



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS  
(OCTOBER 3) (WEEK 40 OF 2023)**

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

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

Daniel A. Bittinger II  
389-4405  
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Mark Nelson  
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Keith W. Radig  
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Jeremy Taylor  
259-7910  
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Matthew A. Ung  
490-7852  
[matthewung@woodburycountyiowa.gov](mailto:matthewung@woodburycountyiowa.gov)

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held October 3, 2023, 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. Members of the public wishing to speak on an item must follow the participation rules adopted by the Board of Supervisors.

1. Please silence cell phones and other devices while in the Boardroom.
2. The Chair may recognize speakers on agenda items after initial discussion by the Board.
3. Speakers will approach the microphone one at a time and give their name and address before their statement.
4. Speakers will limit their remarks to three minutes on any one item and address their remarks to the Board.
5. At the beginning of 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. The Chair may also request delegates provide statements on behalf of multiple speakers.
6. Any concerns or questions which do not relate to a scheduled item on the agenda will be heard under the item "Citizen Concerns." Please note the Board is legally prohibited from taking action on or engaging in deliberation on concerns not listed on the agenda, and in such cases the Chair will request further discussion take place after properly noticed.
7. Public comment by electronic or telephonic means is prohibited except for a particular agenda item when approved by the Chair 24 hours before a meeting or by a majority of the board during a meeting for a subsequent meeting.

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**AGENDA**

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

1. Approval of the agenda Action

**Consent Agenda**

**Items 2 through 6 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.**

2. Approval of the minutes of the September 26, 2023 meeting
3. Approval of claims
4. Human Resources – Melissa Thomas
  - a. Approval of Memorandum of Personnel Transactions
  - b. Authorization to Initiate Hiring Process
5. Board Administration – Heather VanSickle  
Approval of Notice of Property Sale Resolution for Parcel #894727230006 (aka 2501 10<sup>th</sup> Street) for Tuesday, October 17<sup>th</sup> at 4:35 p.m.

6. County Treasurer – Tina Bertrand
  - a. Approval of resolution naming depositories to add First Interstate Bank
  - b. Approve property tax refund request for parcel #894716481024 in the amount of \$1,833.00
  - c. Approve property tax refund request for parcel #884730482007 in the amount of \$38.00
  - d. Approve property tax refund request for parcel #894735110017 in the amount of \$720.00

**End Consent Agenda**

7. SafePlace – Stephanie Pickinpaugh  
Approval and presentation of resolution for Domestic Violence Awareness Month      Action
  
8. Planning/Zoning – Daniel Priestley
  - a. Receive the final staff report and the Zoning Commission’s recommendation      Action  
from their 9/25/23 meeting to approve the final plat of Townley Addition, a  
minor subdivision to Woodbury County, Iowa
  - b. Approval of the Townley Addition, a minor subdivision to Woodbury County,      Action  
Iowa
  
9. Secondary Roads – Mark Nahra
  - a. Approval to direct the county engineer to prepare a request for proposal for      Action  
consultant services for a federal grant application
  - b. Award the culvert lining quote to Subsurface, Inc. for \$92,770.00      Action
  - c. Approval of resolution establishing weight limits on the listed county bridges      Action
  - d. Approval of agreement for professional services with HGM Associates for      Action  
the Pierson Bridge project design
  
10. Board of Supervisors – Matthew Ung & Mark Nelson  
Thoughts following the Sept. 27 tour of the Law Enforcement Center construction      Information  
site
  
11. Reports on Committee Meetings      Information
  
12. Citizen Concerns      Information
  
13. Board Concerns      Information

**ADJOURNMENT**

*Subject to Additions/Deletions*

## CALENDAR OF EVENTS

<b>MON., OCT. 2</b>	<b>6:00 p.m.</b>	Board of Adjustment meeting, First Floor Boardroom
<b>WED., OCT. 4</b>	<b>4:45 p.m.</b>	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
<b>THU., OCT. 5</b>	<b>12:00 p.m.</b>	SIMPCO Regional Policy & Legislative Affairs Committee, Hybrid
<b>WED., OCT. 11</b>	<b>8:05 a.m.</b>	Woodbury County Information Communication Commission, First Floor Boardroom
	<b>12:00 p.m.</b>	District Board of Health Meeting, 1014 Nebraska St.
		Western Iowa Tourism Region Meeting/Conference, Manning Hausbarn Conference Center
<b>THU., OCT. 12</b>	<b>12:00 p.m.</b>	SIMPCO Board of Directors, 1122 Pierce St.
	<b>4:00 p.m.</b>	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
<b>WED., OCT. 18</b>	<b>12:00 p.m.</b>	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
<b>THU., OCT. 19</b>	<b>10:00 a.m.</b>	StarComm, Security Institute, WIT
	<b>4:30 p.m.</b>	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
<b>MON., OCT. 23</b>	<b>6:00 p.m.</b>	Zoning Commission Meeting, First Floor Boardroom
<b>WED., OCT. 25</b>	<b>2:30 p.m.</b>	Rolling Hills Community Services Region Governance Board Meeting
<b>THU., OCT. 26</b>	<b>11:00 a.m.</b>	Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
<b>WED., NOV. 1</b>	<b>10:00 a.m.</b>	Loess Hills Alliance Protection Committee Meeting, Pisgah, Iowa
	<b>11:00 a.m.</b>	Loess Hills Alliance Stewardship Committee Meeting
	<b>1:00 p.m.</b>	Loess Hills Alliance Executive Meeting
	<b>4:45 p.m.</b>	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
<b>MON., NOV. 6</b>	<b>6:00 p.m.</b>	Board of Adjustment 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.*

**SEPTEMBER 26, 2023, THIRTY-NINETH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS**

The Board of Supervisors met on Tuesday, September 26, 2023, at 4:30 p.m. Board members present were Nelson, Taylor, Ung, and Bittinger II; Radig was absent. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Finance and Budget Director, Joshua Widman, Assistant County Attorney, 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. Motion by Ung second by Taylor to approve the agenda for September 26, 2023. Carried 4-0. Copy filed.  
 Motion by Ung second by Nelson to approve the following items by consent:
  2. To approve minutes of the September 19, 2023 meeting. Copy filed.
  3. To approve the claims totaling \$1,084,200.95. Copy filed.
  - 4a. To approve the appointment of Kirk Moriarty, 111 E. St., Sergeant Bluff, to Sergeant Bluff Council, previously held by Bill Gaukel, until the next City election. Copy filed.
  - 4b. To approve the appointment of Donald Sulsberger, 117 Pine St., Smithland, to Smithland Mayor, previously held by Elizabeth Peterson, until the next City election. Copy filed.
  5. To approve the appointment of Tamarra Pasko, Clerk II, County Attorney Dept., effective 09-27-23, \$18.68/hour. Job Vacancy Posted 8-16-23. Entry Level Salary: \$18.68/hour.; the appointment of Rick Uhl, Custodian, Building Services Dept., effective 10-02-23, \$16.79/hour. Job Vacancy Posted 8-16-23. Entry Level Salary: \$16.79/hour.; and the appointment of Seth Cottrell, Deputy Sheriff, County Sheriff Dept., effective 10-05-23, \$38.30/hour. Appointment by County Sheriff. Copy filed.
  6. To receive for signatures a Resolution naming depositories for the County Treasurer.

**RESOLUTION NAMING DEPOSITORIES  
 RESOLUTION #13,662**

**BE IT RESOLVED** by the Woodbury County Board of Supervisors in Woodbury County, Iowa: That we do hereby designate the following named banks to be depositories of the Woodbury County funds in amounts not to exceed the amount named opposite each of said designated depositories and **Tina Bertrand, Woodbury County Treasurer** is hereby authorized to deposit the Woodbury County funds in amounts not to exceed in the aggregate the amounts named for said banks as follows, to wit:

<b>NAME OF DEPOSITORY</b>	<b>LOCATION</b>	<b>MAXIMUM DEPOSIT In the effect Prior resolution</b>	<b>MAXIMUM DEPOSIT under the resolution</b>
U.S. Bank	Sioux City, Iowa	\$50,000,000	\$50,000,000
Security National Bank	Sioux City, Iowa	100,000,000	100,000,000
Wells Fargo Bank	Sioux City, Iowa	50,000,000	50,000,000
PeoplesBank	Sioux City, Iowa	5,000,000	5,000,000
Northwest Bank	Sioux City, Iowa	50,000,000	50,000,000
Primebank	Sioux City, Iowa	50,000,000	50,000,000
Great Southern Bank	Sioux City, Iowa	5,000,000	5,000,000



Pioneer Bank	Sergeant Bluff, Iowa	10,000,000	10,000,000
Sloan State Bank	Sloan, Iowa	5,000,000	5,000,000
Valley Bank & Trust	Danbury, Iowa	1,500,000	1,500,000
BankFirst	Hornick, Iowa	5,000,000	5,000,000
First National Bank	Correctionville, Iowa	5,000,000	5,000,000
United Bank of Iowa	Moville, Iowa	5,000,000	5,000,000
United Bank of Iowa	Anthon, Iowa	5,000,000	5,000,000
Liberty National Bank	Sioux City, Iowa	25,000,000	25,000,000
Availa Bank	Sioux City, Iowa	10,000,000	10,000,000
Central Bank	Sioux City, Iowa	10,000,000	10,000,000
MidStates Bank	Sergeant Bluff, Iowa	5,000,000	5,000,000
Shelby County State Bank	Danbury, Iowa	5,000,000	\$5,000,000

**SO RESOLVED** this 26th day of September 2023  
 WOODBURY COUNTY BOARD OF SUPERVISORS  
 Copy filed.

7. To approve the permit to work in the right of way for Jeremy Hackett. Copy filed.

Carried 4-0.

8a. Bid letting was held for PCC Patching. The bids are as follows:

Ten Point Construction	\$59,250.00
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Motion by Ung second by Taylor to receive the bids and refer them to the County Engineer for recommendation. Carried 4-0. Copy filed.

8b. Motion by Ung second by Bittinger II to award the PCC Patching to Ten Point for \$59,250.00. Carried 4-0. Copy filed.

8c. Motion by Ung second by Taylor to approve the plans for project #FM-CO97(149)—55-97. Carried 4-0. Copy filed.

9a. A public hearing was held at 4:45 p.m. for Zoning Ordinance Map Amendment to rezone from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on Parcel #884506200006 (Lot 2 Boyle’s Addition) for Richard & Kimberly Luze. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Nelson to close the public hearing. Carried 4-0.

9b. Motion by Ung second by Nelson to approve the second reading of the Zoning Ordinance Map Amendment (Rezone). Carried 4-0. Copy filed.

9c. Motion by Ung second by Bittinger II to waive the third reading of the Zoning Ordinance Map Amendment (Rezone). Carried 4-0.

9d. Motion by Ung second by Nelson to adopt Ordinance #75, a Zoning Ordinance Map Amendment to Rezone from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on Parcel #884506200006 (Lot 2 Boyle’s Addition) for Richard & Kimberly Luze. Carried 4-0.

10. Motion by Taylor second by Nelson to give direction for a new proposed ordinance in regards to utility-scale solar. Carried 4-0. Copy filed.
11. Reports on committee meetings were heard.
12. Deb Main, Sioux City and Gayle Palmquist, Lawton, addressed the Board with concerns about pipelines. Steve Nelson, Sioux City, addressed the Board with concerns about construction of the Law Enforcement Center.
13. Board concerns were heard.

The Board adjourned the regular meeting until October 3, 2023.

Meeting sign in sheet. Copy filed.

# HUMAN RESOURCES DEPARTMENT

## MEMORANDUM OF PERSONNEL TRANSACTIONS

**DATE:** October 3, 2023

**\* PERSONNEL ACTION CODE:**

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

**TO: WOODBURY COUNTY BOARD OF SUPERVISORS**

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Hensley, Loan	County Attorney	10-02-23	85% 1 <sup>st</sup> Deputy	\$136,850.10/year	17.8%= \$20,706.10/yr	P	Promotion from Assistant County Attorney to 85% 1 <sup>st</sup> Deputy.
Vanderschaaf, Tristen	County Sheriff	10-26-23	Jail Sergeant			S	Resignation.

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

**MELISSA THOMAS, HR DIRECTOR:**

*Melissa Thomas HR Director*

**HUMAN RESOURCES DEPARTMENT  
WOODBURY COUNTY, IOWA**

**DATE: October 3, 2023**

**AUTHORIZATION TO INITIATE HIRING PROCESS**

<b>DEPARTMENT</b>	<b>POSITION</b>	<b>ENTRY LEVEL</b>	<b>APPROVED</b>	<b>DISAPPROVED</b>
County Attorney	Assistant County Attorney (6 positions)	AFSCME Assist. County Attorney: \$69,055/year		
County Sheriff	Jail Sergeant	CWA: \$35.52/hour		
County Sheriff	Civilian Jailer	CWA: \$23.97/hour		

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



## Woodbury County Sheriff's Office

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LAW ENFORCEMENT CENTER  
P. O. BOX 3715 SIOUX CITY, IOWA 51102

Chad Sheehan, SHERIFF

PHONE: 712.279.6010  
E-MAIL: [csheehan@woodburycountyiowa.gov](mailto:csheehan@woodburycountyiowa.gov)  
FAX: 712.279.6522

September 28, 2023

To the Woodbury County Board of Supervisors & Human Resources Department,

The Woodbury County Sheriff's Office respectfully requests discussion and action on the authorization to promote one (1) Civilian Sergeant position. We request this be placed on the agenda for Tuesday, October 3rd, 2023, Woodbury County Board of Supervisors meeting. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Sheehan", with a long horizontal line extending to the right.

Chad Sheehan, Sheriff

CC: file



## Woodbury County Sheriff's Office

LAW ENFORCEMENT CENTER  
P. O. BOX 3715 SIOUX CITY, IOWA 51102

Chad Sheehan, SHERIFF

PHONE: 712.279.6010  
E-MAIL: [csheehan@woodburycountyiowa.gov](mailto:csheehan@woodburycountyiowa.gov)  
FAX: 712.279.6522

September 28th, 2023

To the Woodbury County Board of Supervisors & Human Resources Department,

The Woodbury County Sheriff's Office respectfully requests discussion and action on the authorization to begin the hiring process for one (1) Correctional Officer position, effective October 4th, 2023. We request this be placed on the agenda for Tuesday October 3rd, 2023, Woodbury County Board of Supervisors meeting. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Sheehan', with a long horizontal flourish extending to the right.

Chad Sheehan, Sheriff

cc: file

**RESOLUTION #**  
**NOTICE OF PROPERTY SALE**

**Parcel #894727230006**

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

**West 50 feet of Lot 6 in Block 19 of Coles Addition to Sioux City in the County of Woodbury and State of Iowa  
(2501 10<sup>th</sup> Street)**

**NOW THEREFORE,**

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

1. That a public hearing on the aforesaid proposal shall be held on the **17<sup>th</sup> Day of October, 2023 at 4:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **17<sup>th</sup> Day of October, 2023**, immediately following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$337.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 3<sup>rd</sup> Day of October, 2023.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Patrick F. Gill  
Woodbury County Auditor  
and Recorder

\_\_\_\_\_  
Matthew A. Ung, Chairman

REQUEST FOR MINIMUM BID

Name: Cody Boulevard

Date: 7/9/21

Address: 2513 10<sup>th</sup> St.

Phone: 251-0801

Address or approximate address/location of property interested in:

2501 10<sup>th</sup> St.

