said item may now be examined in the Woodbury County Auditor's office in the said Courthouse during the normal business hours of Monday through Friday between 8:00 AM and 4:30 PM by any interested persons.

All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearings.

Item One (1)
 Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Supervisors will hold public hearings on the referenced dates and times above to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Midwest Auto Properties, L.L.C.

PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acre located in Government Lot 1, Section 1, T88N, R147W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GE Parcel #884701200006 and is described as

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

Owner(s)/Applicant(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lareton, IA 51030. Curtis Epling, 1901 Highway 20, Lareton, IA 51030. Property Address: 1606 Charles Avenue, Lareton, IA 51030.

**NOTICE REGARDING PUBLIC HEARINGS
FOR A ZONING ORDINANCE
MAP AMENDMENT (REZONE)
WOODBURY COUNTY
BOARD OF SUPERVISORS**

The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on Tuesday, October 25, 2022 at 4:45 PM, Tuesday, November 1, 2022 at 4:45 PM and Tuesday, November 8, 2022 at 4:45 PM or as soon as possible thereafter as the matter may be considered. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors. Said hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street,

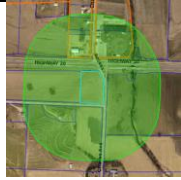
Sioux City, Iowa, in the Board of Supervisors' meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment. Copies of said item may now be examined in the Woodbury County Auditor's office in the said Courthouse during the normal business hours of Monday through Friday between 8:00 AM and 4:30 PM by any interested persons. All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearings.

Item One (1)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Supervisors will hold public hearings on the referenced dates and times above to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Midwest Auto Properties, L.L.C.

PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acres located on Government Lot 1, Section 1, T88N, R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884701200009 and is described as The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

Owner(s)/Applicant(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lawton, IA 51030, Curtis Epling, 1901 Highway 20, Lawton, IA 51030. Property Address, 1605 Charles Avenue, Lawton, IA 51030.

PROPERTY OWNER(S) NOTIFICATION – 1000'



The **fifteen (15)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **September 8, 2022** letter of the public hearing before the Woodbury County Zoning Commission on **September 26, 2022**.

As of **September 22, 2022**, the Community and Development office has received the following inquires. The names of the property owners are listed below. When more comments are received after the printing of this packet, they will be provided at the meeting.

Property Owner(s)	Mailing Address	Comments
Theresa M. Kuhlmann Rev. Trust & Michael D. Kuhlmann Rev. Trust	8240 N 123rd St., Omaha, NE 68142	No comments.
Charles C Le Neal	1637 Charles Ave., Lawton, IA 51030	No comments.
Gehrig Johndreau and Carol Jean Sikora	1751 170th St., Lawton, IA 51030	No comments.
Jeremy J. & Kristi Boatman	1762 162nd St., Lawton, IA 51030	No comments.
Brian D. Peterson	1739 Charles Ave., Lawton, IA 51030	No comments.
Midwest Auto Properties, LLC	1901 Hwy 20, Lawton, IA 51030	No comments.
Everett Dean & Lois Neal	1637 Charles Ave., Lawton, IA 51030	No comments.
Dana D. & Kimberly A. Neal	1774 162nd St., Lawton, IA 51030	No comments.
Andrew S. & Ashley J Ellensohn	7586 Correctionville Rd., Lawton, IA 51030	No comments.
Casey L. & Ashley M. Watts	1583 Charles Ave., Lawton, IA 51030	No comments.
Thomas A. & Angela Kayl	1585 Charles Ave., Lawton, IA 51030	No comments.
Michael & Terri Pagan	1589 Charles Ave., Lawton, IA 51030	No comments.
H & H Real Estate, LLC	1597 Charles Ave., Lawton, IA 51030	No comments.
H & H Real Estate, LLC	1624 180th St., Sioux City, IA 51106	No comments.
Todd W. & Tara M. Shumansky	1275 Buchanan Ave., Sioux City, IA 51108	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	I have no issues with this. – Glenn Sedivy, 9/7/22.
CENTURYLINK / LUMEN:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LONGLINES:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the proposed rezoning for MEC electric. We have no conflicts. – Casey Meinen, 9/7/22.
MIDAMERICAN ENERGY COMPANY (Gas Division):	MEC Gas has no conflicts with the proposed rezoning below either. – Tyler Ahlquist, 9/7/22.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS)	No comments or concerns from the SWCD. – Randi Prichard, 9/8/22.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	NIPCO has no issues with this request. – Jeff Zettel, 9/13/22.
NUSTAR PIPELINE:	The rezoning request does not impact our pipeline. No comments or concerns. Please note that our pipeline does cross in close proximity to the west on future requests. – Matt McGee, 9/9/22.
SIouxLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	I do not have objections to the proposed rezoning of this parcel. I agree that a paving agreement should be put in place. The agreement should follow the current 80/20 cost share. I doubt the other side of the road will develop due to the flood plain status, but 40% of the frontage cost from this adjacent landowner will be appropriate should traffic grow to a level that justifies the eventual paving of the roadway up to 162nd Street. This rezone has the potential to generate traffic and the parcel should participate in the cost of any future pavement to meet the needs of traffic at a new commercial enterprise on Charles Avenue. Thank you for the opportunity to comment. – Mark Nagra, PE, 9/19/22.
WOODBURY COUNTY RECORDER:	No comments thank you. – Diane Swoboda Peterson, 9/7/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	Woodbury REC has no questions or concerns. – Kent Amundson, 9/7/22.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property. – Neil Stockfleth, 9/7/22.
WOODBURY COUNTY TREASURER	The taxes have been paid in full (August 23, 2022 for \$208.00). – Kim Koepke, 9/7/22.

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 _____, 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew Ung

Justin Wright

Attest:

Patrick Gill, Woodbury County Auditor

Adoption Timeline: Public Hearing and 1st Reading: Public Hearing and 2nd Reading: Public Hearing and 3rd Reading: Adopted: Effective:
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ITEM ONE (1)

Property Owner(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lawton, IA 51030.
Property Address, 1605 Charles Avenue, Lawton, IA 51030.

