



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(OCTOBER 31) (WEEK 44 OF 2023)**

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

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Daniel A. Bittinger II
389-4405
dbittinger@woodburycountyiowa.gov

Mark Nelson
540-1259
mnelson@woodburycountyiowa.gov

Keith W. Radig
560-6542
kradig@woodburycountyiowa.gov

Jeremy Taylor
259-7910
jtaylor@woodburycountyiowa.gov

Matthew A. Ung
490-7852
matthewung@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held October 31, 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.

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 October 24, 2023 meeting
3. Approval of claims
4. County Treasurer – Tina Bertrand
 - a. Approve property tax refund request for parcel #884706377006 in the amount of \$322.00
 - b. Approve property tax refund request for parcel #894729401008 in the amount of \$226.00
 - c. Approve property tax refund request for parcel #884707476002 in the amount of \$438,476.00
 - d. Approve property tax refund request for parcel #884333351004 in the amount of \$1457.00
5. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Presentation of Award Certificate to Cynthia Wiemold

6. Board Administration – Karen James
Approval of resolution for suspension of taxes for D.S.

End Consent Agenda

7. Weed Commissioner – Jered Jepsen
Receive the 2023 report of the weed commissioner and direct the chair to sign the report Action
8. Planning/Zoning – Daniel Priestley
- a. Receive the final staff report and the Zoning Commission’s recommendation from their 10/23/23 meeting to approve the final plat of Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa Action
 - b. Approval of resolution of the Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa with the requirement that a pavement agreement also be recorded with the final plat Action
 - c. Receive the final staff report and the Zoning Commission’s recommendation from their 10/23/23 meeting to approve the final plat of Gray First Addition, a minor subdivision to Woodbury County, Iowa Action
 - d. Approval of resolution for the Gray First Addition, a minor subdivision to Woodbury County, Iowa Action
9. Board of Supervisors – Daniel A. Bittinger II & Mark Nelson
Update on legal fee expenditures to-date for open records request as approved by the Board on August 8, 2023 Information
10. Board of Supervisors – Mark Nelson
Correction and information regarding statements made about Baker Group’s compensation Information
11. Board of Supervisors – Jeremy Taylor & Keith Radig
Approval of hiring of outside legal counsel, authorizing the Chairman to sign Letter of Engagement with Whitfield and Eddy Law, John A. Templar, Jr. Action
12. Reports on Committee Meetings Information
13. Citizen Concerns Information
14. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- WED., NOV. 1** 10:00 a.m. Loess Hills Alliance Protection Committee Meeting, Pisgah, Iowa
11:00 a.m. Loess Hills Alliance Stewardship Committee Meeting
1:00 p.m. Loess Hills Alliance Executive Meeting
4:45 p.m. Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- THU. NOV. 2** 12:00 p.m. SIMPCO – Regional Policy & Legislative Affairs Committee - Hybrid
- MON., NOV. 6** 6:00 p.m. Board of Adjustment meeting, First Floor Boardroom
- WED., NOV. 8** 7:30 a.m. SIMPCO – Executive-Finance Committee - Hybrid
8:05 a.m. Woodbury County Information Communication Commission, First Floor Boardroom
12:00 p.m. District Board of Health Meeting, 1014 Nebraska St.
6:30 p.m. 911 Service Board Meeting, Public Safety Center, Climbing Hill
- THU., NOV. 9** 10:00 a.m. SIMPCO Board of Directors, Zoom
4:00 p.m. Conservation Board Meeting, Southwood Conservation Area
- WED., NOV. 15** 10:00 a.m. StarComm, Security Institute, WIT
12:00 p.m. Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- THU., NOV. 16** 10:00 a.m. Siouxland Regional Transit System, Hybrid
11:15 a.m. SIMPCO – Western Iowa Community Improvement Regional Housing Trust Fund, Hybrid
4:30 p.m. Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- FRI., NOV. 17** 12:00 p.m. Siouxland Human Investment Partnership Board Meeting, 2540 Glenn Ave.
- WED., NOV. 22** 2:30 p.m. Rolling Hills Community Services Region Governance Board Meeting
- THU., NOV. 23** 11:00 a.m. Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
- MON., NOV. 27** 6:00 p.m. Zoning Commission Meeting, First Floor Boardroom
- FRI., DEC. 1** 8:30 a.m. SIMPCO Regional Policy & Legislative Affairs Committee – Tri-State Legislative Forum
- MON., DEC. 4** 6:00 p.m. Board of Adjustment meeting, First Floor Boardroom
- WED., DEC. 6** 10:00 a.m. Loess Hills Alliance Stewardship Committee Meeting, Pisgah, Iowa
11:00 a.m. Loess Hills Alliance Executive Meeting
1:00 p.m. Loess Hills Alliance Full Board Meeting
4:45 p.m. Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.

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

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

OCTOBER 24, 2023, FORTY-THIRD MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, October 24, 2023, at 3:15 p.m. Board members present were Nelson, Ung, Bittinger II, and Radig; Taylor 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.

Motion by Ung second by Nelson to go into closed session per Iowa Code Section 21.5(1)(c). Carried 3-0 on a roll-call vote; Radig and Taylor were not present.

Motion by Ung second by Nelson to go out of closed session per Iowa Code Section 21.5(1)(c). Carried 3-0 on a roll-call vote; Radig and Taylor were not present.

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 Radig to approve the agenda for October 24, 2023. Carried 3-0; Taylor and Nelson were not present. Copy filed.