GIS PIN # 894727230006

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

Legal Description:

West 50 feet of Lot 6 in Block 19  
of Coles Addition, City of Sioux City,  
Woodbury County, Iowa

Tax Sale #/Date: #1184 6/21/2010

Parcel # 113655

Tax Deeded to Woodbury County on: 8/31/23

Current Assessed Value: Land \$2600 Building Ø Total \$2,600

Approximate Delinquent Real Estate Taxes: \$1350

Approximate Delinquent Special Assessment Taxes: \$17,964

\*Cost of Services: \$122

Inspection to: Rocky DeWitt

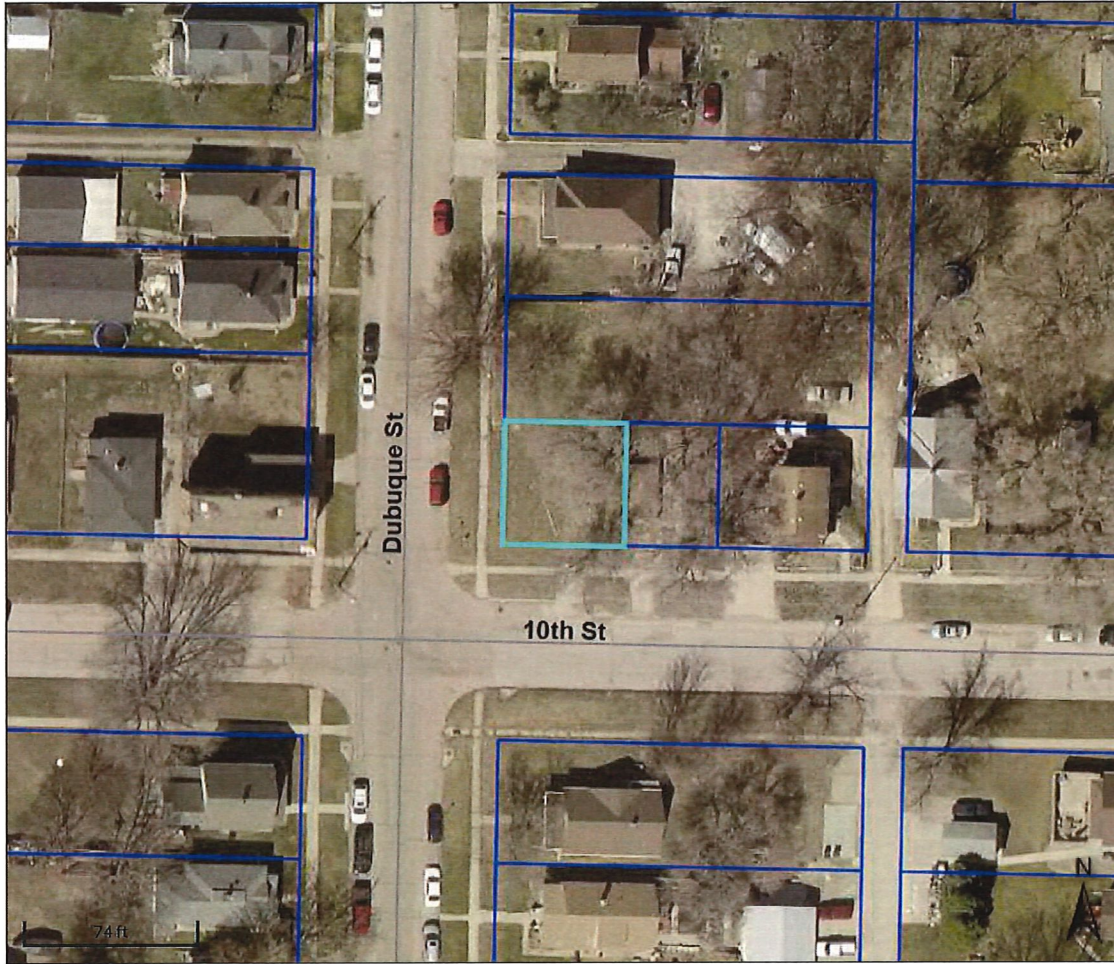
Date: 7/8/21

Minimum Bid Set by Supervisor: \$21500 PLUS FEES. of \$122, Total: \$337

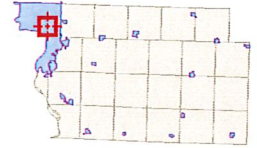
Date and Time Set for Auction: \_\_\_\_\_

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





Overview



Legend

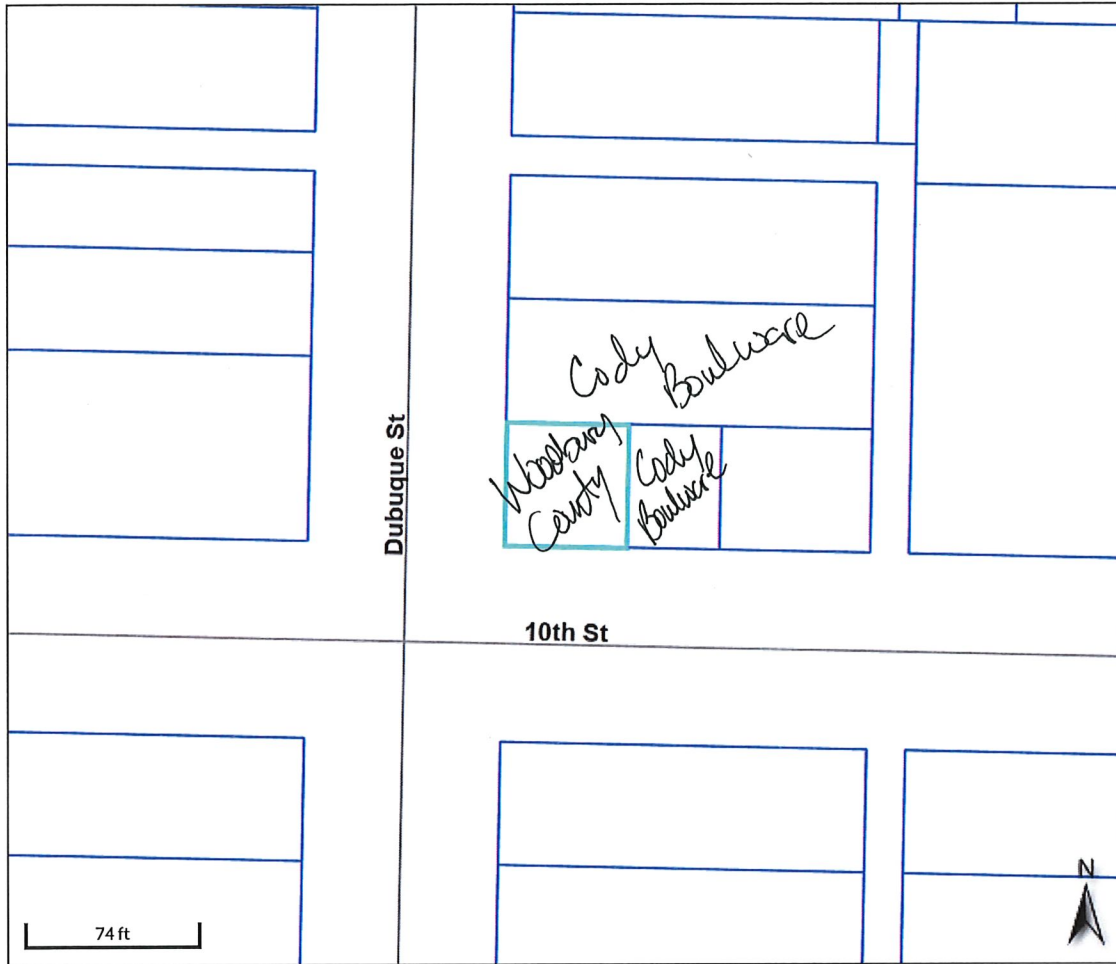
- Roads
- Corp Boundaries
- Townships
- Parcels

Parcel ID	894727230006	Alternate ID	113655	Owner Address	WOODBURY COUNTY IOWA
Sec/Twp/Rng	n/a	Class	R		620 DOUGLAS ST
Property Address	2501 10TH ST	Acreage	n/a		SIOUX CITY, IA 51101
	SIOUX CITY				
District	0087				
Brief Tax Description	COLES W 50 FT LOT 6 BLK 19				
	<b>(Note: Not to be used on legal documents)</b>				

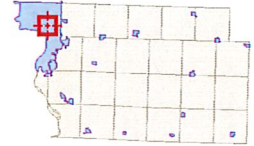
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# Beacon™ Woodbury County, IA / Sioux City



### Overview



### Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

Parcel ID	894727230006	Alternate ID	113655	Owner Address	WOODBURY COUNTY IOWA
Sec/Twp/Rng	n/a	Class	R		620 DOUGLAS ST
Property Address	2501 10TH ST	Acreage	n/a		SIOUX CITY, IA 51101
	SIOUX CITY				
District	0087				
Brief Tax Description	COLES W 50 FT LOT 6 BLK 19				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 9/28/2023  
 Last Data Uploaded: 9/27/2023 8:10:13 PM

Developed by Schneider  
 GEOSPATIAL

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

Date: 9/27/23 Weekly Agenda Date: 10/3/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Tina Bertrand, County Treasurer

**WORDING FOR AGENDA ITEM:**

Approval of resolution naming depositories

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Give Direction

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

Approval of resolution naming depositories to add First Interstate Bank.

**BACKGROUND:**

First Interstate Bank purchased Great Western Bank within the last year and has expressed interest in working with Woodbury County. As a County we look to have a depth of banking options for investing opportunities. Adding First Interstate Bank will give us twenty banks to bid to for investing local funds within our community.

**FINANCIAL IMPACT:**

None

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

Yes  No

**RECOMMENDATION:**

Approve resolution naming depositories to add First Interstate Bank

**ACTION REQUIRED / PROPOSED MOTION:**

Approve resolution naming depositories to add First Interstate Bank

## RESOLUTION NAMING DEPOSITORIES # \_\_\_\_\_

**BE IT RESOLVED** by the Woodbury County Board of Supervisors in Woodbury County, Iowa: That we do hereby designate the following named banks to be depositories of the Woodbury County funds in amounts not to exceed the amount named opposite each of said designated depositories and **Tina Bertrand, Woodbury County Treasurer** is hereby authorized to deposit the Woodbury County funds in amounts not to exceed in the aggregate the amounts named for said banks as follows, to wit:

NAME OF DEPOSITORY	LOCATION	MAXIMUM DEPOSIT	MAXIMUM DEPOSIT
		In the effect Prior resolution	under the resolution
U.S. Bank	Sioux City, Iowa	\$50,000,000	\$50,000,000
Security National Bank	Sioux City, Iowa	100,000,000	100,000,000
First Interstate Bank	Sioux City, Iowa	100,000,000	100,000,000
Wells Fargo Bank	Sioux City, Iowa	50,000,000	50,000,000
PeoplesBank	Sioux City, Iowa	5,000,000	5,000,000
Northwest Bank	Sioux City, Iowa	50,000,000	50,000,000
Primebank	Sioux City, Iowa	50,000,000	50,000,000
Great Southern Bank	Sioux City, Iowa	5,000,000	5,000,000
Pioneer Bank	Sergeant Bluff, Iowa	10,000,000	10,000,000
Sloan State Bank	Sloan, Iowa	5,000,000	5,000,000
Valley Bank & Trust	Danbury, Iowa	1,500,000	1,500,000
BankFirst	Hornick, Iowa	5,000,000	5,000,000
First National Bank	Correctionville, Iowa	5,000,000	5,000,000
United Bank of Iowa	Moville, Iowa	5,000,000	5,000,000
United Bank of Iowa	Anthon, Iowa	5,000,000	5,000,000
Liberty National Bank	Sioux City, Iowa	25,000,000	25,000,000
Availa Bank	Sioux City, Iowa	10,000,000	10,000,000
Central Bank	Sioux City, Iowa	10,000,000	10,000,000
MidStates Bank	Sergeant Bluff, Iowa	5,000,000	5,000,000
Shelby County State Bank	Danbury, Iowa	5,000,000	\$5,000,000

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_ 2023

**WOODBURY COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Matthew A. Ung, Chairman

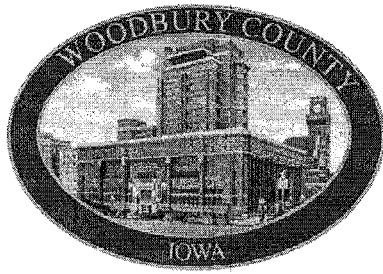
\_\_\_\_\_  
Keith Radig, Member

\_\_\_\_\_  
Jeremy Taylor, Member

\_\_\_\_\_  
Daniel Bittinger II, Member

\_\_\_\_\_  
Mark Nelson, Member

\_\_\_\_\_  
Patrick F. Gill  
County Auditor/Recorder



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

Sept 27, 2023

Dear Board of Supervisors,

Please approve the following refunds:

8947 16 481 024 (2914 Park Ave) for Imtihal Hayile for \$1833.00

8847 30 482 007 (City of Sergeant Bluff) for Pioneer Bank \$38.00

8947 35 110 017 (411 S Cecelia St) for Pamela Robertson \$720.00

These were for overpayments on each of the parcels.

If you have any questions, please feel free to contact me.

Thank you for your time,

A handwritten signature in cursive script, reading "Janet L. Trimpe".

Janet Trimpe  
Woodbury County Tax Deputy

**WOODBURY COUNTY, IOWA**

**RESOLUTION NO. \_\_\_\_\_**  
- - -

***PROCLAMATION***

WHEREAS, domestic violence is a serious crime affecting individuals and families in all Siouxland communities; all races, ages, income levels, lifestyles and genders; and in fact, is probably affecting someone you know; and every 9 seconds someone experiences the crime of domestic violence; and

WHEREAS, one in three women and one in nine men will be a victim of violence in their lifetime; domestic violence violates an individual’s human rights by destroying dignity, security, and self-worth due to the systematic use of physical, emotional, sexual, psychological, and economic control or abuse; SafePlace works every day to help end these acts of violence and to help rebuild the lives of the survivors; and

WHEREAS, in Siouxland, SafePlace is available 24 hours a day every day of the year and last year responded to nearly 2,700 victims fleeing domestic abuse and despite high census and a global pandemic, no one in an unsafe situation was turned away; and

WHEREAS, the impact of domestic violence affects all the members of the community, and only a coordinated community response will put a stop to these atrocious crimes and assure funding is continuously available to provide these life-saving services; and

NOW, THEREFORE, Woodbury County Board of Supervisors, do hereby proclaim the month of October, 2023 as

***“DOMESTIC VIOLENCE AWARENESS MONTH”***

in Woodbury County, Iowa and urge all citizens to actively participate in the scheduled events and programs and to think about the fact that it is someone you know.

BE IT SO RESOLVED this 3<sup>rd</sup> day of October, 2023.

WOODBURY COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Matthew A. Ung, Chairman

\_\_\_\_\_  
Mark E. Nelson, Member

\_\_\_\_\_  
Jeremy J. Taylor, Member

\_\_\_\_\_  
Matthew A. Ung, Member

\_\_\_\_\_  
Daniel A. Bittinger II, Member

Attest:

\_\_\_\_\_  
Patrick F. Gill, Woodbury County Auditor

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

Date: 9/27/23

Weekly Agenda Date: 10/3/23

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Daniel J. Priestley

**WORDING FOR AGENDA ITEM:**

- a. Motion to receive the final staff report and the Zoning Commission's recommendation from their 9/25/23 meeting to approve the final plat of Townley Addition, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve Townley Addition, a minor subdivision to Woodbury County, Iowa.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

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

**BACKGROUND:**

Donald J. Townley, in his capacity as Trustee of the Derrill J. Townley Revocable Trust has filed for a one (1) lot minor subdivision to be known as Townley Addition on the property identified as Parcel #894607100007 and referenced below. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legals section on September 14, 2023. The neighbors within 1000 FT have been duly notified via a September 11, 2023 letter about the September 25, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area (SFHA) – Zone A. The City of Sioux City conducted extraterritorial review with the acceptance and approval of the final plat with the approval of Resolution No. 2023-0696. The area of the subdivision is less than 5 acres and Base Flood Elevation (BFE) data is not required. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. On September 25, 2023, the Woodbury County Zoning Commission voted 5-0 to recommend approval.

Parcel #: 894607100007  
Township/Range: T89N R46W (Concord)  
Section: 7  
Quarter: NW ¼ NW ¼  
Zoning District: Agricultural Preservation  
Floodplain District: Zone A (Floodplain)  
Address: 1414 110th St., Sioux City, IA 51108

**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

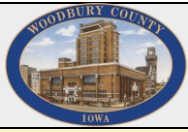
**RECOMMENDATION:**

Receive the final staff report and P&Z Commission's recommendation from their 9/25/23 meeting.  
Approve the final plat and authorize the Chairman to sign the resolution.