Petitioner Applicant(s): Curtis Epling, 1901 Highway 20, Lawton, IA 51030

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, September 26, 2022, 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 General Commercial (GC) Zoning District for 5.00-acres located on Government Lot 1, Section 1, T88N, R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884701200009 and is described as

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

**AGREEMENT TO IMPOSE COVENANT
BASED UPON LINEAL LOT FRONTAGE**

The undersigned, *Curtis Epling of Midwest Auto Properties, LLC*, the owner(s) of the real estate legally described as follows:

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

In consideration of the approval of the Zoning Ordinance Map Amendment Proposal from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District I/we agree as follows:

1. To impose a recorded covenant on *162nd Street* agreeing to an assessment on said Parcel of Land in event *162nd Street* is hard surfaced and graded for that purpose (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *162nd Street*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Parcel of Land will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said parcel.
3. The collective assessment shall be individually prorated to the Parcel of Land on the basis of the number of lineal feet on which the Parcel of Land abuts the said roadway(s) and the respective Parcel owner(s) shall have the responsibility for the assessment only on the lot within the Parcel of Land he/she or it may own.
4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Parcel of Land, then the lower amount shall be assessed against said Parcel of Land.
5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated this _____ day of _____, 20 ____.

Curtis Epling,
Midwest Auto Properties, LLC

On this ___ day of _____ A.D. 2022, before me, the undersigned Notary Public, personally appeared to me known **Curtis Epling of the Midwest Auto Properties, LLC** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Curtis Epling of the Midwest Auto Properties, LLC** executed the same as a voluntary act and deed.

Notary Public in and for said County

Seal or stamp above

**AGREEMENT TO IMPOSE COVENANT
BASED UPON LINEAL LOT FRONTAGE**

The undersigned, *Curtis Epling of Midwest Auto Properties, LLC*, the owner(s) of the real estate legally described as follows:

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

In consideration of the approval of the Zoning Ordinance Map Amendment Proposal from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District I/we agree as follows:

1. To impose a recorded covenant on *Charles Avenue* agreeing to an assessment on said Parcel of Land in event *Charles Avenue* is hard surfaced and graded for that purpose (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *Charles Avenue*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Parcel of Land will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said parcel.
3. The collective assessment shall be individually prorated to the Parcel of Land on the basis of the number of lineal feet on which the Parcel of Land abuts the said roadway(s) and the respective Parcel owner(s) shall have the responsibility for the assessment only on the lot within the Parcel of Land he/she or it may own.
4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Parcel of Land, then the lower amount shall be assessed against said parcel of land.
5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated this _____ day of _____, 20 ____.

Curtis Epling,
Midwest Auto Properties, LLC

On this ____ day of _____ A.D. 2022, before me, the undersigned Notary Public, personally appeared to me known **Curtis Epling of the Midwest Auto Properties, LLC** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Curtis Epling of the Midwest Auto Properties, LLC** executed the same as a voluntary act and deed.

Notary Public in and for said County

Seal or stamp above

PARCEL REPORT

Summary

Parcel ID 88470120009
 Alternate ID 820892
 Property 1605 CHARLES AVE
 Address LAWTON IA 51030
 Sec/7wp/Rng 1-88-47
 Brief PT GOV'T LOT 1 BEING A TCT COM SE COR OF GOV LOT 1 THEC N 425.97' THEC WLY 33.02' TO POB THEC S 392.56' THEC W 406.92' THEC N 554.22'
 Tax Description THEC E 306.38' THEC SELY 190.38' TO POB 1-88-47 5 ACRES
 (Note: Not to be used on legal documents)
 759-3236 (6/19/2018)
 Deed
 Book/Page
 Gross Acres 5.00
 Net Acres 5.00
 Adjusted CSR 356.91
 Pts
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0030 WOODBURY/LAWTON-BRONSON
 School District LAWTON BRONSON
 Neighborhood N/A

Owner

Deed Holder
 Midwest Auto Properties, LLC
 1901 Hwy 20
 Lawton IA 51030
Contract Holder
 Midwest Auto Properties, LLC
 1901 Hwy 20
 Lawton IA 51030

Land

Lot Area 5.00 Acres; 217,800 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
6/4/2018	PETERSON BRIAN D	MIDWEST AUTO PROPERTIES, LLC	759-3236	Normal	Deed		\$76,500.00
1/30/2018	MCALLISTER TERENCE W & DEBRA	PETERSON BRIAN D	757-2988	NO LONGER USED (formerly Sale of two of more separately assessed parcels)	Deed	Y	\$0.00
3/28/2008	ANDERSON EMMA	MCALLISTER TERENCE & DEBRA	697/3900	SALE OF PORTION OF PROPERTY (SPLIT)	Deed		\$4,500.00

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

Valuation

	2022	2021	2020	2019	2018
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$9,010	\$9,010	\$8,520	\$8,520	\$12,430
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$9,010	\$9,010	\$8,520	\$8,520	\$12,430
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$9,010	\$9,010	\$8,520	\$8,520	\$12,430

Sioux City Special Assessments and Fees

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

Woodbury County Tax Credit Applications

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

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

SOIL REPORT

Summary

Parcel ID 88470120009
 Gross Acres 5.00
 ROW Acres 0.00
 Gross Taxable Acres 5.00
 Exempt Acres 0.00
 Net Taxable Acres 5.00 (Gross Taxable Acres - Exempt Land)
 Average Unadjusted CSR2 71.38 (356.91 CSR2 Points / 5 Gross Taxable Acres)

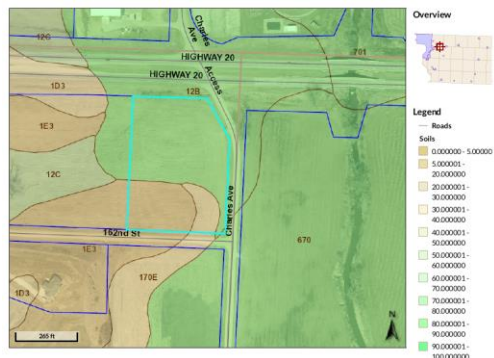
Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	5.00	71.38	356.91	356.91
Non-Crop	0.00	0.00	0.00	0.00
Total	5.00		356.91	356.91

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	3.33	309.69	309.69
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.44	25.08	25.08
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	1.23	22.14	22.14
Total				5.00	356.91	356.91



ELEVATION





OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance
Section 2.02(4)
Page 1 of 8

Rezoning Application &
Zoning Ordinance Map Amendment

Owner Information:	Applicant Information:
Owner <u>Midwest Auto Properties, LLC</u>	Applicant <u>Curtis Epling</u>
Address <u>1901 Hwy 20</u> <u>Lawton IA 51030</u>	Address <u>1901 Hwy 20</u> <u>Lawton, IA 51030</u>
Phone <u>712-870-0840</u>	Phone <u>712-870-0840</u>

Engineer/Surveyor Scott Gerhart, PE Phone (712) 870-9789

Property Information:

Property Address or Address Range 1605 Charles Ave - Parcel 'A' *NENE Woodbury*

Quarter/Quarter Govt Lot 1 Sec 1 Twship/Range 88 - 47

Parcel ID # 88470120009 or GIS # _____ Total Acres 5.00

Current Use Ag Proposed Use Outdoor Storage

Current Zoning AP Proposed Zoning GC

Average Crop Suitability Rating (submit NRCS Statement) 71.38 (Beacon)

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 8/29/22 - Phone Conversation w/ Scott Gerhart, PE, Engineer
Staff present Den Priestley

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.