Motion by Ung second by Radig to approve the following items by consent:

2. To approve minutes of the October 17, 2023 meeting. Copy filed.
3. To approve the claims totaling \$1,679,320.20. Copy filed.
4. To approve the reclassification of Kimberlie Barbagallo, Clerk II, County Auditor Dept., effective 10-30-23, \$23.95/hour, 10.6%=\$2.30/hour. Per AFSMCE Courthouse Contract agreement, from Grade 3/Step 4 to Grade 3/Step 5; the appointment of John Holmes, Assistant Coordinator, Emergency Management Dept., effective 10-25-23, \$23.00/hour. Job Vacancy Posted 8-23-23. Entry Level Salary: \$23.00/hour.; and the appointment of Dawna Hollingshead, Clerk III, County Sheriff Dept., effective 11-06-23, \$24.33/hour. Job Vacancy Posted 8-25-23. Entry Level Salary: \$22.63/hour. Copy filed.
5. To approve up to \$4,000 from Gaming Funds for the cost of the holiday luncheon. Copy filed.
- 6a. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Lake Forest MHC LLC , Vin #1644K, 1972 Sierra mobile home.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,669
RESOLUTION APPROVING ABATEMENT OF TAXES**

WHEREAS, Lake Forest MHC LLC is the titleholder of a mobile home VIN #1644K located in Woodbury County, Iowa and legally described as follows:

VIN #1644K 1972 Sierra

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Lake Forest MHC LLC.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above mobile home according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 24th day of October, 2023.

WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6b. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Lake Forest MHC LLC, Vin #7697, 1980 Shar-lo mobile home.

WOODBURY COUNTY, IOWA
RESOLUTION #13,670
RESOLUTION APPROVING ABATEMENT OF TAXES

WHEREAS, Lake Forest MHC LLC is the titleholder of a mobile home VIN #7697 located in Woodbury County, Iowa and legally described as follows:

VIN #7697 1980 Shar-lo

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Lake Forest MHC LLC.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above mobile home according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 24th day of October, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6c. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Dream Homes LLC, Vin #38A12696, 1982 Bonnavilla mobile home.

WOODBURY COUNTY, IOWA
RESOLUTION #13,671
RESOLUTION APPROVING ABATEMENT OF TAXES

WHEREAS, Dream Homes LLC is the titleholder of a mobile home VIN #38A12696 located in Woodbury County, Iowa and legally described as follows:

VIN #38A12696 1982 Bonnavilla

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Dream Homes LLC.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above mobile home according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 24th day of October, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6d. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Dream Homes LLC, Vin #04510668D, 1991 Cutlass mobile home.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,672
RESOLUTION APPROVING ABATEMENT OF TAXES**

WHEREAS, Dream Homes is the titleholder of a mobile home VIN #04510668D located in Woodbury County, Iowa and legally described as follows:

VIN #04510668D 1991 Cutlass

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Dream Homes.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 24th day of October, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6e. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Dream Homes LLC, Vin #NEB59A23448S, 1995 Sharlo Custom mobile home.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,673
RESOLUTION APPROVING ABATEMENT OF TAXES**

WHEREAS Dream Homes LLC is the titleholder of a mobile home VIN #NEB59A23448S located in Woodbury County, Iowa and legally described as follows:

VIN #NEB59A23448S 1995 Sharlo Custom

WHEREAS, the above-stated property has taxes payable including special assessments and the property is owned by Dream Homes LLC.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 24th day of October, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6f. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Dream Homes LLC, Vin #0525385783, 1992 Champiom mobile home.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,674
RESOLUTION APPROVING ABATEMENT OF TAXES**

WHEREAS, Dream Homes LLC is the titleholder of a mobile home VIN #0525385783 located in Woodbury County, Iowa and legally described as follows:

VIN #0525385783 1992 Champiom

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Dream Homes LLC.

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO, RESOLVED this 24th day of October, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6g. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for Dream Homes LLC, Vin #50300282D, 1991 Skyline Trailer mobile home.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,675
RESOLUTION APPROVING ABATEMENT OF TAXES**

WHEREAS, Dream Homes LLC is the titleholder of a mobile home VIN 50300282D located in Woodbury County, Iowa and legally described as follows:

VIN #50300282D 1991 Skyline Trailer

WHEREAS, the above-stated mobile home has taxes payable including special assessments and the mobile home is owned by Dream Homes LLC

WHEREAS, these taxes are uncollectable or impractical to pursue collection through personal judgment or tax sale.

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 445.16 for the taxes owed and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 24th day of October, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6h. To approve the lifting of tax suspension for Pattie Coats, parcel #894726358006, 3201 2nd St. Copy filed.

- 6i. To approve property tax refund for Cent Credit Union, for parcel #884729381004, 2030 Roundtable Rd., in the amount of \$1,806.00. Copy filed.

- 6j. To approve property tax refund for James Geusebroek, for parcel #884705483015, 5701 Lorraine Ave., in the amount of \$379.50. Copy filed.

Carried 3-0; Taylor and Nelson were not present. Copy filed.

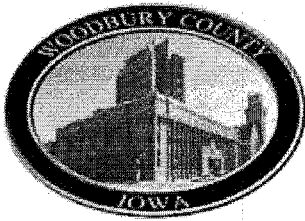
- 7. Motion by Radig second by Bittinger to increase the Woodbury County employee contribution of the PPO health plan 3% effective January 1, 2024. Carried 3-0; Taylor and Nelson were not present. Copy filed.
- 8a. Motion by Radig second by Bittinger to approve 2024 CIP 1600-24-Foundation & expenditures in the amount of \$100,000. Carried 3-0; Taylor and Nelson were not present. Copy filed.
- 8b. Motion by Radig second by Bittinger to approve additional funds of \$25,000 applicable to Architectural, Engineering, & Geotechnical expenses previously incurred. Carried 3-0; Taylor and Nelson were not present. Copy filed.

Nelson joined the meeting.