**ACTION REQUIRED / PROPOSED MOTION:**

- a. Motion to receive the final staff report and the Zoning Commission's recommendation from their 9/25/23 meeting to approve the final plat of Townley Addition, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve the Townley Addition, a minor subdivision to Woodbury County, Iowa.





# WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

FINAL REPORT – SEPTEMBER 26, 2023

## TOWNLEY ADDITION - MINOR SUBDIVISION PROPOSAL

### Application Details

Applicant(s)/Owner(s):	Don Townley
Application Type:	Minor Subdivision
Name of Subdivision:	Townley Addition
Application Date:	August 17, 2023
Number of Lots:	1
Total Acres:	4.96
Extraterritorial Review:	July 24, 2023 (Sioux City)
Legal Notice Date:	September 14, 2023
Neighbor(s) Notice Date:	September 11, 2023
Stakeholder(s) Notice Date:	August 29, 2023
Zoning Commission Public Hearing Date:	September 25, 2023
Board of Supervisors Agenda Date:	October 3, 2023
Attorney:	Joel D. Vos
Surveyor:	Alan L. Fagan

### Property Details

Parcel #:	894607100007
Township/Range:	T89N R46W (Concord)
Section:	7
Quarter:	NW ¼ NW ¼
Zoning District:	Agricultural Preservation
Floodplain District:	Zone A (Floodplain)
Address:	1414 110 <sup>th</sup> St., Sioux City, IA 51108



### Contents

Summary, Location Aerial, Site Plan Excerpt, Recommendation, & Suggested Motion
Legal Notification
Neighbor(s) Notification
Stakeholder(s) Comments
Review Criteria / Applicant Responses
Application
Supporting Documentation

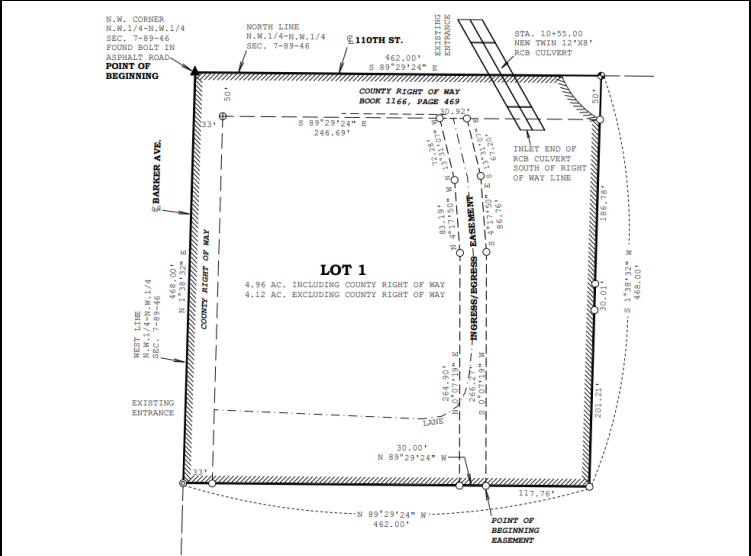
### SUMMARY

Donald J. Townley, in his capacity as Trustee of the Derrill J. Townley Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100007 and referenced above. This subdivision is being completed to separate the house location from the abutting ground. This proposal has been properly noticed in the Sioux City Journal legals section on September 14, 2023. The neighbors within 1000 FT have been duly notified via a September 11, 2023 letter about the September 25, 2023 Zoning Commission public hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lot(s) have adequate access. This property is located in the Agricultural Preservation (AP) Zoning District and is located in the Special Flood Hazard Area (SFHA) – Zone A. The City of Sioux City conducted extraterritorial review with the acceptance and approval of the final plat with the approval of Resolution No. 2023-0696. The area of the subdivision is less than 5 acres and Base Flood Elevation (BFE) data is not required. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. On September 25, 2023, the Woodbury County Zoning Commission voted 5-0 to recommend approval.

### AERIAL VIEW



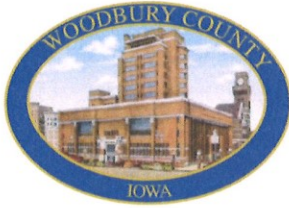
### FINAL PLAT EXCERPT



### ZONING COMMISSION AND STAFF RECOMMENDATION

On September 25, 2023, the Woodbury County Zoning Commission voted 5-0 to recommend approval.

Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval.



**WOODBURY COUNTY  
ZONING COMMISSION**

WOODBURY COUNTY COURTHOUSE  
620 DOUGLAS STREET  
SIOUX CITY, IA 51101

Woodbury County Board of Supervisors  
620 Douglas Street  
Sioux City, Iowa 51101

RE: Zoning Commission Recommendation to the Board of Supervisors:

**TOWNLEY ADDITION, Minor Subdivision Proposal**

Parcel #: 894607100007  
Township/Range: T89N R46W (Concord)  
Section: 7  
Quarter: NW ¼ NW ¼  
Zoning District: Agricultural Preservation  
Floodplain District: Zone A (Floodplain)  
Address: 1414 110th St., Sioux City, IA 51108

Dear Board of Supervisors:

This letter is to inform you that the Woodbury County Zoning Commission reviewed the Townley Addition, final plat minor subdivision proposal following the scheduled public hearing that occurred at the regularly scheduled public meeting of the Woodbury County Zoning Commission on September 25, 2023.

Following the public hearing, the Zoning Commission voted 5-0 to recommend acceptance and approval of the Townley Addition, minor subdivision final plat to the Board of Supervisors.


Dated this 25 day of Sept., 2023

  
Christine Zellmer Zant, Chair  
Woodbury County Zoning Commission

**RESOLUTION AND CERTIFICATE OF THE WOODBURY COUNTY  
ZONING COMMISSION OF WOODBURY COUNTY, IOWA**

I, CHRIS ZELLMER ZANT, DO HEREBY CERTIFY THAT I AM THE CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA AND DO FURTHER CERTIFY THAT SAID COMMISSION HAS HERETOFORE TAKEN UNDER ADVISEMENT THE PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE 25 DAY OF September, 2023 APPROVE THE SAME AND DOES FURTHER HEREBY RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, IOWA, THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

DATED THIS 25 DAY OF Sept., 2023.

  
CHRIS ZELLMER ZANT  
CHAIRMAN  
WOODBURY COUNTY ZONING COMMISSION OF  
WOODBURY COUNTY, IOWA



WOODBURY COUNTY, IOWA  
MINOR SUBDIVISION APPLICATION

Applicant: DON TOWNLEY  
Name of Owner

Mailing Address: 2323 ST. ANTHONY'S SIoux CITY, IA 51108  
Street City or Town State and Zip + 4

Property Address: 1414 110th ST SIoux CITY, IA 51108  
Street City or Town State and Zip + 4

Ph/Cell #: 712 301-8513 E-mail Address: townleyds@aol.com

To subdivide land located in the NW-NW Quarter of Section 7

Civil Township CONCORD GIS Parcel # 894607100007

Name of Subdivision: TOWNLEY ADDITION

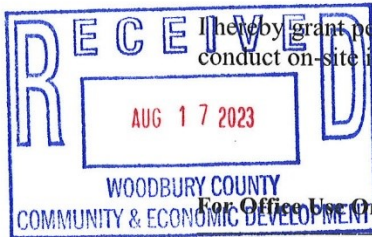
Subdivision Area in Acres 4.96 ACRES Number of Lots 1

**Attachments:**

- 1. Eight (8) copies of grading plans; if required.
- 2. Eight (8) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
- 3. An attorney's opinion of the abstract.
- 4. A Certified abstractor's certificate to include:
  - a. Legal description of proposed subdivision.
  - b. Plat showing clearly the boundaries of the subdivision.
  - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: ALAN L. FAGAN Ph/Cell: 712 539-1471

Attorney: JOEL D. JOS Ph/Cell: 712 255-8838



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

Owner's Signature: [Signature]  
ALAN FAGAN FOR OWNER  
Zoning Director: [Signature]

Zoning District AP Flood District A Date 8/17/23 No. 6926

Application Fee 4 Lots or less (\$300\*+ Additional Fees) \$300 #13170  
5 Lots or more (\$300\* plus \$5 per lot + Additional Fees) \_\_\_\_\_

\*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s) when the fees exceed \$100.00.

FINAL PLAT  
A MINOR SUBDIVISION PLAT  
OF  
TOWNLEY ADDITION  
WOODBURY COUNTY, IOWA

TITLE OPINION

Re: Townley Addition Description:  
D

PARCEL DESCRIPTION:

PART OF THE N.W.1/4 OF THE N.W.1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF SAID N.W.1/4 OF THE N.W.1/4; THENCE S.89°29'24"E. ALONG THE NORTH LINE OF SAID N.W.1/4 OF THE N.W.1/4 FOR 462.00 FEET; THENCE S.1°38'32"W. FOR 468.00 FEET; THENCE N.89°29'24"W. FOR 462.00 FEET TO THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4; THENCE N.1°38'32"E. ALONG SAID WEST LINE FOR 468.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.96 ACRES INCLUDING COUNTY RIGHT OF WAY AND 4.12 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4 IS ASSUMED TO BEAR N.1°38'32"E. COUNTY AUDITOR AND RECORDER WOODBURY COUNTY, IOWA

Dear Auditor and Recorder:

We have this date examined a complete abstract of title, pursuant to Iowa Code Section 354.11(3), to the property described in the Surveyor's Certificate on the Plat of Townley Addition, an Addition to Woodbury County, Iowa, last certified by Sedgwick Tally Abstract, dated \_\_\_\_\_, 2023 at \_\_\_\_\_ A.M. and from said abstract find good and merchantable title to said premises vested in the Derrill J. Townley Revocable Trust under instrument dated April 15, 2021, the proprietor, free and clear of all mortgages, liens and other encumbrances, except as follows:

1. At entry 1 of the abstract is shown an Easement dated May 5, 1941 and filed August 6, 1941 at Book 154, Page 191. The easement granted to Socony-Vacuum Oil Company, Inc. and its successors and assigns, the right to lay pipelines for the transportation of oil and gas across the N 1/2 of the NW 1/4 of Section 7, Twp. 89, Range 46. From the abstract, it cannot be determined whether any portion of the pipeline, as constructed, crosses any portion of the property described in the Surveyor's Certificate on the Plat of Townley Addition. At entries 2 and 7 of the abstract are shown subsequent conveyances of the Easement, so that the current owner of the pipeline is Williams Pipe Line Company, by virtue of an assignment dated October 31, 1983 and file January 10, 1984 at Roll 138, Image 1428.

2. At entry 6 of the abstract is shown a Right of Way Easement to the Woodbury County Rural Electric Cooperative Association dated September 10, 1976 and filed April 1, 1977 in Roll 61, Page 401. The easement grants the right to construct electric transmission lines across of the N 1/2 of the NW 1/4 of Section 7, T89N, R46W of the 5th P.M., Woodbury County, Iowa.

All certified real estate taxes and special assessments due and payable have been paid. Real estate taxes and special assessments not certified are a lien in an undetermined amount.

Dated: June \_\_\_\_\_, 2023.

Joel D. Vos  
ATTORNEY AT LAW

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA : SS  
COUNTY OF WOODBURY:

DOCKET NO: \_\_\_\_\_

FILED FOR RECORD, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202 \_\_\_\_\_ AT \_\_\_\_\_

O'CLOCK \_\_\_\_\_ M. RECORDED IN PLAT ENVELOPE \_\_\_\_\_, INDEXED AND

DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED \_\_\_\_\_

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

COUNTY ENGINEER'S CERTIFICATE

I, MARK NAHRA, P.E. COUNTY ENGINEER FOR WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE BOUNDARY LINES OF THE PLAT AND LOTS THEREIN WERE MATHEMATICALLY CHECKED AND CONFORM WITH THE REQUIREMENTS AS PROVIDED FOR IN THE SUBDIVISION ORDINANCE, THAT ALL DIMENSIONS BOTH LINEAL AND ANGULAR NECESSARY FOR THE LOCATION OF LOTS, TRACTS, STREETS, ALLEYS AND EASEMENTS ARE SHOWN.

MARK NAHRA, P.E.  
COUNTY ENGINEER  
WOODBURY COUNTY, IOWA

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING COMMISSION DID ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED \_\_\_\_\_

ANDREW GLISAR  
CHAIRPERSON

DATED \_\_\_\_\_

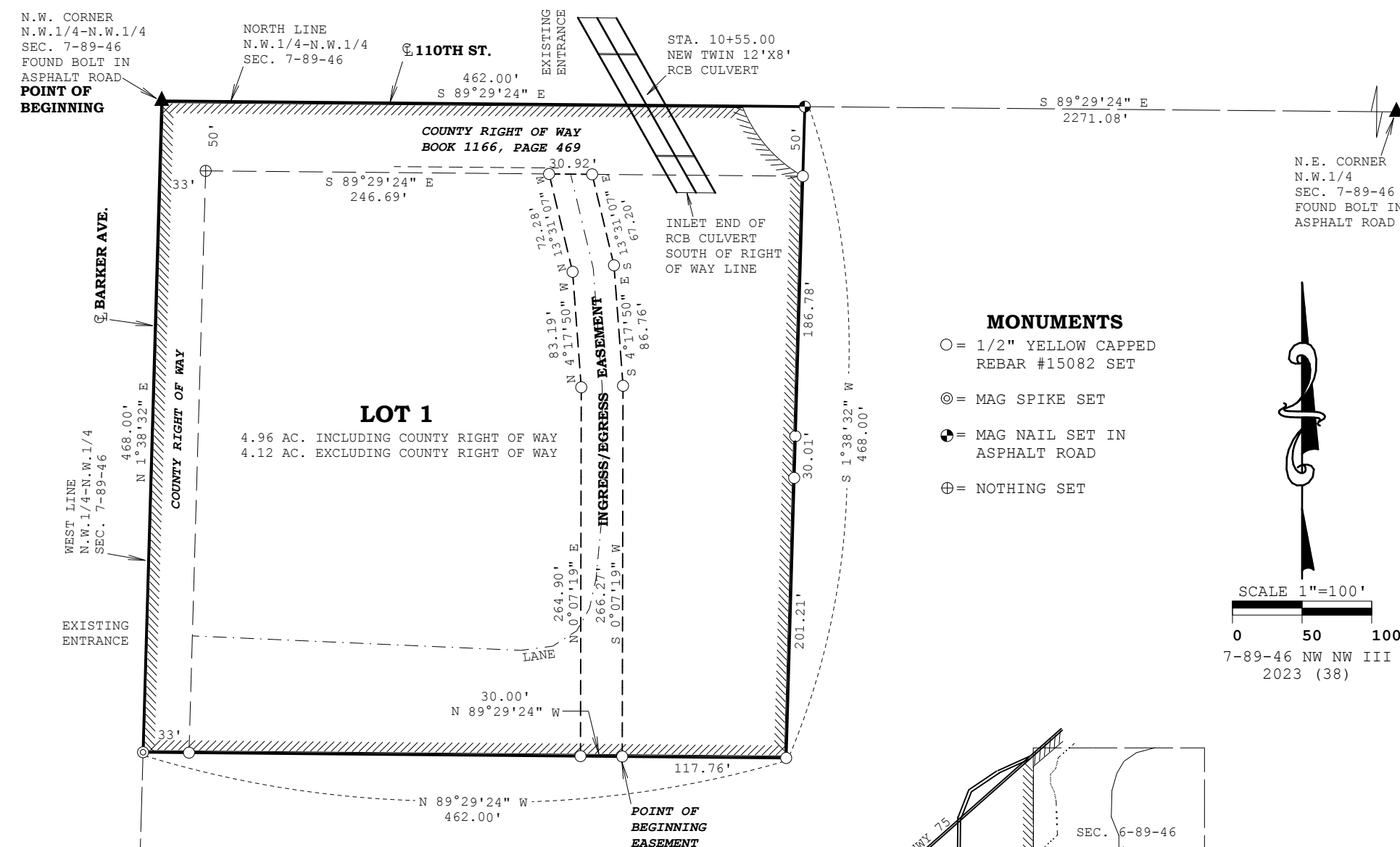
MARTIN DOUGHERTY  
ECONOMIC AND COMMUNITY  
DEVELOPMENT DIRECTOR

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED AS INSTRUMENT # \_\_\_\_\_ IN THE WOODBURY COUNTY RECORDER'S OFFICE.