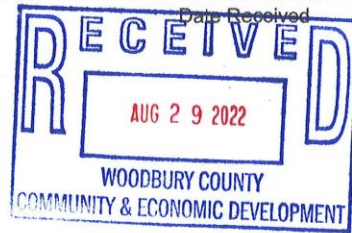
This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner [Signature] Applicant [Signature]
Date 8/30/22 Date 8/30/22

Fee: \$400 Case #: 6799

Check #: 1003

Receipt #: _____



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

Date: 10/20/2022 Weekly Agenda Date: 10/25/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Jered Jepsen, Weed Commissioner

WORDING FOR AGENDA ITEM:

Receive and approve annual report of the county weed commissioner

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The county weed commissioner prepares an annual report for the Department of Agriculture. The report is reviewed with and signed by the Board in advance of submittal.

BACKGROUND:

The county weed commissioner is a position established under Chapter 317 of the Code of Iowa and is a Board appointed county official. The secondary road department provides logistic and clerical support to the weed commissioner. In his annual report he will provide the board with information on his 2022 work and a discussion of upcoming programming and needs.

FINANCIAL IMPACT:

The county funds the work of the weed commissioner through the weed eradication budget.

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

Yes No

RECOMMENDATION:

I recommend that the Board receive the 2022 report of the weed commissioner and direct the chair to sign the report.

ACTION REQUIRED / PROPOSED MOTION:

Motion to receive the 2022 report of the weed commissioner and direct the chair to sign the report.



2023 COUNTY WEED COMMISSIONER CERTIFICATION FORM

For the County of: _____

Weed Commissioner's Contact Information:

Name <i>Jered Jepsen</i>	Year Appointed <i>2012</i>
Mailing Address <i>303 2nd PO Box 202</i>	Telephone <i>712-898-0822</i>
City, Zip Code <i>Correctionville, Ia 51016</i>	Alternate Telephone <i>712-373-9718</i>
Email Address <i>wcweedcomm@gmail.com</i>	Pesticide Certificate # <i>41681</i>

Signed: _____ Date: _____
Chair/President, County Board of Supervisors

PLEASE RETURN THIS FORM TO:

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
State Weed Commissioner
2230 South Ankeny Boulevard
Ankeny, IA 50023-9093

317.3 Weed commissioner -- standards for noxious weed control.

The board of supervisors of each county may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds.

The board of supervisors shall prescribe the time of year the weed commissioner shall perform the powers and duties of county weed commissioner under this chapter which may be during that time of year when noxious weeds can effectively be killed. Compensation shall be for the period of actual work only although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day or month and the rate of pay for the employment time.



2022 WEED COMMISSIONER'S REPORT

For the County of: Woodbury

Submit to County Board of Supervisors by: November 1, 2022
 Return copy to the IDALS office by: December 1, 2022

Weed Commissioner's Contact Information:

Name <u>Jared Jepsen</u>	Year Appointed <u>2012</u>
Address <u>303 2nd PO Box 202</u>	Telephone <u>712-898-0822</u>
City, Zip Code <u>Correctionville, Ia 51016</u>	Alternate Telephone <u>712-373-9718</u>
Email Address <u>wcweedcomm@gmail.com</u>	Pesticide Certificate # <u>41681</u>

Which of the noxious weeds have you found in your county?

- 1 - Found, a problem in my county
 2 - Found, but not a problem
 3 - Not known in my county
 ? - If you cannot identify this plant

Primary Noxious Weeds	Answer	Secondary Noxious Weeds	Answer
Buckthorn	3	Buckhorn Plantain	3
Bull Thistle	2	Cocklebur	2
Canada Thistle	2	Curly Dock (Sour Dock)	2
Field Bindweed	2	Multiflora Rose	2
Hoary Cress (Perennial Pepper-grass)	2	Poison Hemlock	2
Horse Nettle	2	Puncturevine	2
Leafy Spurge	2	Red Sorrel (Sheep sorrel)	2
Musk Thistle	2	Shattercane	2
Palmer Amaranth	3	Smooth Dock	2
Perennial Sow Thistle	2	Teasel	2
Quackgrass	2	Velvetleaf (Butterprint)	2
Russian Knapweed	2	Wild Carrot	2
		Wild Mustard	2
		Wild Sunflower	2

<i>Invasive Prohibited Plants</i>	Answer		
Garlic Mustard	2		
Japanese Hop	3		
Japanese Knotweed	3		
Oriental Bittersweet	2		
Purple Loosestrife	2		

Please list any other plants which are a problem or a concern in your county:

Trees & Brush in the county R.O.W.

As County Weed Commissioner, do your duties include roadside spraying?

Yes No

Did your county publish a Notice of Program for weed control pursuant to the provisions of Title VIII Chapter 317 Section 317.14?

Yes No

Did your county employ contract spraying during 2022?

Yes No

If yes, what percentage of your total spray program is contracted? _____%

If possible, please list the contract rates. \$/mile _____

Total contract cost \$ _____

In the past year how much did your county spend on purchasing herbicides?

\$ 35,210

How many times during 2022 was it necessary to serve a noxious weed notice?

Private (written) _____ Public (written) (DOT, DNR, CCB) _____

How many times did you contact individuals personally, rather than sending them a weed control notice?

Private (verbal) 18 Public (verbal) (DOT, DNR, CCB) 4

How many times did you actually enter private or public land, control weeds, and assess the cost to the owner?

0

How many months were you employed as weed commissioner in 2022?

9 months

Are your duties as weed commissioner incorporated into another county job?

Yes No

If Yes, what? Equipment Operator

Weed Comm. Duties 35 % IRVM Duties 75 %

Other County Duties _____%

How does the overall county weed situation compare with last year?

Improved Unchanged Worse

Comments? _____

Is brush control included in your weed commissioner duties?