- 9. Information was presented by LEC Authority & Baker Group about LEC Lease Agreement – Maintenance & improvement fund – LEC Operating Expenditures. Copy filed.
- 10. Information was presented by Keith Radig, Board of Supervisors, relating to actions taken by the Woodbury County Board of Supervisors related to the LEC and the engagement of legal service by the LEC Authority. Copy filed.
- 11. Information was presented by Matthew Ung, Board of Supervisors, about public statement regarding Navigator's pipeline and the Woodbury County Board's advocacy on behalf of its landowners. Copy filed.
- 12. Reports on committee meetings were heard.
- 13. There were no citizen concerns.
- 14. Board concerns were heard.

The Board adjourned the regular meeting until October 31, 2023.

Meeting sign in sheet. Copy filed.



Tina M. Bertrand
Woodbury County Treasurer
822 Douglas St Ste 102
Sioux City IA 51101
712-279-6495

October 26, 2023

RE: Request for Approval of Refund(s)

Dear Board of Supervisors,

We have three customers requesting refunds on the below parcels and we need your approval before issuing the refund checks.

*8847 06 377 006 (2730 S Coral St) owned by Lawrance P Rubis. All property taxes were paid for the year before the DSC credit was applied. After adding the credit, taxes were lowered \$322.00. Lawrance requested a refund for this amount.

*8947 29 401 008 (611 W 2nd St) was owned by Ruben Gonzalez. Property was sold and in the closing of this property, Closing Siouxland overpaid the taxes due. They are requesting a refund of the overage they paid of \$226.00.

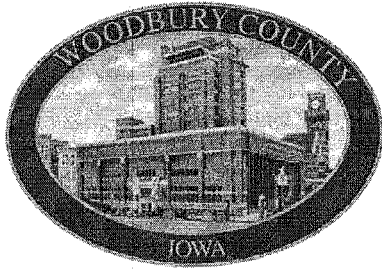
*8847 07 476 002 (4400 Sergeant Rd) owned by Southern Hills Mall. This parcel has been involved in bankruptcy & a court case contesting the assessed value for the assessment years of 2021 & 2022. The court orders resulted in lowering the 2021 & 2022 assessments, that in turn lowered the taxes for both years. Two Auditor corrections were issued to the Treasurer's office for these corrections. This resulted in an overage of \$438,476.00. Washington Prime Group requested the overage be refunded. We have supporting documentation for this parcel.

The refunds will be processed upon confirmation that funds were not returned as non-sufficient funds.

Thank you for your time,

A handwritten signature in cursive script that reads "Janet L. Trimpe".

Janet L. Trimpe
Woodbury County Tax Deputy



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

October 26, 2023

RE: Request for Approval of Refund/Abatement of taxes

Dear Board of Supervisors,

The following refund needs approved due to a court order for this property:

*8843 33 351 004 (315 E Main St-Anthon) owned by Allen Frease. This property was abandoned by Allen Frease and had delinquent taxes that went to tax sale. The City of Anthon is taking deed to this property and demolishing the property. The court order states to cancel the Tax Sale Certificate #2021-548 and reimburse the tax certificate investor. The refund of \$1457.00 needs to be issued to Britt Capital LLC.

I am also asking your permission to abate the taxes that were paid by the investor of \$1457.00. The City of Anthon will pay the current taxes due for September 2023 & March 2024. Court order is included with this request.

Thank you for your time,

A handwritten signature in cursive script that reads "Janet L. Trimpe".

Janet L. Trimpe
Woodbury County Tax Deputy

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

CITY OF ANTHON,)	CASE NO.: EQCV210558
)	
Petitioner,)	
)	
vs.)	ORDER FOR DEFAULT
)	JUDGMENT
ALLEN FREASE, THE STATE OF IOWA,)	
and BRITT CAPITAL, LLC,)	
)	
Respondents.)	

This matter comes before the Court on the Petitioner, City of Anthon’s Application for Default and Judgment on Default. The Court, having reviewed the file, FINDS:

1. Petitioner filed its Petition for Title to Abandoned Real Property on July 31, 2023.
2. All Respondents were properly served.
3. No answer or other responsive pleading was filed by Respondents Allen Frease or Britt Capital, LLC.
4. Respondent State of Iowa filed a response and consent to entry of this decree and order.
5. Pursuant to Rule 1.972(3), Petitioner served a Notice of Intent to File Written Application for Default on all Respondents by placing the Notice in the U.S. Mail, and more than ten (10) days have expired since the mailing of the Notice of Intent to File Written Application for Default.
6. To date, the Respondents other than the State of Iowa have not answered or otherwise pled to the Petition.
7. The verified Petition supports a finding of abandonment under Iowa Code §

657A.10B(4).

6. Judgment should be entered in Petitioner City of Anthon's favor awarding title to the subject property to the Petitioner City of Anthon.

IT IS NOW DECREED AND ORDERED

1. That the property located at 315 E Main St., Anthon, Woodbury County, Iowa 51004 and legally described as:

Lot Seven (7) in Block Eight (8) of Anthon, in the County of Woodbury, and State of Iowa.

has been abandoned.

2. Pursuant to Iowa Code § 657A.10B, this Court awards title to the above-described property to the City of Anthon free and clear of any claims, liens, or encumbrances.

3. The Treasurer of Woodbury County, Iowa shall return the tax certificate amount to Britt Capital, LLC and to any other tax certificate holder upon entry of this Order and cancel the past due taxes.

Clerk to notify.

657A.10B(4).

6. Judgment should be entered in Petitioner City of Anthon's favor awarding title to the subject property to the Petitioner City of Anthon.

IT IS NOW DECREED AND ORDERED

1. That the property located at 315 E Main St., Anthon, Woodbury County, Iowa 51004 and legally described as:

Lot Seven (7) in Block Eight (8) of Anthon, in the County of Woodbury, and State of Iowa.

has been abandoned.

2. Pursuant to Iowa Code § 657A.10B, this Court awards title to the above-described property to the City of Anthon free and clear of any claims, liens, or encumbrances.

3. The Treasurer of Woodbury County, Iowa shall return the tax certificate amount to Britt Capital, LLC and to any other tax certificate holder upon entry of this Order and cancel the past due taxes.