DATE OF SURVEY:  
MARCH 28, 2023

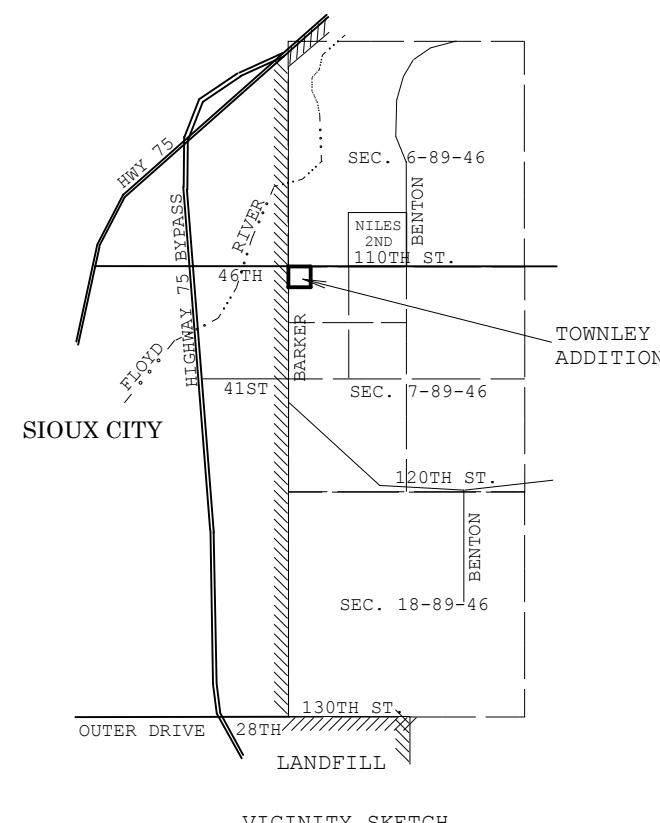
AL FAGAN  
LAND SURVEYING, P.C.  
P.O. BOX 858  
MERRILL, IA 51088  
712 539-1471



MONUMENTS

- = 1/2" YELLOW CAPPED REBAR #15082 SET
- ⊙ = MAG SPIKE SET
- ⊕ = MAG NAIL SET IN ASPHALT ROAD
- ⊖ = NOTHING SET

SCALE 1"=100'  
0 50 100  
7-89-46 NW NW III  
2023 (38)



NOTE:

THERE MAY BE OTHER EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT LOT 1, TOWNLEY ADDITION, WOODBURY COUNTY, IOWA.

OWNER/SUBDIVIDER  
DERRILL J. TOWNLEY  
REVOCABLE TRUST

SURVEYOR  
ALAN L. FAGAN

SETBACK REQUIREMENTS  
FRONT YARD - 100'  
SIDE YARD - 20'  
ACCESSORY STRUCTURE - 10'

REAR YARD - 50'  
ACCESSORY STRUCTURE - 10'

S.W. CORNER  
N.W.1/4-N.W.1/4  
SEC. 7-89-46  
FOUND 1/2" YELLOW  
CAPPED REBAR  
#15082

SURVEYOR'S DESCRIPTION:

PART OF THE N.W.1/4 OF THE N.W.1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF SAID N.W.1/4 OF THE N.W.1/4; THENCE S.89°29'24"E. ALONG THE NORTH LINE OF SAID N.W.1/4 OF THE N.W.1/4 FOR 462.00 FEET; THENCE S.1°38'32"W. FOR 468.00 FEET; THENCE N.89°29'24"W. FOR 462.00 FEET TO THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4; THENCE N.1°38'32"E. ALONG SAID WEST LINE FOR 468.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.96 ACRES INCLUDING COUNTY RIGHT OF WAY AND 4.12 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4 IS ASSUMED TO BEAR N.1°38'32"E.

LOT 1, TOWNLEY ADDITION, WOODBURY COUNTY, IOWA IS SUBJECT TO AN INGRESS/EGRESS EASEMENT DESCRIBED AS FOLLOWS: COMMENCING AT THE S.E. CORNER OF SAID LOT 1; THENCE N.89°29'24"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 117.76 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE CONTINUING N.89°29'24"W. ALONG SAID SOUTH LINE FOR 30.00 FEET; THENCE N.0°07'19"E. FOR 264.90 FEET; THENCE N.4°17'50"W. FOR 83.19 FEET; THENCE N.13°31'07"W. FOR 72.28 FEET TO THE SOUTH RIGHT OF WAY LINE OF 110TH STREET; THENCE S.89°29'24"E. ALONG SAID RIGHT OF WAY LINE FOR 30.92 FEET; THENCE S.13°31'07"E. FOR 67.20 FEET; THENCE S.4°17'50"E. FOR 86.76 FEET; THENCE S.0°07'19"W. FOR 266.27 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE

I, ALAN L. FAGAN, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 15082, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AND STREETS DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBERS, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT AND TRACT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA \_\_\_\_\_, 2023.

ALAN L. FAGAN  
IOWA NO. 15082

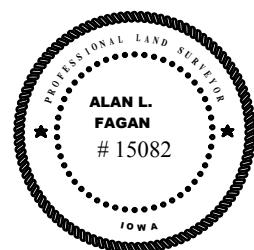
LICENSE RENEWAL DATE: DECEMBER 31, 2023

CERTIFICATE OF COUNTY ASSESSOR

I, JULIE CONOLLY, HEREBY CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_\_, A COPY OF THIS PLAT WAS FILED IN THE WOODBURY COUNTY ASSESSOR'S OFFICE.

DATED \_\_\_\_\_

JULIE CONOLLY  
WOODBURY COUNTY ASSESSOR



AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, FOR USE IN WOODBURY COUNTY, IOWA AS REQUIRED BY IOWA CODE SECTION 354.6(2).

DATED \_\_\_\_\_, 2023.

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

TREASURER'S CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, TINA BERTRAND, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICATE IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED \_\_\_\_\_

TINA BERTRAND  
TREASURER,  
WOODBURY COUNTY, IOWA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

DONALD J. TOWNLEY, SUCCESSOR TRUSTEE OF THE DERRILL J. TOWNLEY REVOCABLE TRUST UNDER INSTRUMENT DATED APRIL 15, 2021, THE OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS, TOGETHER WITH AN INGRESS/EGRESS EASEMENT FOR THE BENEFIT OF ADJACENT PROPERTY, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF ALAN L. FAGAN, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT \_\_\_\_\_, IOWA, THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

DONALD J. TOWNLEY, IN HIS CAPACITY  
AS TRUSTEE OF THE DERRILL J. TOWNLEY  
REVOCABLE TRUST

INDIVIDUAL ACKNOWLEDGMENT

STATE OF IOWA : SS  
WOODBURY COUNTY:

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED DONALD J. TOWNLEY, IN HIS CAPACITY AS TRUSTEE OF THE DERRILL J. TOWNLEY REVOCABLE TRUST, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

CITY COUNCIL RESOLUTION NO.

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT. NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED.

PASSED \_\_\_\_\_

APPROVED \_\_\_\_\_

ROBERT E. SCOTT  
MAYOR

LISA MCCARDLE  
CITY CLERK

STATE OF IOWA :  
: SS  
COUNTY OF WOODBURY:

I, LISA MCCARDLE, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING THE PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF SAID CITY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK.

DATED \_\_\_\_\_

ROBERT E. SCOTT  
MAYOR

LISA MCCARDLE  
CITY CLERK

INDEX LEGEND	
SURVEYOR:	ALAN L. FAGAN 712 539-1471
MAIL TO:	AL FAGAN LAND SURVEYING, P.C. P.O. BOX 858 - MERRILL, IA 51038
COUNTY:	WOODBURY
SECTION(S):	7 T. 89 N., R. 46 W.
ALIQUOT PART:	PART OF THE N.W.1/4 OF THE N.W.1/4
CITY:	
SUBDIVISION:	
BLOCK(S):	
LOT(S):	
PROPRIETOR(S):	DERRILL J. TOWNLEY REVOCABLE TRUST
REQUESTED BY:	DONALD J. TOWNLEY

**CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)**

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

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

**ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)**

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

	<b>shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and</b>
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	<b>shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and</b>
	Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.
	<b>may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and</b>
	Staff does not recommend any specific conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission.
	<b>shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.</b>
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

RESOLUTION NO. 2023 - 0696  
with attachments

RESOLUTION ACCEPTING AND APPROVING THE “FINAL PLAT OF TOWNLEY ADDITION, WOODBURY COUNTY, IOWA” (A ONE LOT RESIDENTIAL SUBDIVISION LOCATED AT 1414 110<sup>TH</sup> STREET)

WHEREAS, Donald J. Townley, successor Trustee of the Derrill J. Townley Revocable Trust, did file with the City Clerk of the City of Sioux City, Iowa, a certain Final Plat designated as “Townley Addition, Woodbury County, Iowa”; and

WHEREAS, the Planning and Zoning Commission, at their July 11, 2023, meeting has recommended the acceptance and approval of said Final Plat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA that said “Final Plat of Townley Addition, Woodbury County, Iowa”, be, and the same hereby is, accepted and approved, and the Mayor and the City Clerk are hereby directed to furnish to the proprietors a certified copy of this resolution, as required by law.

BE IT FURTHER RESOLVED that this approval is conditional on the owner executing an Extraterritorial Agreement pursuant to Section 25.04.040 (1.b.5.E.vi) of the Sioux City Municipal Code, which Extraterritorial Agreement was recorded in the office of the Woodbury County Recorder/Auditor on \_\_\_\_\_, 2023 at Instrument No. \_\_\_\_\_.

PASSED AND APPROVED: July 24, 2023

  
\_\_\_\_\_  
Robert E. Scott, Mayor

ATTEST:   
\_\_\_\_\_  
Lisa L. McCardle, City Clerk







NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request. NIPCO has no issues with this request. – Jeff Zettel, 8/31/23.
NUSTAR PIPELINE:	No comments.
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:	<b>SEE REVIEW MEMO BELOW.</b>
WOODBURY COUNTY RECORDER:	No comments.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposal. – Neil Stockfleth, 8/29/23.



## Woodbury County Secondary Roads Department

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

COUNTY ENGINEER  
 Mark J. Nahra, P.E.  
 mnahra@woodburycountyiowa.gov

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

SECRETARY  
 Tish Brice  
 tbrice@woodburycountyiowa.gov

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: September 19, 2023

Subject: Townley Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated May 1, 2023.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed the parcel for access. The existing driveway is adequate for access and may continue to be used. If an additional entrance is needed for any part of the remaining property, the landowner will need to file for a permit with the secondary road department for any new access.
- I note that the driveway is shown as subject to an ingress/egress easement. It is described with its own legal description on the plat. I assume this easement is for the purpose of accessing farm ground outside the platted lot 1. There are no terms for the use and maintenance of that easement specified on any document included in the application and I recommend that maintenance terms for the easement be set to writing and recorded for when the land eventually changes hands.
- I have no other concerns or issues with this minor subdivision application.

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

Cc: File

**Special Note:**

Following the County Engineer's comments, the applicant(s) have prepared an easement to be recorded. A copy of the easement is available in this packet in the subsequent pages.

**PRELIMINARY DRAWING**  
 A MINOR SUBDIVISION PLAT  
 OF  
**TOWNLEY ADDITION**  
 WOODBURY COUNTY, IOWA

**SURVEYOR'S DESCRIPTION:**

PART OF THE N.W.1/4 OF THE N.W.1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF SAID N.W.1/4 OF THE N.W.1/4; THENCE S.89°29'24"E. ALONG THE NORTH LINE OF SAID N.W.1/4 OF THE N.W.1/4 FOR 462.00 FEET; THENCE S.1°38'32"W. FOR 468.00 FEET; THENCE N.89°29'24"W. FOR 462.00 FEET TO THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4; THENCE N.1°38'32"E. ALONG SAID WEST LINE FOR 468.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.96 ACRES INCLUDING COUNTY RIGHT OF WAY AND 4.12 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4 IS ASSUMED TO BEAR N.1°38'32"E.

LOT 1, TOWNLEY ADDITION, WOODBURY COUNTY, IOWA IS SUBJECT TO AN INGRESS/EGRESS EASEMENT DESCRIBED AS FOLLOWS: COMMENCING AT THE S.E. CORNER OF SAID LOT 1; THENCE N.89°29'24"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 117.76 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE CONTINUING N.89°29'24"W. ALONG SAID SOUTH LINE FOR 30.00 FEET; THENCE N.0°07'19"E. FOR 264.90 FEET; THENCE N.4°17'50"W. FOR 83.19 FEET; THENCE N.13°31'07"W. FOR 72.28 FEET TO THE SOUTH RIGHT OF WAY LINE OF 110TH STREET; THENCE S.89°29'24"E. ALONG SAID RIGHT OF WAY LINE FOR 30.92 FEET; THENCE S.13°31'07"E. FOR 67.20 FEET; THENCE S.4°17'50"E. FOR 86.76 FEET; THENCE S.0°07'19"W. FOR 266.27 FEET TO THE POINT OF BEGINNING.

**OWNER/SUBDIVIDER**

DERRILL J. TOWNLEY, TRUSTEE OF THE  
 DERRILL J. TOWNLEY REVOCABLE TRUST

**SURVEYOR**

ALAN L. FAGAN

**SETBACK REQUIREMENTS**

FRONT YARD - 100'

SIDE YARD - 20'

ACCESSORY STRUCTURE - 10'

REAR YARD - 50'

ACCESSORY STRUCTURE - 10'

**ZONING**

AP AG PRESERVATION

**TELEPHONE**

CENTURYLINK

**POWER**

WOODBURY COUNTY R.E.C.

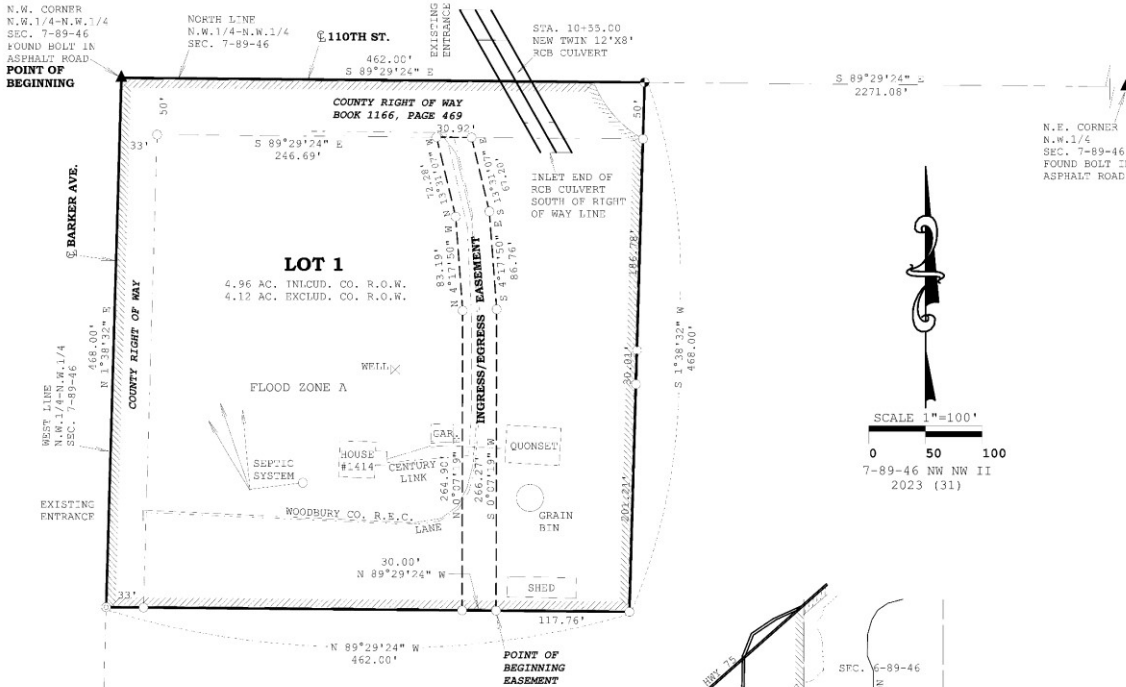
BURIED

**WATER**

PRIVATE WELL

**SEWER**

PRIVATE SEPTIC SYSTEM

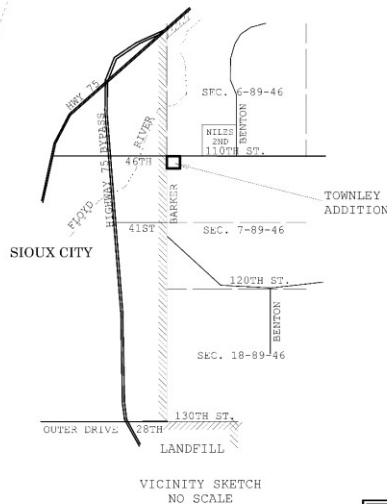


**NOTE:**

THERE MAY BE OTHER EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT LOT 1, TOWNLEY ADDITION, WOODBURY COUNTY, IOWA.