Yes No

If yes, what method(s) do you use? (Circle all that apply):

Spraying Cutting Stump treatment Basal bark

Other, explain _____

What are your suggestions and/or recommendations which may improve your county weed and brush infestations?

Need to update tree & brush equipment

What herbicides did your county use in your weed control program? Be specific, please list brand name and quantity of each. Please do not list surfactants or adjuvants. If the spray program is contracted in your county, ask your contractor for this information. Add another page if necessary.

Herbicide usage table:

CHEMICAL/BRAND	RATE USED	QUANTITY USED	TO CONTROL?
(Example) Milestone	4 fluid ounces per acre	3.32 gallons	Thistle and teasel on roadside
Wetstone	5 to 7½ oz/A	32½ gallons	Row weeds
Escort XP	1½ to 2 oz/A	144 lbs	Weeds + Bush
methad	10 oz/A	25 gallons	Trees + Brush
Plain view	32 oz/A	10 gallons	Parking lots Background
Graslan L	3 pints/A	12 gallons	Row weeds

The above report is true to the best of my knowledge.

Signature 
County Weed Commissioner

10/19/22
Date

Signature _____
Chairman, County Board of Supervisors

Date

Please return a copy to:

Iowa Department of Agriculture and Land Stewardship
Attn: State Weed Commissioner
2230 S Ankeny Blvd
Ankeny, IA 50023-9093

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

Date: 10/20/2022 Weekly Agenda Date: 10/25/2022

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

WORDING FOR AGENDA ITEM:

Consider approval of a consultant agreement for the Elk Creek Road Paving project design services

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Woodbury County signed an agreement with Sioux City to improve Elk Creek Road from Christy Road to a new subdivision. A project design agreement is presented for board approval.

BACKGROUND:

The Board signed a letter of understanding with the city of Sioux City in regard to a shared paving project on Elk Creek Road on the east side of the new Residence at Elk Creek subdivision. The city, county and developer are revising the cost share agreement and extending the project. Road design is to be done by Woodbury County per the agreement.

FINANCIAL IMPACT:

The cost for design work will be paid by Woodbury County local secondary road funds.

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

Yes No

RECOMMENDATION:

Recommend that the board approve the agreement for professional services with DGR Engineering for the above captioned project and direct the chair to sign the agreement.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the agreement for professional services with DGR Engineering for the above captioned project and direct the chair to sign the agreement.

DGR ENGINEERING
Agreement for Professional Services

THIS AGREEMENT is entered into on the 11th day of October, 2022, by and between Woodbury County, Iowa, hereinafter referred to as "Client" and **DeWild Grant Reckert and Associates Company, d/b/a DGR Engineering**, hereinafter referred to as "Consultant".

WHEREAS, Client requires professional services for Elk Creek Road Construction, West of Old Lakeport Road to just North of Singing Hills Boulevard
(project title/name) _____ and,

WHEREAS, Consultant is willing to provide such services upon the terms and conditions hereinafter set forth,

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree to the following general terms and conditions:

1. BASIC AGREEMENT:

- 1.1. SCOPE OF WORK:** The Scope of Work for this Project shall be documented in a manner consistent with the format of Exhibit A to this Agreement and shall be considered an integral part of this Agreement.
- 1.2. GENERAL:** This Agreement sets forth the general terms and conditions which will apply to all services rendered. Consultant shall provide or cause to be provided the services set forth in this Agreement and any subsequent amendments; and Client shall pay Consultant for such services as set forth in Paragraph 3.3.
- 1.3. TERM:** This Agreement shall be effective on the date shown above, until terminated as provided in paragraph 4.2 below.

2. CONSULTANT'S RESPONSIBILITIES:

- 2.1. SERVICES PROVIDED:** Exhibit A will describe services to be performed and deliverables, if any, to be provided. Consultant shall not be obligated to perform any services unless and until Client and Consultant agree as to the scope of Consultant's services, time for performance, Consultant's compensation, and Client's responsibilities. All services shall be subject to the terms and conditions of this Agreement.
- 2.2. STANDARD OF CARE:** The standard of care for all professional engineering and related services performed or furnished by Consultant under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with Consultant's services.
- 2.3. INDEPENDENT CONTRACTOR:** All labor, material and equipment necessary to complete the Services shall be provided by Consultant as an independent contractor. Consultant shall be solely responsible for the means and methods used to complete its Services. Consultant is not an employee of or in a joint venture with Client.

2.4. TIMELINESS OF PERFORMANCE: The Consultant will perform its Services with reasonable diligence and expediency consistent with sound professional practices.

3. CLIENT'S RESPONSIBILITY:

3.1. DUTY TO PROVIDE INFORMATION: Client agrees to provide Consultant with any and all documents, including but not limited to, structural documents, geotechnical reports and other technical information regarding the location where Services are to be performed (the "Site"), if any, which are available to Client and which relate to the Services. Client shall be responsible for, and Consultant may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, documents and other information furnished by Client to Consultant under the Agreement. Consultant may use such requirements, reports, data, documents and information in performing or furnishing Services under the Agreement. Client shall make decisions and carry out its other responsibilities in a timely manner under the Agreement so as not to delay Consultant's Services.

3.2. PERMITS AND LICENSES: Client agrees to timely obtain and provide all licenses, permits, registrations, certificates and government or agency approvals that may be required to commence and/or complete Client's Project.

3.3. PAYMENT AND TERMS: Consultant shall prepare invoices in accordance with its standard invoicing practices and Exhibit A. Consultant shall submit its invoices to Client on a monthly basis. Invoices are due and payable within 30 days of receipt. If Client fails to make any payment due Consultant for services and expenses within 30 days after receipt of Consultant's invoice, then Client will be considered in breach of the payment terms of this Agreement, and the compounded amount due Consultant will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day.

If Client disputes an invoice, Client may withhold until resolution of the disputed portion only that portion so disputed, and must pay the undisputed portion.

Whenever Consultant is entitled to compensation for the charges of Sub-consultants used by the Consultant as part of the services provided to the Client, those charges shall be billed to the Client at the amount billed to the Consultant by the Sub-consultant times a factor of 1.0.

Client shall pay all governmental taxes and fees applicable to Consultant's services, which, unless specifically listed in the Fee Arrangement section of Exhibit A, will be in addition to the compensation to which Consultant is entitled under this Agreement. If after the Effective Date of this Agreement any governmental entity takes a legislative action that imposes sales or use taxes, fees, or charges on Consultant's services or compensation different than as described by Exhibit A, then the Consultant may invoice such new taxes, fees, or charges as a Reimbursable Expense to which a factor of 1.0 shall be applied. Client shall reimburse Consultant for the cost of such invoiced new taxes, fees, and charges; such reimbursement shall be in addition to the compensation to which Consultant is entitled under the terms of this Agreement.