Clerk to notify.

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: October 31, 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
Cox, Katrina	County Treasurer	11-01-23	Clerk II	\$18.68/hour		A	Job Vacancy Posted 7-26-23. Entry Level Salary: \$18.68/hour.
Gilreath, Jacob	Secondary Roads	11-13-23	Civil Engineer Intern	\$3,010.52/ bi-weekly	5.75%= \$163.69/ bi-weekly	R	Per Wage Plan Matrix, 6 month Salary Increase.

APPROVED BY BOARD DATE: _____

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

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

Date: 10/26/2023 Weekly Agenda Date: 10/31/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Melissa Thomas

WORDING FOR AGENDA ITEM:

Presentation of Award Certificate to Cynthia Wiemold.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Presentation of Award Certificate for 4 hours of Paid Time Off to Cynthia Wiemold.

BACKGROUND:

On 6-16-15 the Board of Supervisors approved the participation of Woodbury County employees in the City of Sioux City Blood Drives and to provide the same incentive of four hours of paid time off to employees who reach gallon milestones. Recipients of this award have been kind enough to donate to the blood bank for the benefit of others.

FINANCIAL IMPACT:

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

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

CERTIFICATE OF AWARD
FOUR (4) HOURS OF PAID TIME OFF
AWARDED TO
CYNTHIA WIEMOLD

**FOR THE GENEROUS DONATION OF 18 GALLONS TO THE LIFESERVE BLOOD CENTER
(TIME OFF MUST BE REDEEMED WITHIN SIX MONTHS FROM THE DATE BELOW)**

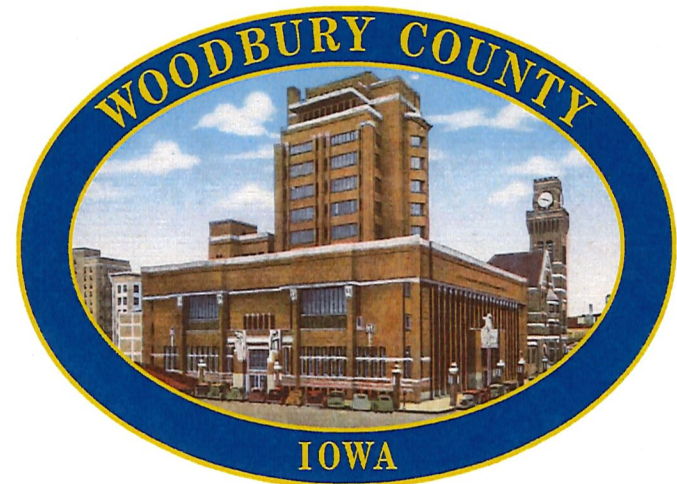
Matthew Ung, Board of Supervisors, Chairman

Keith Radig, Board of Supervisors

Jeremy Taylor, Board of Supervisors

Daniel Bittinger, Board of Supervisors

Mark Nelson, Board of Supervisors



October 31, 2023

**WOODBURY COUNTY, IOWA
BOARD ADMINISTRATION
MEMORANDUM**

TO: Board of Supervisors
FROM: Karen James, Board Administrative Assistant
RE: Consideration of a Petition for a Tax Suspension
DATE: October 26, 2023

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

Thank you.

kmj

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

Date: _____ Weekly Agenda Date: _____

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: _____

WORDING FOR AGENDA ITEM:

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

BACKGROUND:

FINANCIAL IMPACT:

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

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:



2024 COUNTY WEED COMMISSIONER CERTIFICATION FORM

For the County of: Woodbury

Weed Commissioner's Contact Information:

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

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

PLEASE RETURN THIS FORM TO:

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

317.3 Weed commissioner -- standards for noxious weed control.

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

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



2023 WEED COMMISSIONER'S REPORT

For the County of: Woodbury

Submit to County Board of Supervisors by: November 1, 2023
 Return copy to the IDALS office by: December 1, 2023

Weed Commissioner's Contact Information:

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

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

1 - Found, a problem in my county

2 - Found, but not a problem

3 - Not known in my county

? - If you cannot identify this plant

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

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

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

Trees & Brush in the R.O.W.

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

Yes No

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

Yes No

Did your county employ contract spraying during 2023?

Yes No

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

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

Total contract cost \$ _____

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

\$ 42,225.60

How many times during 2023 was it necessary to serve a noxious weed notice?

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

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

Private (verbal) 23 Public (verbal) (DOT, DNR, CCB) 6

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

0

How many months were you employed as weed commissioner in 2023?

9 months

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

Yes No

If Yes, what? Equipment Operator

Weed Comm. Duties 25 % IRVM Duties 75 %

Other County Duties _____%

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

Improved Unchanged Worse

Comments? _____

Is brush control included in your weed commissioner duties?

Yes No

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

Spraying Cutting Stump treatment Basal bark

Other, explain _____

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

Updating tree & brush equipment

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

Herbicide usage table:

CHEMICAL/BRAND	RATE USED	QUANTITY USED	TO CONTROL?
(Example) Milestone	4 fluid ounces per acre	3.32 gallons	Thistle and teasel on roadside
Wetstone	5 to 7½ oz/acre	35 gallons.	ROW weeds
Escort XP	.75 to 2 oz/acre	56 lbs.	weeds & brush
Method	10 oz/Acre	22½ gallons.	Trees & Brush
Plain view	32 oz/Ac	5 gallons	Parking lots bareground
Graslon L	3 pints/A	112 gallons	ROW weeds

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

Signature 
County Weed Commissioner

10/25/23
Date

Signature _____
Chairman, County Board of Supervisors

Date

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

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

Date: 10/24/23

Weekly Agenda Date: 10/31/23

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 10/23/23 meeting to approve the final plat of Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa.
b. Motion to accept/approve Back Acre Estates, Second Filing, minor subdivision to Woodbury County, IA with the requirement that a pavement agreement also be recorded.