**MONUMENTS**

- = 1/2" YELLOW CAPPED REBAR #15082 SET
- ⊙ = MAG SPIKE SET
- ⊕ = MAG NAIL SET IN ASPHALT ROAD
- ⊖ = NOTHING SET



DATE OF SURVEY:  
 MARCH 28, 2023

AL FAGAN  
 LAND SURVEYING, P.C.  
 P.O. BOX 858  
 MERRILL, IA 51038  
 712.539-1471

**DECLARATION OF EASEMENT**

**Recorder's Cover Sheet**

**Preparer Information:** Joel D. Vos, Heidman Law Firm, 1128 4<sup>th</sup> St., P.O. Box 3086, Sioux City, IA 51102-3086; Phone: 712-255-8838

**Taxpayer Information:** Derrill J. Townley Revocable Trust

**Return Document To:** Joel D. Vos, Heidman Law Firm, 1128 4<sup>th</sup> St., P.O. Box 3086, Sioux City, IA 51102-3086; Phone: 712-255-8838

**Grantor:** Derrill J. Townley Revocable Trust

**Grantee:** Derrill J. Townley Revocable Trust

**Legal Description:** See Recital C on Page 1 of the Declaration of Easement

## DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT ("Declaration") is made this 20 day of September, 2023, on behalf of the Derrill J. Townley Revocable Trust under instrument dated April 15, 2021, by and through its successor Trustee, Donald J. Townley (hereinafter "Townley Trust").

### RECITALS:

A. TOWNLEY TRUST is the owner of the entirety of real property (hereinafter "Lot 1, Townley Addition") which is or will be subdivided into a minor subdivision in Woodbury County, Iowa, and which is legally described as follows:

PART OF THE N.W.1/4 OF THE N.W.1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF SAID N.W.1/4 OF THE N.W.1/4; THENCE S.89°29'24"E. ALONG THE NORTH LINE OF SAID N.W.1/4 OF THE N.W.1/4 FOR 462.00 FEET; THENCE S.1°38'32"W. FOR 468.00 FEET; THENCE N.89°29'24"W. FOR 462.00 FEET TO THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4; THENCE N.1°38'32"E. ALONG SAID WEST LINE FOR 468.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.96 ACRES INCLUDING COUNTY RIGHT OF WAY AND 4.12 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4 IS ASSUMED TO BEAR N.1°38'32"E.

Lot 1, Townley Addition is further depicted on the attached Exhibit A.

B. After creation of the Townley Addition, the TOWNLEY TRUST intends to convey Lot 1, Townley Addition to a purchaser.

C. The proposed subdivision of the Townley Addition shows an ingress/egress easement crossing Lot 1, Townley Addition (the "Ingress/Egress Easement") legally described as follows:

COMMENCING AT THE S.E. CORNER OF SAID LOT 1; THENCE N.89°29'24"W. ALONG THE SOUTH LINE OF SAID LOT 1 FOR 117.76 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE CONTINUING N.89°29'24"W. ALONG SAID SOUTH LINE FOR 30.00 FEET; THENCE N.0°07'19"E. FOR 264.90 FEET; THENCE N.4°17'50"W. FOR 83.19 FEET; THENCE N.13°31'07"W. FOR 72.28 FEET TO THE SOUTH RIGHT OF WAY LINE OF 110TH STREET; THENCE S.89°29'24"E. ALONG SAID RIGHT OF WAY LINE FOR 30.92 FEET; THENCE S.13°31'07"E. FOR 67.20 FEET;

THENCE S.4°17'50"E. FOR 86.76 FEET; THENCE S.0°07'19"W. FOR 266.27 FEET TO THE POINT OF BEGINNING.

D. The purpose of the ingress/egress easement is to provide for access for farm implements and equipment from the County Right of Way locally known as 110<sup>th</sup> Street to farmland owned by the TOWNLEY TRUST in the N.W.1/4 of the N.W.1/4 of Section 7, Township 89 North, Range 46 West of the 5<sup>th</sup> P.M., Woodbury County, Iowa, which is adjacent to Lot 1, Townley Addition.

NOW, THEREFORE, Declarants hereby grant and impose the following easement upon that portion of Lot 1, Townley Addition described as the Ingress/Egress Easement in the foregoing recitals, which shall be for the benefit or burden, as the case may be, of all future owners, occupants, and mortgagees of Lot 1, Townley Addition or the N.W.1/4 of the N.W.1/4 of Section 7, Township 89 North, Range 46 West of the 5<sup>th</sup> P.M., Woodbury County, Iowa, and their respective heirs, devisees, legatees, assigns, representatives, tenants, invitees, and licensees ("Permittees"):

1. Declarant hereby grants a nonexclusive permanent and irrevocable ingress/egress easement upon that portion of Lot 1, Townley Addition described as the Ingress/Egress Easement in the foregoing recitals, for the purpose of providing access to the farmland in the N.W.1/4 of the N.W.1/4 of Section 7, Township 89 North, Range 46 West of the 5<sup>th</sup> P.M., Woodbury County, Iowa, which is adjacent to Lot 1, Townley Addition.

2. The owners of Lot 1, Townley Addition shall keep the Ingress/Egress Easement free from any obstructions, and no barricades, fences, or other dividers will be constructed and nothing will be done to prohibit or impede the vehicular or implement traffic within the area of the Ingress/Egress Easement granted herein.

3. The owners of Lot 1, Townley Addition shall not be required to maintain the Ingress/Egress Easement to any particular standard. The owners of the farmland in the N.W.1/4 of the N.W.1/4 of Section 7, Township 89 North, Range 46 West of the 5<sup>th</sup> P.M., Woodbury County, Iowa, which is adjacent to Lot 1, Townley Addition may maintain and repair the Ingress/Egress Easement as they see fit, including but not limited to grading, placement or replacement of gravel or other surface materials on the Ingress/Egress Easement.

4. The Ingress/Egress Easement is a permanent, private easement, which runs with the land. Each owner of Lot 1, Townley Addition or the adjacent farmland, and his or her heirs, successors and assigns, by the acceptance of a deed of conveyance, accepts the same subject to all terms and conditions of this Declaration, and all rights, benefits and privileges of every character hereby granted, created, reserved, or declared and all impositions and obligations hereby imposed shall be deemed and taken to be covenants running with the land and shall bind any person or entity having at any time any interest of estate in said property, and shall inure to the benefit of such owners on like manner as though the provisions, terms, and restrictions of this Declaration were received and stipulated at length in each and every deed of conveyance.

5. Waiver. No provision of this Declaration shall be deemed to have been abrogated or waived by reason on any failure to enforce the same at any time, irrespective of the number of violations or breaches which may occur.

6. Amendment and Modifications. This Declaration may be amended by the written consent and agreement of all of the record Owners of the Property or their successors and assigns. Any such modification or amendment shall be effective when duly recorded in the office of the County Recorder in the county in which said property is situated.

7. Governing Law. This Declaration shall be construed and governed in accordance with the laws of the State of Iowa.

8. Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreement and understanding, oral and written between the parties with respect to the subject matter of this Declaration.

**Derrill J. Townley Revocable Trust under instrument dated April 15, 2021**

By: Donald J. Townley  
Donald J. Townley, Successor Trustee

Date: Sept 20, 2023

STATE OF IOWA                   )  
  ) ss:  
COUNTY OF WOODBURY )

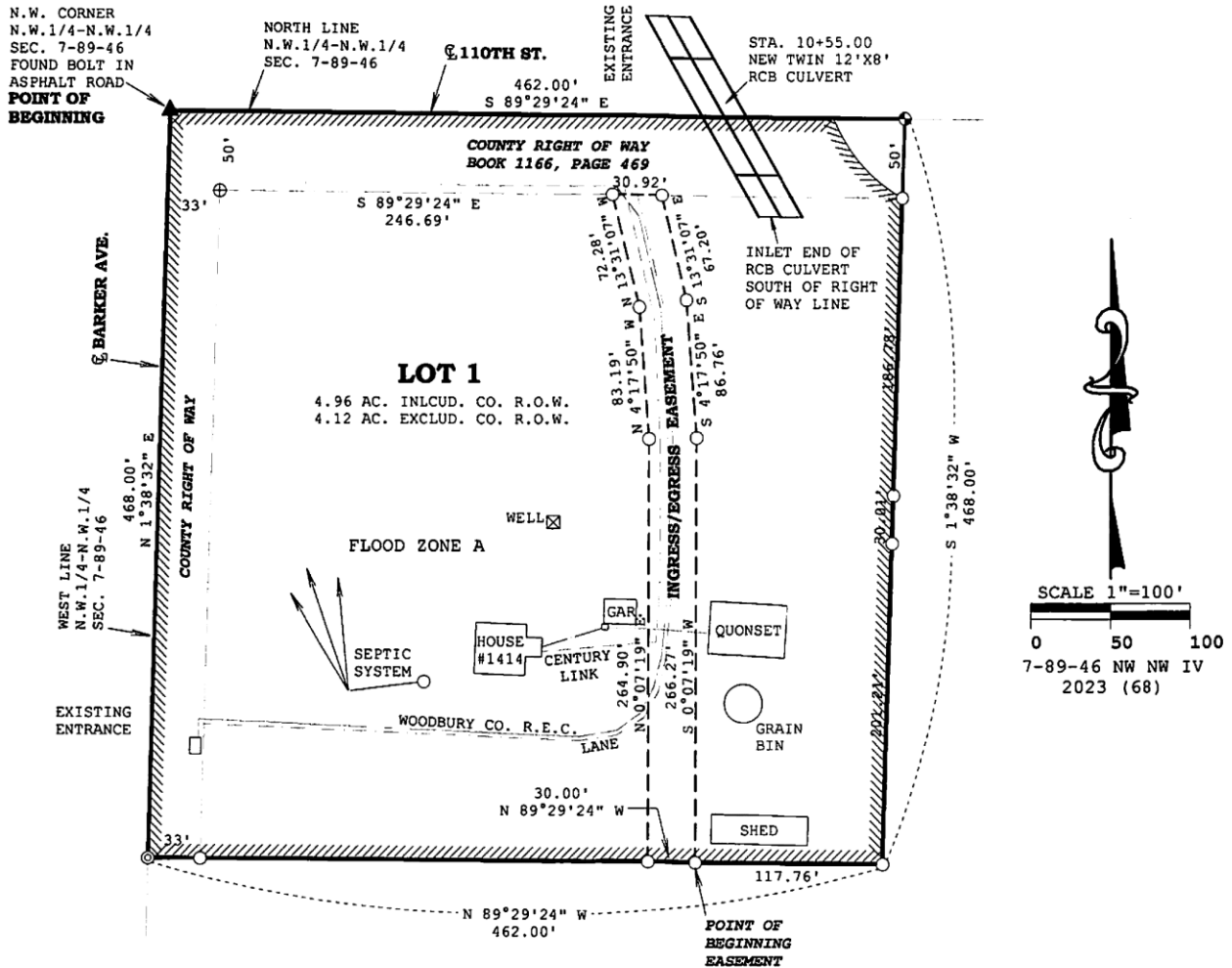
The foregoing Declaration of Easement was executed and acknowledged on this 20<sup>th</sup> day of September, 2023, before me, the undersigned, a Notary Public duly commissioned and qualified for in said county and state, by Donald J. Townley, to me personally known, as the Successor Trustee of the Donald J. Townley Revocable Trust under instrument dated April 15, 2021.



Joel D. Vos  
NOTARY PUBLIC



**TOWNLEY ADDITION**  
**WOODBURY COUNTY, IOWA**



**SURVEYOR'S DESCRIPTION:**

PART OF THE N.W.1/4 OF THE N.W.1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF SAID N.W.1/4 OF THE N.W.1/4; THENCE S.89°29'24"E. ALONG THE NORTH LINE OF SAID N.W.1/4 OF THE N.W.1/4 FOR 462.00 FEET; THENCE S.1°38'32"W. FOR 468.00 FEET; THENCE N.89°29'24"W. FOR 462.00 FEET TO THE WEST LINE OF SAID N.W.1/4 OF THE N.W.1/4; THENCE N.1°38'32"E. ALONG SAID WEST LINE FOR 468.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.96 ACRES INCLUDING COUNTY RIGHT OF WAY AND 4.12 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

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**Exhibit A**

**PARCEL REPORT**

**Woodbury County, IA / Sioux City**

**Summary**

Parcel ID 894607100007  
 Alternate ID 883561  
 Property Address 1414 110TH ST  
 SIOUX CITY IA 51108  
 Sec/Twp/Rng 7-89-46  
 Brief Tax Description NW NW (EXT TCT COMM NW COR THEC E 1021.02' TO POB; THEC E 295' S 361.85' W 295' & N 361.85') 7-89-46  
 (Note: Not to be used on legal documents)  
 Deed Book/Page 2021-05003 14/16/2021  
 Gross Acres 39.53  
 Net Acres 39.53  
 Adjusted CSR Pts 3031.4  
 Zoning AP-AGRICULTURAL PRESERVATION  
 District 0057 CONCORD/SIOUX CITY  
 School District SIOUX CITY COMM  
 Neighborhood N/A



**Owner**

Deed Holder  
 TOWNLEY DERRILL J REVOCABLE TRUST  
 1414 110TH ST  
 SIOUX CITY IA 51108  
 Contract Holder  
 Mailing Address  
 TOWNLEY DERRILL J REVOCABLE TRUST  
 1414 110TH ST  
 SIOUX CITY IA 51108

**Land**

Lot Area 39.53 Acres : 1,721,927 SF

**Residential Dwellings**

Residential Dwelling  
 Occupancy Single-Family / Owner Occupied  
 Style 1 Story Frame  
 Architectural Style N/A  
 Year Built 1942  
 Condition Above Normal  
 Roof Asph / Gable  
 Flooring  
 Foundation C Blk  
 Exterior Material Vinyl  
 Interior Material Pls  
 Brick or Stone Veneer  
 Total Gross Living Area 1,587 SF  
 Main Area Square Feet 1024  
 Attic Type Fully Finished: 563 SF  
 Number of Rooms 5 above; 0 below  
 Number of Bedrooms 3 above; 0 below  
 Basement Area Type Full  
 Basement Area 1,024  
 Basement Finished Area  
 Plumbing 1 Standard Bath - 3 Fi; 1 Sink;  
 Appliances  
 Central Air Yes  
 Heat Yes  
 Fireplaces  
 Porches 15 Frame Enclosed (120 SF);  
 Decks  
 Additions  
 Garages 320 SF (16F W x 20F L) - Det Frame (Built 2001);

**Agricultural Buildings**

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building	QUONSET	32	48	1953	1
0	Machine or Utility Building	MACHINE SHED	18	60	1950	1
0	Bin - Grain Storage (Bushel)		24	13	1977	1