Upon Client's request, Consultant shall deliver to Client certificates of insurance evidencing the coverage set forth above.

4.4. OPINIONS OF COST: Consultant's opinions of probable Construction Cost are to be made on the basis of Consultant's experience and qualifications and represent Consultant's estimate as an experienced and qualified professional generally familiar with the construction industry. However, because Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Consultant cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Consultant. If Client requires greater assurance as to probable Construction Cost, Client must employ an independent cost estimator.

4.5. STATUS DURING CONSTRUCTION: If Construction Observation is included in the scope of services, the Consultant shall visit the Project site at intervals appropriate to the stage of construction, or as otherwise agreed to in writing by the Client and the Consultant, in order to observe the progress and quality of the Work completed by the Contractor. Such visits and observation are not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather are to allow the Consultant, as an experienced professional, to become generally familiar with the Work in progress and to determine, in general, if the Work is proceeding in accordance with the Construction Contract Documents.

Based on this general observation, the Consultant shall keep the Client informed about the progress of the Work and shall endeavor to inform the Client of observed deficiencies in the Work. If the Client desires more extensive project observation or full-time project representation, the Client shall request that such services be provided by the Consultant as Additional Services.

The Consultant shall not supervise, direct or have control over the Contractor's work nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Construction Contract Documents.

The Consultant shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Consultant does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Construction Contract Documents or any applicable laws, codes, rules or regulations.

5. MISCELLANEOUS PROVISIONS:

5.1. MUTUAL WAIVERS: To the fullest extent permitted by law, Client and Consultant (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project.

- 5.2. **CODE COMPLIANCE:** The Consultant shall exercise usual and customary professional care in its efforts to comply with applicable laws, codes and regulations in effect as of the date of this Agreement issued by Client to Consultant. Design changes made necessary by newly enacted laws, codes and regulations after the Agreement date shall entitle the Consultant to a reasonable adjustment in the schedule and additional compensation based upon Consultant's Standard Fee Schedule in effect when the work is completed. In the event of a conflict between laws, codes and regulations of various governmental entities having jurisdiction over a Project under this Agreement, the Consultant shall notify the Client of the nature and impact of such conflict. The Client agrees to cooperate and work with the Consultant in an effort to resolve this conflict.
- 5.3. **SEVERABILITY:** Any term or provision of this Agreement found to be invalid or unenforceable under any applicable statute or rule of law shall be deemed omitted and the remainder of this Agreement shall remain in full force and effect.
- 5.4. **ASSIGNMENT:** Neither Client nor Consultant may assign, sublet, or transfer any rights under or interest (including, but without limitation, monies that are due or may become due) under the Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.
- 5.5. **GOVERNING LAW and JURISDICTION:** Client and Consultant agree that the Contract Documents and any legal actions concerning their validity, interpretation and performance shall be governed by the laws of the State in which the project is located.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for Professional Services as of the date first above written.

<p><u>Woodbury County</u> (Client)</p> <p>By: _____</p> <p>Title: _____ (Authorized signature and Title)</p> <p>Date: _____</p> <p>Address: _____</p> <p>City/County: _____</p> <p>Phone: _____</p>	<p>DeWild Grant Reckert and Associates Company d/b/a DGR Engineering (Consultant)</p> <p>By: <u><i>Bryan Wells</i></u></p> <p>Title: <u>Vice President</u> (Authorized signature and Title)</p> <p>Date: <u>10-11-22</u></p> <p>Address: <u>6115 Whispering Creek Drive</u></p> <p>City/County: <u>Sioux City, IA 51106</u></p> <p>Phone: <u>712-266-1554</u></p>
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EXHIBIT A

Scope of Work

DGR Engineering (Consultant) agrees to provide to: Woodbury County, Iowa
(Client)
the professional services described below for the Project identified below.

PROJECT NAME: Elk Creek Road Construction, West of Old Lakeport Road to Just North of Singing Hills Boulevard

PROJECT DESCRIPTION: Construction of Elk Creek Road north Elk Creek Development to the west side of Old Lakeport Road (including a proposed Roundabout at intersection with Old Lakeport Rd, Southern Hills Drive and Christy Road) totaling approximately 2,200 LF.

DGR CONTACT PERSON: Bryan Wells

CLIENT CONTACT PERSON: Mark Nahra

SCOPE OF WORK:

Assumptions/Understandings:

- Under separate contract, City of Sioux City to hire DGR and be responsible for costs related to the following:
 - Topo Survey, Design and CA Services related to sidewalk/trail along east side of Old Lakeport Road from Southern Hills Road to Singing Hills Boulevard. These project improvements are to be included in this project's contract documents and be shown in separated Bid Division.
- Project to be bid by County.
- Project to include multiple (up to six) Plan Divisions to separate quantities and show cost share responsibilities between ECD, County and City.
- No street light design is included as part of this scope of work.
- No dry gravity or force main sanitary sewer main and services are proposed to be designed or installed as part of this project per City direction.
- No fencing is required along east ROW line per County direction.

I. Administration/Meetings

- A. Coordinate with team members, including subconsultants (if any) and County, City staff (Engineering Division, Field Services, and Right-of-Way Offices), to define the extent of work involved along with each participant's responsibilities.
- B. Address public concerns and issues related to the project through the City/County Project Manager.
- C. Meetings: A total of up to five (5) meetings are included in this scope, a project kickoff meeting with the City/County to review and discuss project details, and four (4) City/County/ECD progress review meetings. No public meetings are anticipated.
- D. Onsite Meetings with Property Owners: A total of 6 hours of Engineer time is included for onsite meetings with individual property owners (including City ROW

representative) to review plans, answer questions and discuss the improvements and any acquisitions/easements that may be needed during construction

- E. The City/County will provide to the Consultant existing information on existing utilities, as-built plans, and other information relevant to the project. The City/County will also supply current aerial photography for the project area at no cost.