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:

Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009 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 October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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 NOT located in the Special Flood Hazard Area (SFHA). The City of Sioux City has accepted and approved the final plat with the approval of Sioux City Council Resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the Back Acre Estates, Second Filing subdivision final plat. A pavement agreement has been signed and will be recorded along with the final plat.

Parcel #: 884702200009
Township/Range: T88N R47W (Woodbury)
Section: 2
Quarter: Government Lot 5
Zoning District: Agricultural Preservation
Floodplain District: Zone X (Not in Floodplain)
Address: 1656 162nd St., Lawton, IA 51030

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?

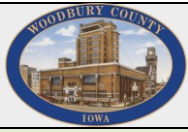
Yes No

RECOMMENDATION:

Receive the final staff report and P&Z Commission's recommendation from their 10/23/23 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 10/23/23 meeting to approve the final plat of Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve Back Acre Estates, Second Filing, a minor subdivision to Woodbury County, Iowa with the requirement that a pavement agreement also be recorded with the final plat.



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 – OCTOBER 24, 2023

BACK ACRE ESTATES, SECOND FILING - MINOR SUBDIVISION PROPOSAL

Application Details

Applicant(s)/Owner(s):	Chad Swanger, Trustee Terry V. Swanger Trust
Application Type:	Minor Subdivision
Name of Subdivision:	Back Acre Estates, Second Filing
Application Date:	9/29/23
Number of Lots:	1
Total Acres:	6.47
Extraterritorial Review:	10/16/23 (Completed)
Legal Notice Date:	10/10/23
Neighbor(s) Notice Date:	10/6/23
Stakeholder(s) Notice Date:	10/2/23
Zoning Commission Public Hearing Date:	10/23/23
Board of Supervisors Agenda Date:	10/23/23
Attorney:	Gregory N. Lohr
Surveyor:	Alan L. Fagan

Property Details

Parcel #:	884702200009
Township/Range:	T88N R47W (Woodbury)
Section:	2
Quarter:	Government Lot 5
Zoning District:	Agricultural Preservation
Floodplain District:	Zone X (Not in Floodplain)
Address:	1656 162 nd St., Lawton, IA 51030



Contents

Summary, Location Aerial, Site Plan Excerpt, & Recommendation
Application
Final Plat / Attachments / Review Criteria
Extraterritorial Review
Legal Notification
Public and Stakeholder Comments
Plat Excerpt
Parcel Report
Zoning Map
Floodplain Maps
Elevation Map
Soil Map and Report

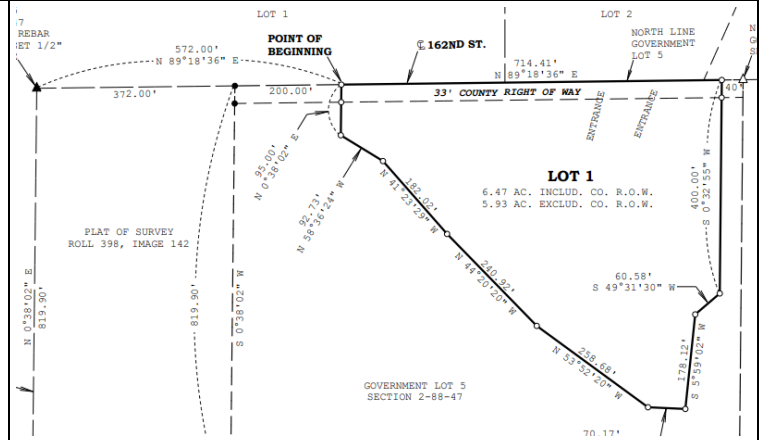
SUMMARY

Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009 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 October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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 **NOT** located in the Special Flood Hazard Area (SFHA). The City of Sioux City have accepted and approved the final plat with the approval of Sioux City Council Resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the *Back Acre Estates, Second Filing* subdivision final plat. A pavement agreement has been signed and will be recorded along with the final plat.

AERIAL VIEW



FINAL PLAT EXCERPT



ZONING COMMISSION RECOMMENDATION

The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the *Back Acre Estates, Second Filing* subdivision final plat. A pavement agreement has been signed and will be recorded along with the final plat.

**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 BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE 23 DAY OF October, 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 23 DAY OF October, 2023.

Chris Zellmer Zant
CHRIS ZELLMER ZANT
CHAIRMAN
WOODBURY COUNTY ZONING COMMISSION OF
WOODBURY COUNTY, IOWA

Minutes - Woodbury County Zoning Commission Meeting – October 23, 2023

The Zoning Commission (ZC) meeting convened on Monday, 23rd of September, at 5:00 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Corey Meister, Jeff O'Tool, Barb Parker
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Leo Jochum, Bev Jochum, Dan Bittinger, Ann Johnston, Daniel Segura, Elizabeth Widman, Emily Segura, Bob Fritzmeier, Roger & Gwen Burnett, Elizabeth Cindy Haase, Russell Petersen, Hope Lynam
Chad Swanger

Telephone:

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission YouTube channel: <https://www.youtube.com/watch?v=qNpK3atf1k0>

Call to Order

Chair Chris Zant formally called the meeting to order at 5:08 PM. Tom Bride was absent.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – September 25, 2023 and October 16, 2023

O'Tool motioned. Second: Meister. Motion carried: 4-0.

Public Hearing: Back Acre Estates, Second Filing, Minor Subdivision Proposal on Parcel #884702200009

Priestley read the preliminary report and staff recommendation into the record. Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009. 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 legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via an October 6, 2023 letter about the October 23, 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 NOT located in the Special Flood Hazard Area (SFHA). The City of Sioux City have accepted and approved the file plat with the approval of Sioux City council resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Owner has signed a pavement agreement which will be recorded with the final plat. O'Tool motioned to close public hearing. Second: Meister. Motion carried: 4-0. Motion to recommend acceptance and approval to Board of Supervisors by Meister. Second: Parker. Carried: 4-0. Item will be presented to the Board of Supervisors on October 31, 2023.