**Sales**

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
4/15/2021	TOWNLEY DERRILL J	TOWNLEY DERRILL J REVOCABLE TRUST	2021-05003	No consideration	Deed		\$0.00
2/1/2021	TOWNLEY DOLORES A	TOWNLEY DERRILL J	2021-02851	No consideration	Deed		\$0.00

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

**Permits**

Permit #	Date	Description	Amount
4488	08/02/2004	New Dwlg	0

**Valuation**

	2023	2022	2021	2020	2019
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$99,350	\$77,190	\$77,190	\$72,540	\$72,540
+ Assessed Building Value	\$7,130	\$4,220	\$4,220	\$3,860	\$3,860
+ Assessed Dwelling Value	\$136,320	\$112,160	\$112,160	\$110,530	\$110,530
= Gross Assessed Value	\$242,800	\$193,570	\$193,570	\$186,930	\$186,930
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$242,800	\$193,570	\$193,570	\$186,930	\$186,930



## Sioux City Special Assessments and Fees

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

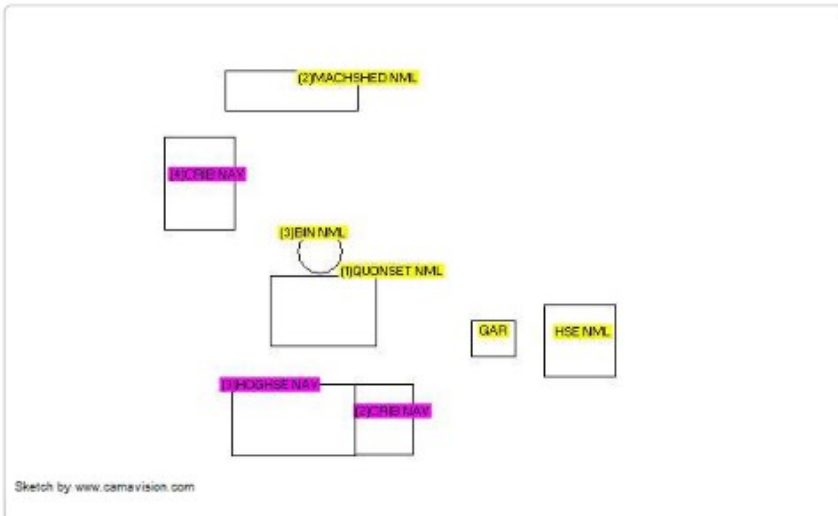
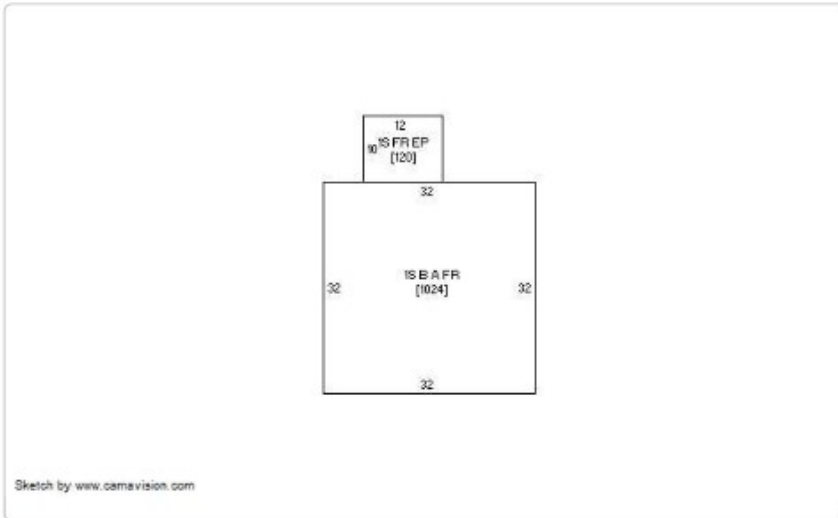
## Woodbury County Tax Credit Applications

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

### Photos



### Sketches



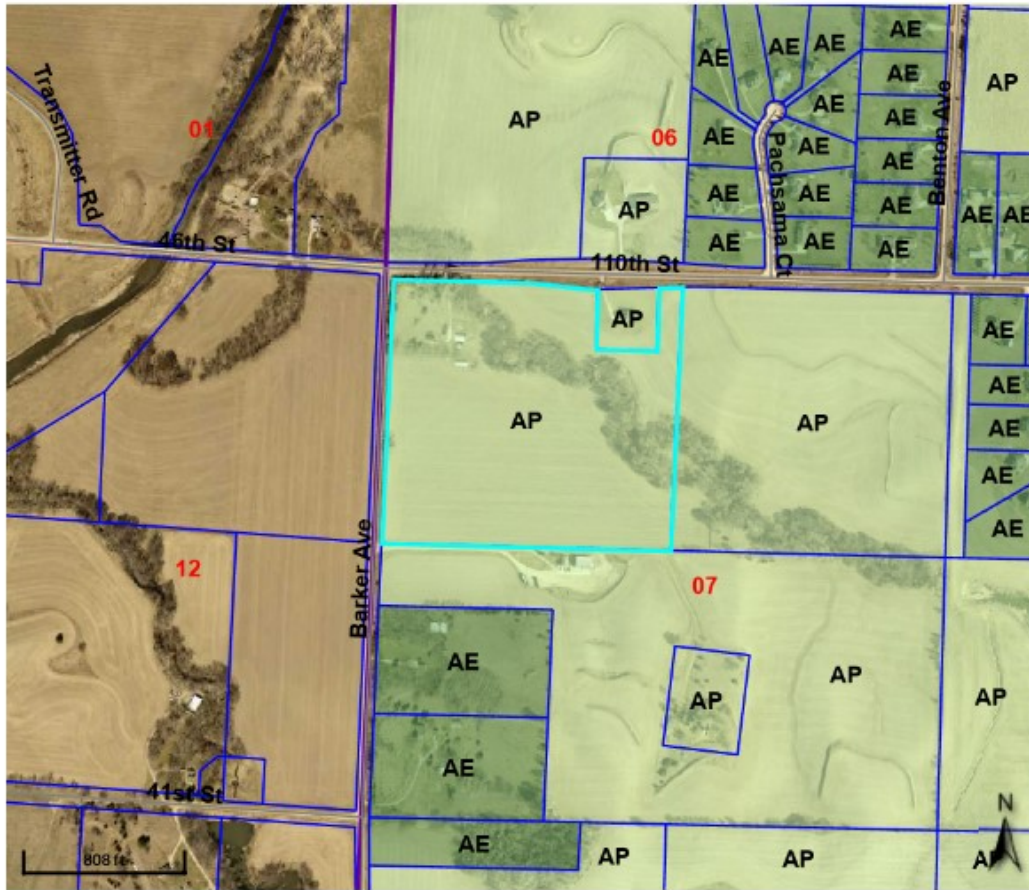
No data available for the following modules: Commercial Buildings, Yard Extras, Sioux City Tax Credit Applications, Sioux City Board of Review Petition.

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[Contact Us](#)

Developed by  
 Schneider  
GEOSPATIAL

ZONING MAP



Overview



Legend

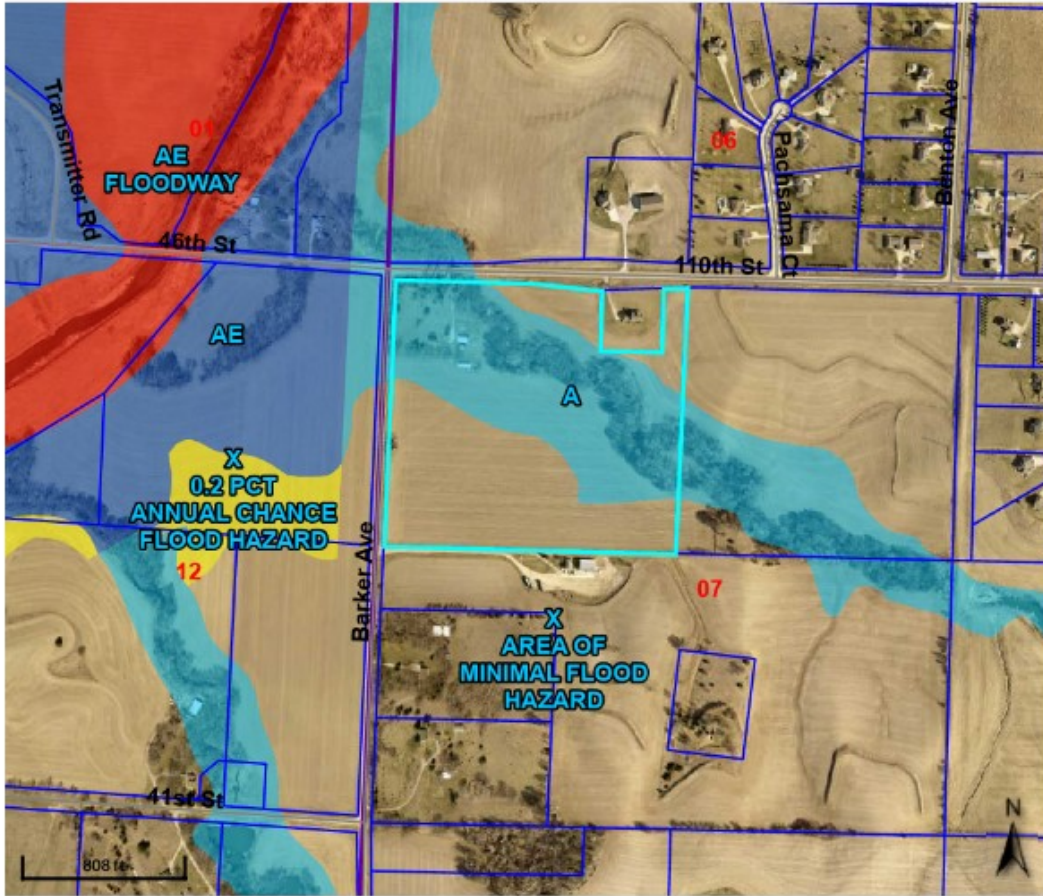
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- County Zoning**
- ▭ AE
- ▭ AP
- ▭ GC
- ▭ GC-PD
- ▭ GI
- ▭ LI
- ▭ LI-PD
- ▭ SR
- ▭ WR

Parcel ID	894607100007	Alternate ID	883561	Owner Address	TOWNLEY DERRILL J REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		1414 110TH ST
Property Address	1414 110TH ST SIOUX CITY	Acreage	39.53		SIOUX CITY, IA 51108
District	0057				
Brief Tax Description	NW NW (EX TCT COMM NW COR THEC E 1021.02' TO POB; THEC E 295' S 361.85' W 295' & N 361.85') 7-89-46				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/28/2023  
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**EFFECTIVE FLOODPLAIN MAP**



**Overview**



**Legend**

- Roads
- Corp Boundaries
- Townships
- Parcels
- FEMA Flood Map**
- A,
- AE,
- AE, FLOODWAY
- AH,
- AO,
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

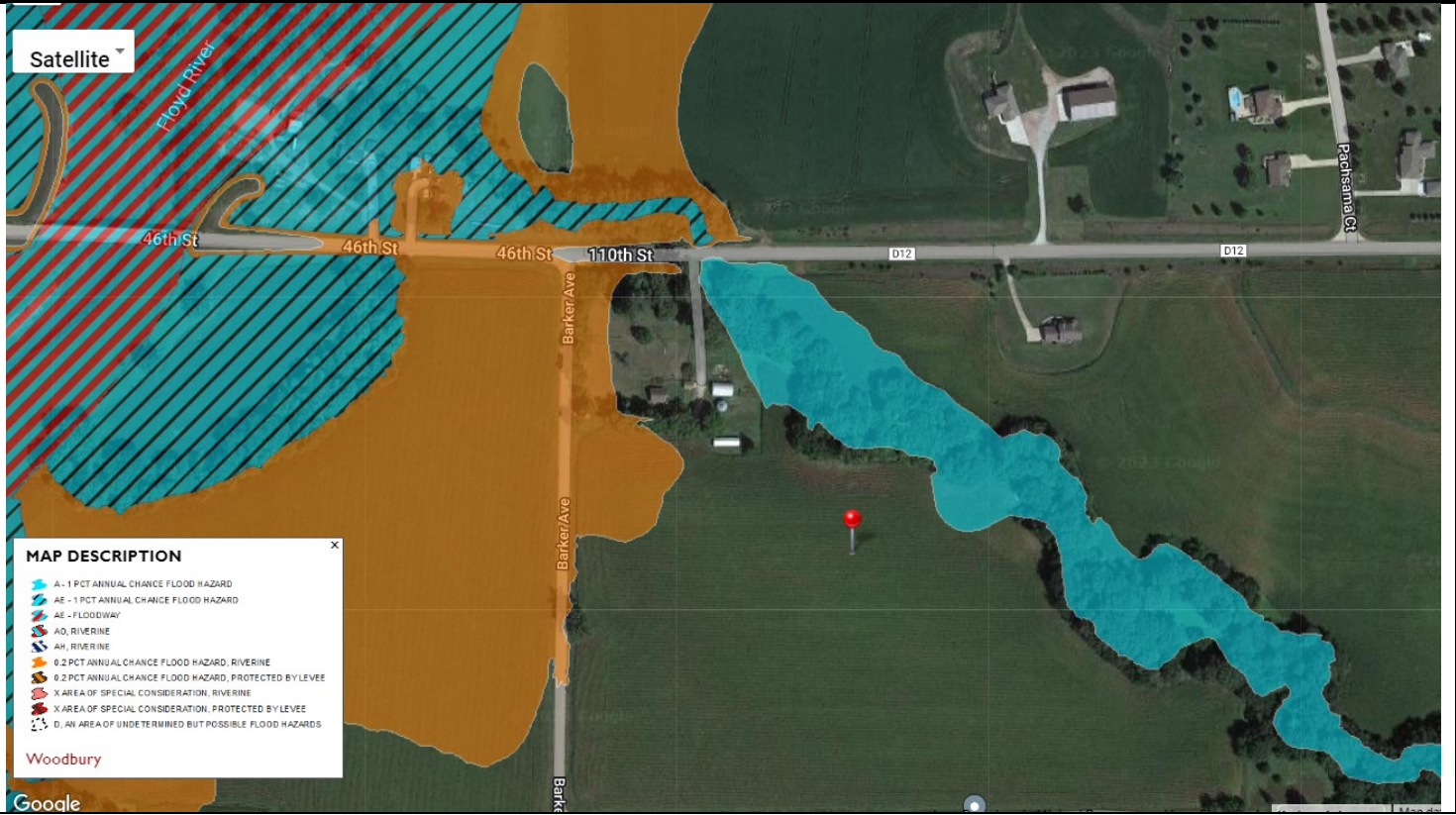
Parcel ID	894607100007	Alternate ID	883561	Owner Address	TOWNLEY DERRILL J REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		1414 110TH ST
Property Address	1414 110TH ST	Acreage	39.53		SIOUX CITY, IA 51108
	SIOUX CITY				
District	0057				
Brief Tax Description	NW NW (EX TCT COMM NW COR THEC E 1021.02' TO POB; THEC E 295' S 361.85' W 295' & N 361.85') 7-89-46				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/28/2023  
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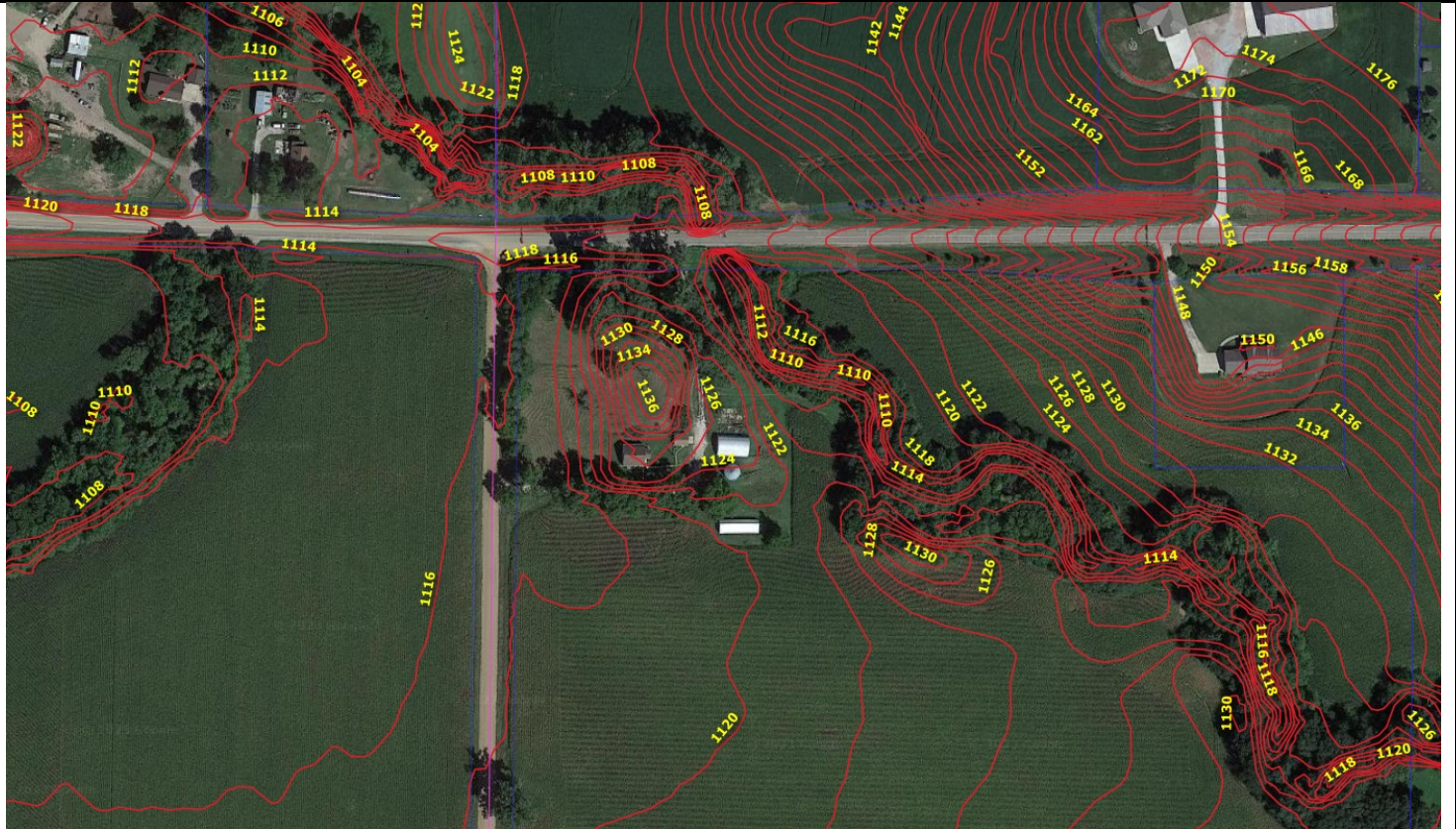
Developed by Schneider GEOSPATIAL