II. Preliminary Survey/Data Collection/Plats/Stake Borings

- A. A preliminary topographic survey will be collected along the project area starting at north limit of Elk Creek Development (north of Singing Hills Boulevard) to approximately 250 feet west of Old Lakeport Road. Any existing survey provided by the Client will be reviewed and incorporated into our survey. Survey will extend north and south at intersection of Southern Hills Drive/Old Lakeport Road/Christy Road/Elk Creek Road. The topographic survey will include:
 - 1. Establishing horizontal and vertical control points suitable for design and construction of a future project in this area.
 - 2. Identifying existing surface features, including roads, buildings, sidewalks, trees and bushes, retaining walls, and visible utilities.
 - 3. Identifying the existing topography of the site for the purpose of developing a digital terrain model of the site.
 - 4. Locating underground utilities as marked on the surface by public and private utility companies or from record documents. Flowlines of known and accessible sanitary sewer and storm sewer structures will be determined.
 - 5. Showing property boundaries according to platted dimensions. No property survey field work will be provided unless proposed acquisition is required. Proposed acquisition is assumed to be required at all four corners of the Southern Hills Drive/Old Lakeport Road/Christy Road/Elk Creek Road intersection. Several property pins will be attempted to be located to assist in orientating the platted property lines. Known existing easements recorded at the courthouse and provided by the City, utility companies and property owners will be added to the survey file.
 - 6. Preparing a site drawing in CAD showing the information indicated above. In addition, existing ground contours will be shown at 1 or 2 foot intervals as appropriate.
- B. The City will provide to the Consultant existing information on existing utilities, as-built plans, and other information relevant to the project. The City will also supply current aerial photography for the project area at no cost.
- C. Acquisition Plats and Temporary Easement Descriptions: It is assumed that up to four (4) acquisition plats and four (4) temporary easement descriptions will be needed for the project. Temporary easements to be shown in plans. No exhibits are assumed to be required
- D. Consultant to stake soils borings for Geotech subconsultant.

III. Preliminary Design

- A. Consultant shall prepare design plans and cross sections for the street portion of the project, including plan/profile sheets for the paving and utilities (storm sewer and water main). The work shall include approximately 2,200 feet of street/roadway construction to be completed in year 2023. The intersection with Southern Hills Drive/Old Lakeport Road/Christy Road/Elk Creek Road is also included in this proposal and proposed to include a 100 foot diameter one-lane roundabout due to the existing five leg configuration. The proposed street/roadway cross section is to be an urban section at the roundabout intersection with sloped curbs on both sides and 24 foot wide rural section along Elk Creek Road between The Residence of Elk Creek subdivision and Old Lakeport Road. Sidewalks are proposed at the roundabout intersection only.
- B. Utilities: New storm sewer and water main utilities are planned for this project and the design is included in this agreement. New storm sewer will be designed to provide for the conveyance of the 10-year storm within a gravity storm sewer system. The impact of flows from the 100-year storm also will be reviewed. New 8" water main will be extended from The Residence of Elk Creek subdivision to Old Lakeport Road intersection to make a looped connection.
- C. Traffic Counts: Traffic counts are not included in this proposal.
- D. Paving: Streets will be designed which meet the City/County design criteria for the applicable street classification. It is expected that an urban section with sloped curb (concrete only) street will be constructed in the proposed roundabout intersection. Sidewalks are to be included in the intersection. A rural section with ditches will be designed on Elk Creek Road from Old Lakeport Road to the north limit of The Residence of Elk Creek subdivision.

Consultant shall present the City/County a concept showing the proposed street geometrics for approval prior to beginning plan preparation.

- E. Private Utilities: Following City/County review of the 60% preliminary plans, the plan set will be sent to the private utility owners within the construction limits for coordination with the project.
- F. Landscaping/Retaining Walls: It is assumed no significant landscape features will be designed by the Consultant, including but not limited to decorative retaining walls, fountains, extensive colored concrete design patterns, etc.
- G. The design of electrical, gas, telephone, and cable TV service within the construction limits not included in this proposal. The proposed improvements will be coordinated with the afore-mentioned private utilities for their information.
- H. ROW Design: Consultant to prepare plans (H Sheets) showing the proposed acquisition and temporary easement needs.
- I. The Consultant will retain the services of Certified Testing Inc. as their qualified geotechnical engineer subconsultant to investigate the existing ground conditions for the purpose of making recommendations on pipe bedding and backfill, on the necessary subgrade/subbase improvements, and for preparing a pavement recommendation. The

contract for the material testing services will be directly with the City/County and is not included in this proposal.

- J. Consultant will provide opinion of costs at 60% plan submittal.

IV. Final Design

- A. Final plans will be prepared based on the preliminary plan approved by the City/County. The final plans will include typical cross sections, special details as needed, and street cross sections, as well as intersection grading and jointing details. Profiles will be provided for all mainline streets and storm sewer utility.
- B. A traffic control and staging plan will be prepared for the project showing street closures including a designated detour route.
- C. Staging Layout: The construction of the project is expected to occur over two stages (Southern Hills Drive/Old Lakeport Road/Christy Road/Elk Creek Road intersection and then Elk Creek Road between Old Lakeport Road and The Residence of Elk Creek subdivision).
- D. Erosion control plans will be prepared for the project showing erosion and sediment control measures, existing and proposed drainage paths and staging areas. A SWPPP will also be provided by the Consultant.
- E. All design for the project will be developed according to the current Statewide Urban Design Standards (SUDAS) with City of Sioux City Supplemental Specifications which have been adopted by the City, as well as current City codes and ordinances. Additionally, special provisions will be made for items unique to the project or not included in the SUDAS or City Supplemental.
- F. Bid items and Quantities: Consultant will prepare individual bid items and quantities for an assumed six (6) Divisions to separate costs between ECD (water and sanitary sewer) and the remaining work to be cost shared three ways.
- G. The Consultant will assist the City/County in obtaining the necessary permits for construction by preparing the necessary permit applications. Permits needed will include an IDNR storm water discharge permit. The application fees and permit costs are not included in this proposal and will be paid by the City/County.
- H. Consultant will provide opinion of costs at 100% plan submittal.

V. Bid Phase

- A. Consultant shall assist the County during the solicitation for bids for one (1) bid letting by preparing the Notice to Bidders; by reproducing the plans, specifications, and contract documents; and attending the bid letting. Ten (10) copies of plans and specifications are included in this proposal. Any questions concerning interpretation of the project documents will be handled by Consultant. Plan distribution will be handled by the County.

- B. Bids received by the County for the project will be examined for completeness and accuracy, and a recommendation, including tabulation of bids, will be made by the Consultant to the City/County for the award of the construction contract.
- C. Engineer's Opinion of Probable Cost for the project shall be provided to the City/County to use as a basis for bid evaluation.