Public Hearing: Grays First Addition, Minor Subdivision Proposal on Parcel #884209200009

Priestley read the preliminary report and staff recommendation into the record. Marlis A. Gray, has filed for a one (1) lot minor subdivision on the property identified as Parcel #884209200009. 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 legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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. However, there is a rounding error on the plat that must be corrected prior to recording. Priestley confirmed that the rounding error has been corrected and shared with the County Engineer who concurred. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the special Flood Hazard Area (SFHA). Exterritorial review is not required by a city as the property is further than two (2) miles from the closest incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to close public hearing: Meister. Second: O'Tool. Carried: 4-0. Parker inquired about a pavement agreement. Priestley indicated that pavement agreements are required when referenced/requested by the County Engineer. Zant asked about the well and septic location and Priestley indicated that the well and septic were on the lot. Motion to recommend acceptance and approval to the Board of Supervisors by Meister. Second: Parker. Carried: 4-0.

Public Hearing: Solar Energy – Utility-Scale Solar Systems – Consideration of Solar Ordinances for Recommendations(s) to the Board of Supervisors

Priestley summarized the purpose of the public hearing. The Woodbury County Zoning Commission has been directed by the Board of Supervisors on August 8, 2023 to establish/examine a new ordinance as it relates to utility-scale solar systems. The purpose of the public hearing is to receive comments and put together a proposal as a possible ordinance or amendments for

solar energy systems not limited to utility-scale systems, agrisolar or agrivoltaics, and community solar systems, together with the Commission addressing the permitting process for such systems in industrial and/or agricultural areas. The Zoning Commission held their first public hearing at the Merville Area Community Center on September 11, 2023. The second was held in the basement of the Woodbury County Courthouse on September 25, 2023. Both public hearings included constituents who offered comments both in support and opposition to the expansion of utility-scale solar in the Agricultural Preservation (AP) Zoning District. Audio of meetings may be accessed for review by visiting the Woodbury County Zoning Commission "Committee" page on the Woodbury County website at: www.woodburycountyiowa.gov. The Zoning Commission conducted a work session on October 16, 2023 to discuss the considerations for an ordinance. The audio for this meeting may be obtained by using the following link: <https://www.youtube.com/watch?v=1JAj6Xh3cSU> or <https://tinyurl.com/Zoning101623>

Emily Segura (Sioux City) addressed the ZC about the impact of utility-scale solar on area farmland. She discussed the importance of taking care of the land and questioned the disposal and the economics of sending the panels to the dump. Segura recommended for the ZC to read the article "The Dark Side of Solar Power" by Atalay Atas, Serasu Duran, and Luk N. Van Wassenhove from the Harvard Business Review which discusses a number of topics including the high cost of solar trash and disposal. She offered concerns about the emittance of toxic waste from the decommissioned panels.

Ann Johnston (Salix) addressed the ZC with concerns about slave labor groups in foreign countries such as the Uyghurs in China who are part of the supply chains that make up 95% of the solar panels worldwide. She referenced that much emphasis has been placed on Scott and Linn Counties but not enough on the western counties in Iowa. Johnston indicated that Sioux County is under a moratorium from solar renewables.

Elizabeth Widman (Sergeant Bluff) addressed the ZC indicating that two of the Board of Supervisors voted against putting solar on ag protected land. She asserted this is not a mandate from the board to ensure solar encroaches on ag land. Putting solar on ag land fundamentally changes the ag protected areas and should only be put in industrial zones. MidAmerica's largest Iowa project is 800 acres but they stated they do not have immediate plans to locate solar in Woodbury County. Widman indicated that the farming between solar panels is experimental and not done in America. MidAmerica stated that cattle grazing underneath solar panels would not work because they would rub against the panels and knock them down. Grass planted underneath would not help wildlife because fences need to be around these areas to protect the public. Widman questioned Daniel Priestley's comment at the previous work session that if applicants were to apply to the county to establish utility-solar they would have to be forthright in the application. However, at the public meetings it has not been mentioned that the pro-solar speakers have already signed contracts with an outside company, and we should be told who the company is. If you add up the acres in the plat book owned by these individuals in my area, it comes out to 2,600 acres or 4 square miles in comparison to the City of Sergeant Bluff which is only 2.11 square miles. All the remaining cities in Woodbury are less than one square mile. Four square miles is about the size of 1,936 football fields. Widman indicated that contracts are for 30 years. If these are the same, she will be 97 years old before the possibility of decommissioning them back to solar and her family will grow up to not see agriculture land. Widman asserted that utility-solar is not agriculture. Widman referenced a 3,000 acre solar project near Rock Branch that will be near her ground. She stated that agricultural preservation is meant to preserve agriculture. Widman asserted these utility-scale solar facilities belong on industrial land.

Elizabeth Cindy Haase (Salix) addressed the ZC offering concerns about the radiation caused by solar panels. She indicated that the electronic magnetic sensitivity causing, headaches, dizziness, nausea, cancer risk has been reported by people who reside close to solar systems.

Motion to close public hearing: Parker. Second: O'Tool. Carried: 4-0.

Zant commented there have been great comments from both sides, wants verification on some facts, Commission will work on collecting and reviewing more information. O'Tool appreciates feedback, good to hear all sides.

No Public Comment on Matters Not on the Agenda

Commissioner Comment of Inquiry

Due to harvest, O'Tool suggested waiting until regular November 27th meeting instead of scheduling a work session, all present commissioners agreed.

Staff Update

Priestley noted subdivisions recommended tonight will be presented to the Board of Supervisors on Oct 31, 2023. Woodbury County Community and Economic Development will be hosting the COZO conference in May of 2024.