# DRAFT FLOODPLAIN MAP



# ELEVATION MAP







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

Date: 9/28/2023 Weekly Agenda Date: 10/3/2023

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

**WORDING FOR AGENDA ITEM:**

Consider sending a request for proposal for consultant services for preparing a federal grant application for funding the Southbridge Interchange Project

**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 checked="" type="checkbox"/>    |

**EXECUTIVE SUMMARY:**

The Southbridge Interchange project is eligible for discretionary grant funding. Filing of an application for the funding is required. Consultant services are requested for funding the application.

**BACKGROUND:**

The project meets the criteria for both the INFRA and RURAL grant programs created under the Bipartisan Infrastructure Law. The next application for funding is due in 2024. The competitive grant application process is a rigorous exercise in grant writing and several consulting engineering firms have filed successful applications on behalf of clients.

**FINANCIAL IMPACT:**

I request that the county board consider gaming funds for the effort. Grant writing consultants for the Iowa County Engineers Association have cost between \$50K and \$70K for much more complex applications.

**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?**

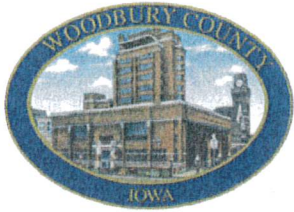
Yes  No

**RECOMMENDATION:**

Allow the county engineer to prepare a request for proposals from a small pool of consultants who have successfully obtained grants for clients, review the applications, and return a recommendation to the Board of Supervisors.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to direct the county engineer to prepare a request for proposal for consultant services for a federal grant application.



# Woodbury County Secondary Roads Department

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

COUNTY ENGINEER  
Mark J. Nahra, P.E.  
mnahra@woodburycountyiowa.gov

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

SECRETARY  
Tish Brice  
tbrice@woodburycountyiowa.gov

To: Board members

From: Mark Nahra, Woodbury County Engineer

Date: September 28, 2023

Subject: Proposed project timeline for federal grant preparation

I am recommending the Board engage a consulting engineering firm experienced in federal grant writing to prepare a grant application for two federal discretionary programs. Our interchange project is eligible under the federal INFRA and RURAL programs. Both programs share one application, so our consultant only has to prepare one application on behalf of the county.

Both program applications for FY 2023 and 2024 funds were due at the end of August 2023. The schedule for next year's application should be similar. To meet the grant application schedule, I am proposing the following timeline:

Approval by Board of Supervisors:	October 3, 2023
Return of RFP by invited consultants:	November 1, 2023
Recommendation to Board of Supervisors:	November 21, 2023
Contract to Consultant:	December 1, 2023
Filing of Grant Application:	August 30, 2024

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

Date: 09/28/2023 Weekly Agenda Date: 10/3/2023

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

**WORDING FOR AGENDA ITEM:**

Award quotation for culvert pipe lining on county road L27 and L36

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The county engineer has received a quotation for culvert lining on five culverts on L27 and L36. Culvert lining is a repair alternative to culvert replacement.

**BACKGROUND:**

The concrete culverts in question have separated at the joints under two county pavements. Dirt migrates between the separating joints, creating voids under the pavement. Culvert lining is a less invasive method of repairing the culverts by sealing the joints and not digging out the road. Repairs are completed in half a day, compared to a three day closure typical for replacing a culvert.

**FINANCIAL IMPACT:**

The project is paid for with 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 award the quote to Subsurface, Inc.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion that the board award the culvert lining quote to Subsurface, Inc. for \$92,770.00



Mailing address:  
P.O. Box 37  
Moorhead, MN 56561-0037  
Email: gary@subsurface-inc.com



Physical Address:  
3320 Westrac Drive, Ste C  
Fargo, ND 58103  
Phone (701)997-5040

**REVISED PROPOSAL**

Date: September 18<sup>th</sup>, 2023  
To: Mark Nahra, P.E.  
County Engineer  
Woodbury County Iowa  
RE: UV Cured-In-Place Liners

Subsurface, Inc hereby proposes to provide all supervision, labor, equipment, and materials to install Omega UV Cured-In-Place liners in five (5) existing culverts as requested and called out below. Culverts are in general road crossing locations within Woodbury County and the road ROW's.

Mobilization – Lump Sum to include all locations with One (1) Mobilization		<b>\$ 12,000.00</b>
Site 1 Lee Ave south of 180 <sup>th</sup> Street (36” x 67’ RCP)		
• Furnish and Install 36” UV CIPP: \$ 430/LF	\$ 28,810.00	
○ Remove dirt/silt from inside of culvert		
○ Trim Tie-Bolts to inside surface for liner installation		
• Traffic Control Lane Closures w/flagger: Provided by County	\$ -	
• Dewatering/Bypass Pumping:	\$ -	
• Site Total:		<b>\$ 28,810.00</b>
Site 2 Lee Ave north of 180 <sup>th</sup> Street (30” x 61’ RCP)		
• Furnish and Install 30” UV CIPP: \$ 270.00/LF	\$ 16,470.00	
○ Remove dirt/silt from inside of culvert		
○ Trim Tie-Bolts to inside surface for liner installation		
• Traffic Control Lane Closures w/flagger: Provided by County	\$ -	
• Dewatering/Bypass Pumping:	\$ -	
• Site Total:		<b>\$ 16,470.00</b>
Site 3 Osceola Ave approx. 2900ft+/- south of 130 <sup>th</sup> Street (30” x 49’ RCP)		
• Furnish and Install 30” UV CIPP: \$ 290.00/LF	\$ 14,210.00	
○ Remove dirt/silt from inside of culvert		
○ Trim Tie-Bolts to inside surface for liner installation		
• Traffic Control Lane Closures w/flagger: Provided by County	\$ -	
• Dewatering/Bypass Pumping:	\$ -	
• Site Total:		<b>\$ 14,210.00</b>
Site 4 Osceola Ave approx. 2000ft+/- south of 130 <sup>th</sup> Street (24” x 43’ RCP)		
• Furnish and Install 24” UV CIPP: \$ 250.00/LF	\$ 10,750.00	
○ Remove dirt/silt from inside of culvert		
○ Trim Tie-Bolts to inside surface for liner installation		
• Traffic Control Lane Closures w/flagger: Provided by County	\$ -	
• Dewatering/Bypass Pumping:	\$ -	
• Site Total:		<b>\$ 10,750.00</b>
Page 1		
Site 5 Osceola Ave approx. 1400ft+/- north of 130 <sup>th</sup> Street (24” x 39’ RCP)		
• Furnish and Install 24” UV CIPP: \$ 270.00/LF	\$ 10,530.00	
○ Remove dirt/silt from inside of culvert		
○ Trim Tie-Bolts to inside surface for liner installation		
• Traffic Control Lane Closures w/flagger: Provided by County	\$ -	
• Dewatering/Bypass Pumping:	\$ -	
• Site Total:		<b>\$ 10,530.00</b>

Grand Total:

\$ 92,770.00

.....Ninety-Two Thousand, Seven Hundred Seventy, and 00/100's Dollars .....

**Note(s):** This is an all-inclusive proposal, and **ALL** culverts shall be accepted as one project unless otherwise directed.  
 Mobilization assumes that **ALL** culvert locations can be completed utilizing same mobilization and, in conjunction with other Subsurface installation projects near Woodbury County.  
 Additional culverts at other locations may be added if Subsurface and Owner agree prior to extending the contract.  
 Culvert lengths will be measured when completed and billed accordingly.  
 Any Pipe and/or Flared End Section Adjustment(s) shall be completed prior to liner installation by county unless otherwise agreed to by Subsurface and County.  
 Repairs/Prep to flow line as deemed necessary and agreed upon by Subsurface and County shall be completed prior to lining.  
 Chemical Grout shall be injected after liner installation to fill large voids around the culvert(s) and, billed per quantity used. None anticipated.  
 Dewatering is based on current conditions. Additional dewatering as needed when liners are installed will be evaluated and billed accordingly.  
 Traffic Control shall be provided by Woodbury County unless stated otherwise.

*Glenn L Dobson*

September 18, 2023

Glenn Dobson  
Subsurface, Inc

Date

Owner

Date

[www.subsurface-inc.com](http://www.subsurface-inc.com)  
Equal Opportunity Employer

CULVERT ON L37 REPAIRED THIS SPRING BY SUBSURFACE, INC.

24" RCP under 12 foot embankment and 2019 HMA Overlay

Remove and replace: 24" CMP 60' of pipe @ \$30/ft. \$1,800.00

Remove 40' Pavement and Patch: 97.8 SY @ \$350/SY \$34,230.00

Granular Backfill: 40 tons @ \$9.00/ ton \$360.00

Crew and Equipment – 3 days: \$1200/day X 3 days \$3,600.00

Total Estimated conventional repair: \$39,990.00

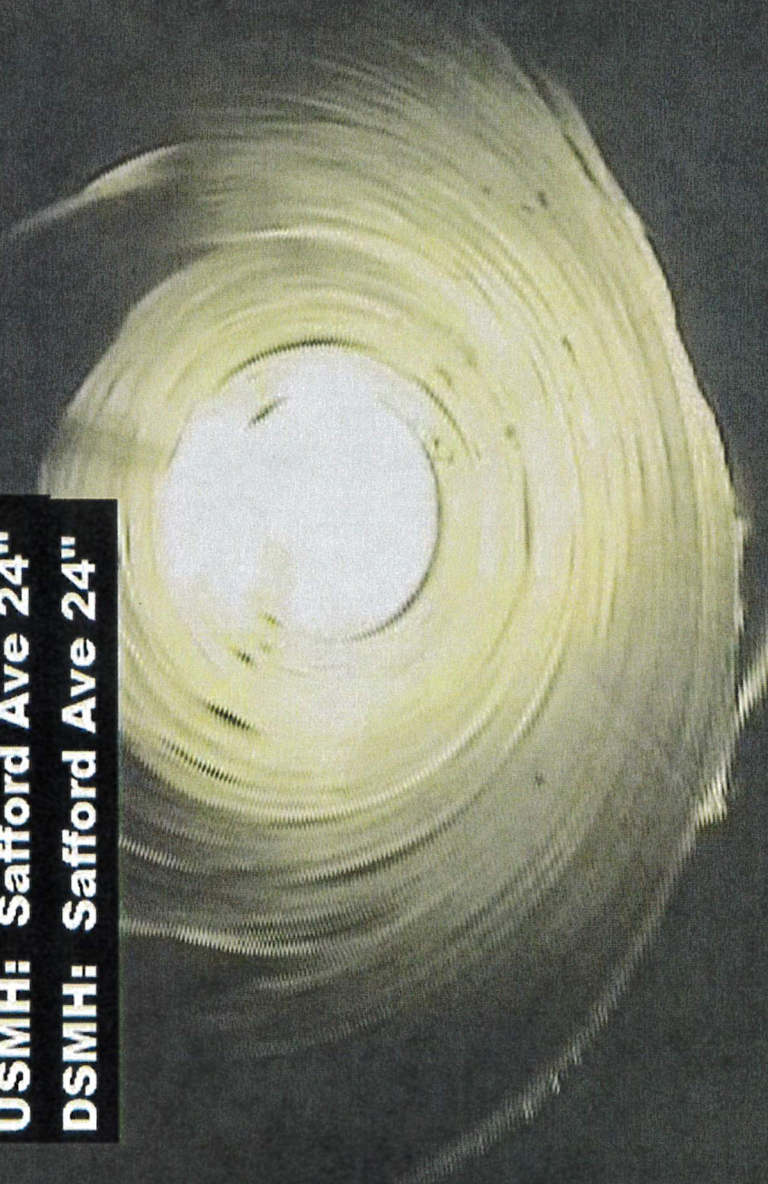
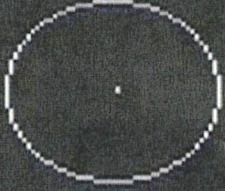
Cost Bid by Subsurface: \$16,500.00







**USMH: Safford Ave 24"**  
**DSMH: Safford Ave 24"**



1\_Safford\_Ave\_24\_\_Safford\_Ave\_24\_

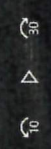
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**WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**

Date: 9/28/2023 Weekly Agenda Date: 10/3/2023

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

**WORDING FOR AGENDA ITEM:**

Consider approval of resolution to set load limits on county bridges.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

County bridges are inspected every two years at a minimum, more frequently if needed. Structural calculations have determined that the listed bridges can no carry legal truck loads.

**BACKGROUND:**

Annual bridge inspections have been completed for 2023. Several bridges were found to have deteriorated during the current inspection interval. Structural calculations performed on these bridges determined that these bridges can no longer carry legal semi and truck loads. They must be posted for reduced load ratings. One bridge must be closed due to damaged structural members.

**FINANCIAL IMPACT:**

Financial impact is limited to the cost of installing four signs to notify trucks of the weight limits. This costs the county approximately \$800 for all signs. Most of these bridges were already posted and will only require a signing update.

**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 approve the resolution to establish bridge weight limits on the listed county bridges.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to approve the resolution establishing weight limits on the listed county bridges.