VI. Construction Administration (Limited)

Because of factors beyond the control of the Consultant, such as: capability of the contractor, speed at which the contractor progresses, weather, traffic, construction staging, property owner questions/needs, etc., the Consultant can only provide an estimated fee for construction services. The following assumptions shall be used in preparing an estimate for construction administration services:

- A. Construction administration services are based on an 16 week construction duration and assumed 30 hours of Engineer consultation time for the project.
- B. It is understood the fees provided for construction services are estimates based on these assumptions, and if construction work extends beyond the time frame estimated or the Engineer needs to be on site more hours per week, an amendment to this agreement will be needed to complete the construction services.
- C. Consultant will develop the agenda and conduct a preconstruction conference with City/County staff at City Hall for all parties involved in the project to establish schedules, review materials, conflicts, quality assurance, and other related items. City/County will assist in scheduling the meeting. Meeting minutes will be prepared by the Consultant.
- D. Review shop drawings submitted by Contractor to be completed by the Consultant.
- E. During construction, Consultant shall consult and advise the City/County on details related to the project construction. Construction observation is assumed to be by others (City/County staff).
- F. Consultant shall furnish periodic visits during construction to review progress and assist the Project Observer with questions during construction. It is assumed up to three (3) site visits are included.
- G. Consultant shall be available by phone, letter, or email for consultation and to respond to questions during or following construction.

VII. Construction Staking

This includes staking of Elk Creek Road improvements along The Residence of Elk Creek subdivision as well.

- A. Consultant shall provide horizontal and vertical control to Contractor during construction consisting of a minimum of four control points. Two (2) trips are included for this work.
- B. Consultant to provide GPS grading files to grading contractor for use in grading work.

- C. Consultant to mark removals.
- D. Consultant shall provide horizontal and vertical control to the Contractor for storm sewer consisting of 2 hubs at each manhole or inlet and stakes at Contractor requested offsets at 25 and 50 feet from each manhole and at 100 foot intervals thereafter for installation using laser level methods. Six (6) trips are included for this work.
- E. Consultant to set lath along water main alignment at 50 feet intervals and at each valve and fire hydrant. Four (4) trips are included for this work.
- F. Consultant shall set paving hubs at requested offsets to back of curb or edge of paving at 25 foot intervals for fine grading and paving. Hubs will be set at radius points and midpoints for intersection paving. Sidewalk landings will also be staked. Fourteen (14) trips are included for this work.

FEE ARRANGEMENT:

For a project of this nature and scope, we agree to perform the engineering services detailed in sections I - VII on an hourly basis plus direct project expense using the rates in effect at the time the work is performed. A copy of the current hourly rate schedule is enclosed. We estimate the fee for this Scope of Services to be \$168,500 maximum not to exceed. Below is an estimated breakdown per task.

Task I – Administration/Meetings	\$10,000
Task II – Topo Survey/Data Collection/Plats/Stake Borings	\$20,500
Task III – Preliminary Design (including Geotech - CTS)	\$43,000
Task IV – Final Design	\$40,000
Task V – Bid Phase	\$ 3,000
Task VI – Construction Administration (Limited)	\$12,000
Task VII – Construction Staking	<u>\$40,000</u>
Total	\$168,500

All Hourly tasks will be billed at the Hourly Fee Schedule then in effect. A copy of the current Hourly Fee Schedule is attached as Exhibit B.

The Engineer’s compensation is conditioned on the time to complete construction not exceeding 12 months. Should the time to complete construction be extended beyond this period, total compensation to Engineer shall be appropriately adjusted.

SCHEDULE: Bid in spring 2023 for summer/fall 2023 construction

SPECIAL TERMS AND CONDITIONS: None

EXHIBIT B

DGR ENGINEERING

JULY 2022

HOURLY FEE SCHEDULE A

Personnel Grade	Engineer Hourly Rate	Technician Hourly Rate	Administrative Hourly Rate
01	\$100	\$59	\$54
02	\$106	\$64	\$56
03	\$112	\$69	\$60
04	\$118	\$73	\$65
05	\$127	\$78	\$70
06	\$140	\$84	\$75
07	\$152	\$88	\$80
08	\$162	\$94	\$85
09	\$175	\$100	\$90
10	\$187	\$106	\$96
11	\$200	\$112	\$103
12	\$212	\$117	\$118
13	\$226	\$123	\$135
14	\$232	\$132	\$166
15	\$238	\$142	\$219

Reimbursable Expenses:

1. Standard vehicle mileage at the IRS standard mileage rate in effect at the time.
2. Survey/staking/heavy duty trucks at IRS standard mileage rate plus \$0.25 per mile.
3. Other travel, subsistence, lodging at actual out-of-pocket cost.
4. GPS Survey Equipment (when used) at \$31.25 per hour.
5. ATV and UTV Equipment (when applicable) at \$12.50 per hour.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/30/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 300 N. Cherapa PL Sioux Falls SD 57103	CONTACT NAME: D'one Hanisch, CISR Elite, CCIP		
	PHONE (A/C, No, Ext): 605-339-3874	FAX (A/C, No): 605-339-3620	
E-MAIL ADDRESS: d.hanisch@marshmma.com			
INSURER(S) AFFORDING COVERAGE		NAIC #	
INSURED DeWild Grant Reckert and Associates Company dba DGR Engineering 1302 S Union St, PO Box 511 Rock Rapids IA 51246-0511	INSURER A: Continental Insurance Company		35289
	INSURER B: Continental Casualty Company		20443
	INSURER C: National Fire Insurance Co of Hartford		20478
	INSURER D: The Continental Insurance Company		35289
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER: 150979180

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> XCU Incl <input checked="" type="checkbox"/> Contractual Incl GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:	Y		7015480508	9/1/2022	9/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
D	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	Y		7015480511	9/1/2022	9/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	Y		7015480539	9/1/2022	9/1/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A	7015480525	9/1/2022	9/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Professional Liability Claims Made Retro Date N/A			AEH591952048	9/1/2022	9/1/2023	Each Claim/Aggregate Deductible 5,000,000 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Sioux City, Iowa is included as Additional Insured, on a primary, non-contributory basis, on the General Liability, Auto Liability and Umbrella if required by signed written contract executed prior to loss. Should the insurance company(ies) cancel the policies for any statutorily-permitted reason other than non-payment, 30 days notice will be mailed or delivered to the certificate holder, if required by written contract.