Adjourn

Motion to adjourn: Meister. Second: O'Tool. Carried: 4-0.

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: CHAD SWANGER, TRUSTEE TERRY V. SWANGER TRUST
Name of Owner

Mailing Address: 4274 DELACROIX CT. SAN JOSE, CA 95135-1722
Street City or Town State and Zip + 4

Property Address: 1656 162ND ST. LAWTON, IA 51030
Street City or Town State and Zip + 4

Ph/Cell #: 408 876-8347 E-mail Address: chadswanger@yahoo.com

To subdivide land located in the GOV'T Quarter of Section 2 (2-88.47)
LOTS

Civil Township WOODBURY GIS Parcel # 884702200009

Name of Subdivision: BACK ACRE ESTATES, SECOND FILING

Subdivision Area in Acres 6.47 Number of Lots 1

Attachments:

- N/A 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: GREGORY N. LOHR Ph/Cell: 712 277-1015

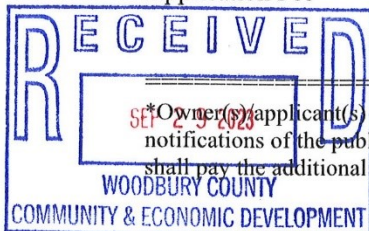
I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

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

For Office Use Only:

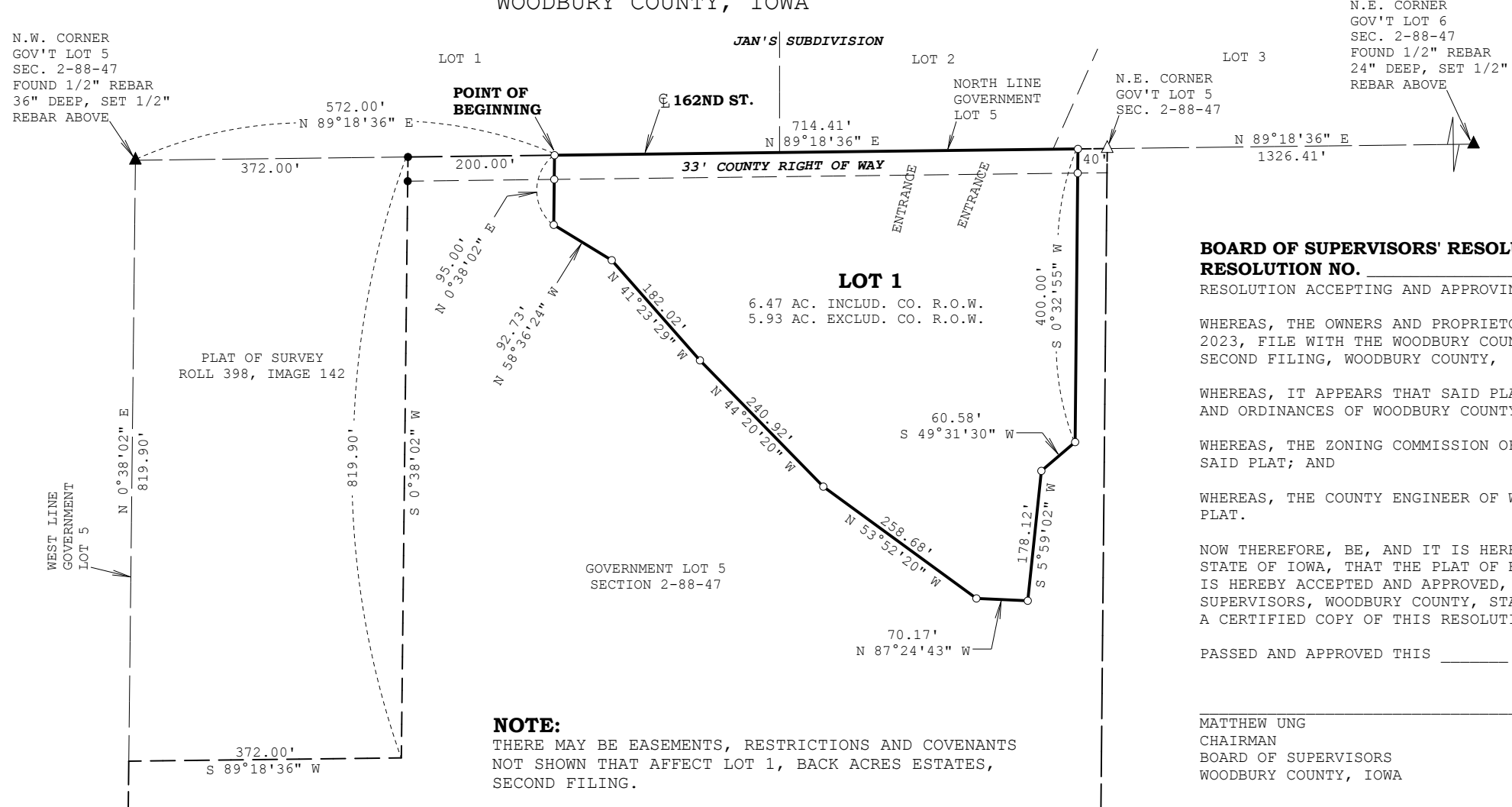
Zoning District AP Flood District X Date 9-29-23 No. 6936

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$300 CK#13198
5 Lots or more (\$300* plus \$5 per lot + Additional Fees) _____