**WOODBURY COUNTY  
BRIDGE EMBARGO RESOLUTION**

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

**WHEREAS:** The Board of Supervisors is empowered under authority of Sections 321.236 Sub. (8), 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

**WHEREAS:** the Woodbury County Engineer has caused to be completed the Structure Inventory and Appraisal of certain bridges according to accepted Bridge Inspection Standards and has determined that the bridges below, require revision to their current load ratings,

**NOW, THEREFORE, BE IT RESOLVED** by the Woodbury County Board of Supervisors that the following vehicle and load limit be established and that signs be placed advising of the permissible maximum weights thereof on the bridge listed herein.

<u>Bridge No.</u>	<u>FHWA No.</u>	<u>Section Township Range</u>	<u>Posted Limit</u>
J-306	353160	06-88-43	12, 20,20 Tons
K-023	353260	17-88-43	3 Tons
K-103	353391	36-88-43	13,21, 24 Tons, One Lane
O-055	351991	11-87-44	27, 40, 40 Tons
Q-018	352520	06-87-46	10 Tons
T-053	351140	14-87-46	6 Tons
U-017-1	350960	07-86-45	3 Tons
X-116	<20 feet	31-86-42	9 Tons

**Passed and approved this 3<sup>rd</sup> day of October 2023.**

**Recommended:**

\_\_\_\_\_  
Matthew Ung, Chairperson  
Woodbury County Board of Supervisors

\_\_\_\_\_  
Mark J. Nahra, P.E.  
Woodbury County Engineer

**Attest:**

\_\_\_\_\_  
Patrick Gill  
Woodbury County Auditor

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

Date: 9/28/2023 Weekly Agenda Date: 10/3/2023

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

**WORDING FOR AGENDA ITEM:**

Consider approval of a consultant agreement for the Pierson Bridge project design services

**ACTION REQUIRED:**

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

**EXECUTIVE SUMMARY:**

The county engineer is requesting consideration of a consultant contract for a bridge design project. A project design agreement is presented for board approval.

**BACKGROUND:**

The county and City of Pierson are working on a project to replace the corporate line bridge on Minnesota Avenue on the east side of Pierson. With the impending retirement of the current assistant engineer, we are shorthanded in the office and I am recommending that we engage HGM Associates to assist with the design of this project.

**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 HGM Associates 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 HGM Associates for the above captioned project and direct the chair to sign the agreement.





September 18, 2023

**Mr. Mark Nahra, PE**  
**County Engineer**  
Woodbury County, Iowa  
759 E. Frontage Rd.  
Merville, IA 51039

Subject: Minnesota Ave. Bridge Replacement – Preliminary & Check Plan Design  
Bridge No. B-249-1, FHWA No. 254551 over Stream, Woodbury County, Iowa  
**HGM Proposal No. 000723-155**

Dear Mr. Nahra:

On behalf of HGM ASSOCIATES INC. (HGM) we are pleased to submit this letter form agreement for engineering and surveying services for the referenced project. This agreement consists of this letter, the attached Scope of Services labeled as Exhibit A and the attached General Provisions labeled as Exhibit B.

HGM will provide Basic Services including bridge replacement design. These services are more specifically defined in the attached Scope and Fee Proposal, Exhibit A. We will also provide Additional Services upon your request and receipt of your written authorization.

HGM will provide these Basic Services on an hourly basis with our total cost estimated not to exceed \$33,200 for Phase I Services and \$21,500 for Phase II Services, for a total of \$54,700. Additional Services will be charged on an hourly basis in accordance with our standard hourly rate schedule. Reimbursable expenses are not part of this agreement. Total contract maximum for design services thru final design (Check Plans) is approximately \$54,700. Construction phase services are not included in this agreement.


We will bill you monthly for our services and reimbursable expenses proportionate to the work completed on the project. All fees are due and payable to HGM within 30 days of the invoice date. A service charge of one and one-half percent per month will be added to any amounts outstanding after 30 days.

Mr. Mark Nahra  
September 18, 2023  
Page 2 of 2

We anticipate that we will be able to begin work on this project immediately upon receiving your authorization to proceed in the form of your acceptance of this agreement. We estimate that all work can then be completed for a letting to be determined. If at any time we are delayed in the performance of these services, we will notify you immediately. Please note that any information to be provided by you as defined under Client's Responsibilities in the attached Scope of Services will need to be furnished to HGM prior to our beginning work.

**Please indicate your acceptance of this agreement by signing where indicated below and returning one original signed copy to this office; OR, you may then scan a complete set of this document and email it in its entirety to HGM.** We sincerely appreciate the opportunity to work with you.

Yours very truly,  
HGM ASSOCIATES INC. - CONSULTANT

  
Stephen W. Moffitt, P.E.  
Vice President

  
Jonathan E. Peterson, P.E.  
Project Manager

Acceptance of Proposal:  
WOODBURY COUNTY, IOWA - CLIENT

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date of Acceptance

This is an exhibit attached to and made part of the letter agreement dated September 18, 2023, between: WOODBURY COUNTY, IOWA (CLIENT) and HGM ASSOCIATES INC. (CONSULTANT).

Subject: Minnesota Ave. Bridge Replacement – Preliminary & Check Plan Design  
Bridge No. B-249-1, FHWA No. 254551 over Stream, Woodbury County, Iowa  
HGM Proposal No. 000723-155

BASIC SERVICES

The Basic Services to be provided by the CONSULTANT under this agreement are further described as follows:

PHASE I

I. HYDRAULIC DESIGN (\$6,200)

- A. Prepare hydrology and hydraulics computations using Iowa Bridge Backwater program.
- B. Prepare hydraulic report documentation.
- C. The current FEMA Flood Insurance Rate Map shows the bridge is in Zone A, requiring a maximum of one foot of rise in water surface elevations.

II. PRELIMINARY DESIGN (\$27,000)

It is anticipated that this structure will be replaced with an Iowa DOT standard single span H30SI PPCB bridge or an Iowa DOT standard three span CCS bridge of a size to be determined. The design plans will utilize the Iowa DOT standard plans for this project. This scope of services includes adjustments to the vertical profile at the bridge and the adjacent intersection.

- A. Prepare situation plan in accordance with Iowa DOT checklist requirements.
- B. Prepare Plan and Profile sheets for the extents of the roadway design.
- C. Paint scrape and asbestos testing will be required on this structure, see REIMBURSABLE EXPENSES section below.

III. PERMIT APPLICATIONS (Cost included in Task II.)

- A. Prepare Joint Application form and submit to the Corps of Engineers as required for 404 permitting. It is anticipated that this project will satisfy the requirements of Nationwide Permit No. 14. It is anticipated that a wetland delineation will not be required to be submitted with the permit application.
- B. This project is within the jurisdiction of the Iowa Department of Natural Resources and will require a floodplain development permit.

**PHASE I TOTAL: \$33,200**

**PHASE II**

## IV. FINAL DESIGN - CHECK PLANS (\$21,500)

- A. Incorporate review comments obtained from review of the preliminary bridge plans.
- B. Final bridge plans, special provision, pay items and associated item reference notes, in accordance with Iowa DOT and AASHTO criteria for the bridge structure.
- C. Prepare the title sheet, the quantity and notes sheet, and tabulation sheet.
- D. Prepare roadway plan and profile sheets, cross sections and tabulations for the approach roadway as required.
- E. Submit to the CLIENT required sets of the final bridge construction documents for review by County staff and Iowa DOT.
- F. Incorporate final review comments into the construction documents. CONSULTANT will then submit final approved construction documents sealed by an Iowa professional engineer to the CLIENT. One 11" x 17" copy with original signatures and additional copies as required will be submitted to the Iowa DOT for letting.

**REIMBURSABLE EXPENSES** (For Information Only)

Services will be provided by subconsultants or contractors as noted below. Fee will be charged as billed by outside agency; no additional markup will be applied.

- A. None

**PHASE II TOTAL: \$21,500**

## CLIENT'S RESPONSIBILITIES:

In order for the CONSULTANT to complete these services, the CLIENT agrees to prepare the following information:

1. Topographic Survey
2. Geotechnical Investigation
3. Paint and Asbestos Testing



This is an exhibit attached to and made part of the letter agreement dated September 18, 2023, between: WOODBURY COUNTY, IOWA (CLIENT) and HGM ASSOCIATES INC. (CONSULTANT). The General Provisions agreed to by CONSULTANT and CLIENT are as follows:

**Ownership of Instruments of Service:** All reports, plans, specifications, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by the CONSULTANT as instruments of service shall remain the property of the CONSULTANT. The CONSULTANT shall retain these records for a period of ten (10) years, during which period they will be made available to the CLIENT at all reasonable times. CONSULTANT will provide CLIENT with a paper copy of the plans, the specifications, and laboratory test reports for information and reference in connection with the project; however, such documents are not intended or represented to be suitable for reuse by CLIENT or others. Any such reuse will be at CLIENT'S sole risk and without liability or legal exposure to CONSULTANT or CONSULTANT'S subconsultants.

**CADD/Electronic Files:** In accepting, and utilizing any drawings, reports and data on any form of electronic media generated by the CONSULTANT, the CLIENT agrees that all such electronic files are instruments of service. The CLIENT agrees to waive all claims against the CONSULTANT resulting in any way from any unauthorized changes to, or reuse of, the electronic files for any projects by anyone other than the CONSULTANT. In the event of a conflict between printed hard copy documents signed and sealed by the CONSULTANT and electronic files, the hard copy documents shall govern.

**Termination or Suspension:** If the CLIENT fails to make payments to the CONSULTANT in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the CONSULTANT'S option, cause for suspension of performance of services under this Agreement. If the CONSULTANT elects to suspend services, the CONSULTANT shall give seven days' written notice to the CLIENT before suspending services. In the event of a suspension of services, the CONSULTANT shall have no liability to the CLIENT for delay or damage caused the CLIENT because of such suspension of services. Before resuming services, the CONSULTANT shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the CONSULTANT'S services. The CONSULTANT'S fees for the remaining services and the time schedules shall be equitably adjusted.

If the CLIENT suspends the Project, the CONSULTANT shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the CONSULTANT shall be compensated for expenses incurred in the interruption and resumption of the CONSULTANT'S services. The CONSULTANT'S fees for the remaining services and the time schedules shall be equitably adjusted.

Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

In the event of termination not the fault of the CONSULTANT, the CONSULTANT shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due and all Termination Expenses indicated in the next paragraph.

Termination Expenses are in addition to compensation for the CONSULTANT'S services and include expenses directly attributable to termination for which the CONSULTANT is not otherwise compensated.

The CLIENT'S rights to use the CONSULTANT'S Instruments of Service in the event of a termination of this Agreement are set forth in the Ownership of Instruments of Service clause above. If the CLIENT requests copies of the CONSULTANT'S Instruments of Service, the cost of the preparation of those copies shall be considered as a Termination Expense.

**Plan Revisions:** If, after any plans or specifications are completed on any portion thereof, and are approved by the CLIENT and other necessary agencies, the CONSULTANT is required to change plans and specifications because of changes made, authorized, or ordered by the CLIENT, then the CONSULTANT shall receive additional compensation for such changes. Fees for these changes will be computed on an hourly basis.

**Information Furnished by CLIENT:** CLIENT shall be responsible for, and CONSULTANT may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data and other information furnished by CLIENT to CONSULTANT pursuant to this Agreement. CONSULTANT may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement.

**Information Furnished by Utility Companies:** The utility locations shown on the CONSULTANT'S instruments of service are from locates or drawings provided to the CONSULTANT by the utility companies. The CONSULTANT makes no guarantee that the utilities shown on the CONSULTANT'S instruments of service comprise all such utilities in the area, either in service or abandoned. The CONSULTANT further does not warrant that the utilities shown on the instruments of service are in the exact location indicated.

**Successors and Assigns:** Both parties agree that, upon execution of this agreement, same shall be binding upon their/its successors, assigns, and legal representatives until terminated by the expiration of agreement or termination by written notice, as provided above.

**Limitation of Liability:** The CLIENT agrees that to the fullest extent permitted by law, the total liability, in the aggregate, of CONSULTANT, CONSULTANT'S officers, directors, partners, employees, agents, and subconsultants, to CLIENT, and anyone claiming by, through, or under CLIENT for any claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to this Project or Agreement from any cause or causes, including but not limited to torts, negligence, professional errors or omissions, strict liability, breach of contract, or breach of warranty, shall not exceed the total compensation received by CONSULTANT or \$100,000 whichever is greater.

**Waiver of Consequential Damages:** Notwithstanding anything in this Agreement to the Contrary, it is agreed that CONSULTANT shall not be liable in any event for any special or consequential damages suffered by the CLIENT arising out of the services hereunder. Special or consequential damages as used herein shall include, but not limited to, loss of capital, loss of product, loss of use of any system, or other property, or any other indirect, special or consequential damage, whether arising in contract, tort (including negligence), warranty or strict liability.

**Opinion of Probable Construction Cost:** Opinions of probable construction costs and detailed cost estimates prepared by the CONSULTANT represent his/her best judgment as a design professional familiar with the construction industry. It is recognized, however, that the CONSULTANT has no control over the cost of labor, materials or equipment, over the Contractor's methods of determining bid prices or over competitive bidding or market conditions. Accordingly, the CONSULTANT makes no warranty, express or implied, that the bids or the negotiated cost of the work will not vary from the CONSULTANT's opinion of probable construction cost.

**Construction Phase Services:** (If included under the scope of this Agreement) The CONSULTANT shall provide administration of the Contract between the CLIENT and the Contractor as set forth below and in General Conditions of the Contract for Construction. The CONSULTANT's responsibility to provide Construction Phase Services commences with the award of the Contract for Construction and terminates on the date the CONSULTANT issues the Statement of Final Completion.

The CONSULTANT shall advise and consult with the CLIENT during the Construction Phase Services. The CONSULTANT shall have authority to act on behalf of the CLIENT only to the extent provided in this Agreement or the General Conditions of the Contract for Construction. The CONSULTANT shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall the CONSULTANT be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The CONSULTANT shall be responsible for the CONSULTANT's negligent acts or omissions, but shall not have control over or charge of, and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work.

The CONSULTANT shall visit the site at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in substantial compliance with the Contract Documents. However, the CONSULTANT shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. On the basis of the site visits, the CONSULTANT shall keep the CLIENT reasonably informed about the progress and quality of the portion of the Work completed, and report to the CLIENT (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor, and (2) defects and deficiencies observed in the Work.

**Jobsite Safety:** That the General Contractor shall be solely responsible for jobsite safety, and that this intent shall be carried out in the CLIENT'S contract with the General Contractor, and that such contract shall indemnify the CONSULTANT. The CONSULTANT, and his agents, shall be named as an additional insured on the General Contractor's policies of general liability insurance.

**Construction Staking:** That the Fees the CONSULTANT receives for the task of construction staking are not commensurate with the potential risk. CLIENT, therefore, agrees to check or require General Contractor to check the location of all construction stakes placed by the CONSULTANT. CLIENT further agrees to limit liability of CONSULTANT for construction staking services such that the total liability of the CONSULTANT shall not exceed the CONSULTANT'S compensation received for the particular service, or \$5,000.00, whichever is greater.

**Hazardous Materials:** The CLIENT agrees that the CONSULTANT's scope of services does not include any services related to the presence of any asbestos, fungi, bacteria, mold or hazardous or toxic materials. Should it become known to the CONSULTANT that such materials may be present on or adjacent to the jobsite, the CONSULTANT may, without liability for any damages, suspend performance under this agreement, until CLIENT takes appropriate action to remove or abate said materials. The CLIENT further agrees, notwithstanding any other provision of this Agreement, to the fullest extent permitted by law, to indemnify and hold harmless the CONSULTANT, its officers, partners, employees and subconsultants (collectively, CONSULTANT) from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including reasonable attorneys' fees and defense costs arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos, fungi, bacteria, mold, hazardous or toxic substances, or products or materials that exist on, about or adjacent to the Project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action, except for the sole negligence or willful misconduct of the CONSULTANT.

**Mediation:** Any claims or disputes under this agreement shall be submitted to non-binding mediation.