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

City of Sioux City, IA
 405 6th Street
 PO Box 447
 Sioux City IA 51102

AUTHORIZED REPRESENTATIVE

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/30/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

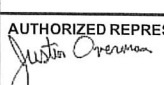
PRODUCER Marsh & McLennan Agency LLC 300 N. Cherapa PL Sioux Falls SD 57103		CONTACT NAME: D'one Hanisch, CISR Elite, CCIP PHONE (A/C, No, Ext): 605-339-3874 FAX (A/C, No): 605-339-3620 E-MAIL ADDRESS: d.hanisch@marshmma.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : Continental Insurance Company	NAIC # 35289
		INSURER B : Continental Casualty Company	20443
		INSURER c : National Fire Insurance Co of Hartford	20478
		INSURER d : The Continental Insurance Company	35289
		INSURER E :	
		INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 1301018817 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
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D	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			7015480511	9/1/2022	9/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			7015480539	9/1/2022	9/1/2023	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A			7015480525	9/1/2022	9/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	Professional Liability Claims Made Retro Date N/A			AEH591952048	9/1/2022	9/1/2023	Each Claim/Aggregate Deductible \$ 5,000,000 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The certificate holder is included as Additional Insured on the General Liability if required by signed written contract executed prior to loss.

CERTIFICATE HOLDER	CANCELLATION
Woodbury County 620 Douglas St Sioux City IA 51101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

ITEMS TO INCLUDE ON AGENDA

WOODBURY COUNTY, IOWA

Resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the County for certain original expenditures paid in connection with specified Projects.

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

_____, 20__

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

Absent: _____

Vacant: _____

* * * * *

Board Member _____ introduced the following Resolution entitled "RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS" and moved that it be adopted. Board Member _____ seconded the motion to adopt, and the roll being called thereon, the vote was as follows:

AYES: _____

NAYS: _____

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

**RESOLUTION DECLARING AN OFFICIAL INTENT UNDER
TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO
REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL
EXPENDITURES PAID IN CONNECTION WITH SPECIFIED
PROJECTS**

WHEREAS, the County anticipates making cash expenditures for one or more capital improvement projects, generally described below (each of which shall hereinafter be referred to as a "Project"); and

WHEREAS, the County reasonably expects to issue debt to reimburse the costs of a Project; and

WHEREAS, the Board believes it is consistent with the County's budgetary and financial circumstances to issue this declaration of official intent.

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

Section 1. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2.

months after the property is placed in service, but in no event more than three (3) years after the original expenditure is paid.

Section 6. That this Resolution be maintained by the County Auditor in an Official Intent File maintained in the office of the Auditor and available at all times for public inspection, subject to such revisions as may be necessary.

PASSED AND APPROVED this _____ day of _____, 20_____.

Chairperson

ATTEST:

County Auditor

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF WOODBURY)

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

WITNESS my hand and the seal of the Board hereto affixed this _____ day of _____, 20____.

County Auditor, Woodbury County, State of Iowa

(SEAL)

The Board of Supervisors met on Tuesday, August 16, 2022 at 4:15 p.m. as Trustees for Grant Township. Trustees present were Taylor, Radig, De Witt, Ung and Wright. Township Clerk Jean Lillie was not present. Michelle Skaff was present (by phone) as the temporarily appointed clerk.

Motion by Radig second by Ung to approve the agenda. Carried 5-0.

Motion by Ung second by De Witt to appoint Michelle Skaff as clerk for this meeting. Carried 5-0.

Motion by Ung second by Radig to approve the minutes from May 10, 2022. Carried 5-0.

Motion by Radig second by De Witt to approve the claim to Grinnell Mutual in the amount of \$380.00. Carried 5-0.

Motion by Radig second by De Witt to approve FY22 Annual Financial Report. Carried 5-0.

There were no township citizen concerns.

There were no trustee concerns.

The meeting was adjourned.

Iowa Official M-22D.

KLIPTO, MASON CITY, IOWA

NOTE—This deed fits Cemetery Deed Record No. 135-9A

THIS INDENTURE WITNESSETH:

That Grant Township (Name of Association, Town or Township)

in consideration of fifty DOLLARS (\$ 50-),

in hand paid, Conveys and Warrants to Mike + Kim Pope (Name of Purchaser)

of Oto in the County of Woodbury

and State of Iowa, and..... heirs, the following Lot of Land in

Piero Cemetery (Name of Cemetery)

situated in the County of Woodbury, in the State of Iowa, to-wit:

Lot No....., in NE 1/4 of plot #93

Mike or Kim Pope
2511 Lenox Ave
Oto, IA 51044 712-827-4488

containing.....square feet, be the same more or less.

TO HAVE AND TO HOLD the hereinabove granted premises as a Place of Interment to the said Grantee and..... heirs forever; subject, however, to the provisions and restrictions specified in the Rules and Regulations of said Grantor at the present time, and which are made a part of this conveyance, or which said grantor may hereafter make in conformity with the laws of this State.

IN TESTIMONY WHEREOF, the said..... has caused these presents to be signed by its..... (and the seal of said Grantor to be hereunto affixed), this.....day of.....A. D. 19.....

STATE OF....., County of.....ss.

On this.....day of.....A. D. 19....., before me..... a Notary Public in and for the County of....., State of....., personally appeared..... and..... of....., the..... which executed the above and foregoing instrument, who being to me known as the identical persons who signed the foregoing instrument, and by me duly sworn, each for himself, did say that they are respectively the..... and..... of said.....; that (the seal affixed to said instrument is the seal of said.....)—(no seal has been procured by said.....) and that said instrument was by them signed and sealed in behalf of the said..... by authority of its....., and each of them acknowledged the execution of said instrument to be the voluntary act and deed of said....., by its and each of them voluntarily executed.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my Notarial Seal the day and year last above written.

Notary Public in and for.....County, State of.....

MIKE OR KIM POPE
2511 LENOX AVE.
OTO, IA 51044
PH. 712-827-4488

3696
72-2143/739

13 JUN 2022 Date

Pay to the
Order of

Grant Township Cemetery \$ 50.⁰⁰/₁₀₀
Twenty and 00/100 Dollars

Security
Features
Details on
Back.

UNITED BANK OF IOWA

Shield

For

Mike Pope NP



I sold a burial plot at
the Piero Cemetery for
Mike + Kim Pope. It is
the NE 1/4 of plot # 93 I
need a deed for that plot.
Please send the deed to me
and I will get it to them.

Thank You
Pat Maguire
712 870 - 2105

www.unitedbk.bank

Member FDIC