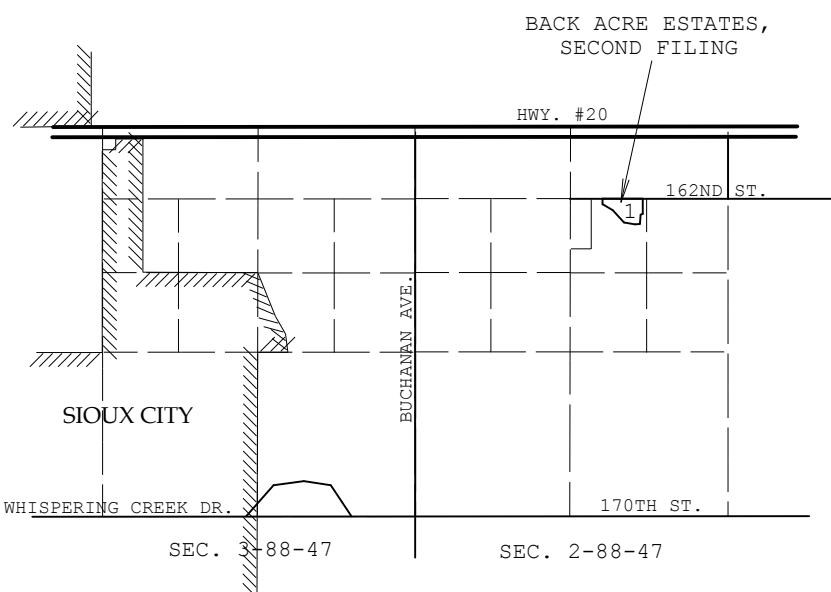


*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s)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

FINAL PLAT
A MINOR SUBDIVISION PLAT
OF
BACK ACRE ESTATES, SECOND FILING
WOODBURY COUNTY, IOWA



NOTE:
THERE MAY BE EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT LOT 1, BACK ACRES ESTATES, SECOND FILING.

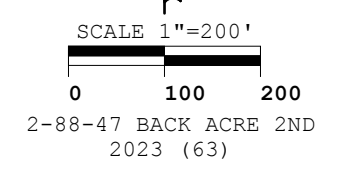


- MONUMENTS
- = 1/2" YELLOW CAPPED REBAR #5542 FOUND
 - = 1/2" YELLOW CAPPED REBAR #15082 SET

OWNER/SUBDIVIDER
TERRY V. SWANGER TRUST

SURVEYOR
ALAN L. FAGAN

SETBACKS
FRONT YARD - 100'
SIDE YARD - 20'
ACCESSORY STRUCTURE - 10'
REAR YARD - 50'
ACCESSORY STRUCTURE - 10'



AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE
THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OF BACK ACRE ESTATES, SECOND FILING, 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

BOARD OF SUPERVISORS' RESOLUTION
RESOLUTION NO. _____
RESOLUTION ACCEPTING AND APPROVING BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE _____ DAY OF _____, 2023, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA; AND

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

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

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

NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, THAT THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRMAN AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNERS AND PROPRIETORS A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

MATTHEW UNG
CHAIRMAN
BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST:
PATRICK F. GILL
SECRETARY

AUDITOR AND RECORDER'S CERTIFICATE OF RECORDING
STATE OF IOWA : SS
COUNTY OF WOODBURY:

DOCKET NO: _____

FILED FOR RECORD, THIS _____ DAY OF _____, 2023 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

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 ADVICE THE PLAT OF BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE _____ DAY OF _____, 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 _____ DAY OF _____, 2023.

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

DEDICATION
NOW ALL MEN BY THESE PRESENTS:

THE TERRY V. SWANGER TRUST, 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 AND STREETS, 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 BACK ACRE ESTATES, SECOND FILING, 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.

CHAD SWANGER
TRUSTEE OF THE
TERRY V. SWANGER
TRUST

STATE OF IOWA : SS
WOODBURY COUNTY:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ OF _____, 2023, BY CHAD SWANGER, AS TRUSTEE OF THE TERRY V. SWANGER TRUST.

NOTARY PUBLIC IN AND FOR SAID STATE
MY COMMISSION EXPIRES: _____

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.

CERTIFICATE OF COUNTY ASSESSOR
I, JULIE CONOLLY, HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 2023, A COPY OF THIS PLAT WAS FILED IN THE WOODBURY COUNTY ASSESSOR'S OFFICE.

DATED _____

JULIE CONOLLY
WOODBURY COUNTY ASSESSOR

CITY COUNCIL RESOLUTION NO. _____
RESOLUTION ACCEPTING AND APPROVING THE PLAT OF BACK ACRE ESTATES, SECOND FILING, 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 BACK ACRE ESTATES, SECOND FILING, WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED.

PASSED _____

ROBERT E. SCOTT
MAYOR

APPROVED _____

ATTEST: 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 BACK ACRE ESTATES, SECOND FILING, 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.

ROBERT E. SCOTT
MAYOR

LISA MCCARDLE
CITY CLERK

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 ADVICE THE ATTACHED PLAT OF BACK ACRE ESTATES, SECOND FILING, 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

MARTIN DOUGHERTY
ECONOMIC AND COMMUNITY
DEVELOPMENT DIRECTOR

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

TITLE OPINION
To: Woodbury County Auditor and Recorder

RE: Back Acre Estates, Second Filing

I have at this date at your request examined a complete abstract of title, pursuant to Iowa Code §354.11(3), to the property described in the Surveyor's Certificate on the Plat of Back Acre Estates, Second Filing, described more particularly as:

Part of Government Lot Five (5), in Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47) West of the Fifth (5th) Principal Meridian, Woodbury County, Iowa, described as follows:
Commencing at the Northwest corner of said Government Lot Five (5); thence North Eighty-Nine Degrees Eighteen Minutes Thirty-Six Seconds (N 89°18'36") East along the North line of said Government Lot Five (5) for Five Hundred Seventy-Two Feet (572.00') to the point of beginning; thence continuing North Eighty-Nine Degrees Eighteen Minutes Thirty-Six Seconds (N 89°18'36") East along said North line for Seven Hundred Fourteen and Forty-One Hundredths Feet (714.41'); thence South Zero Degrees Thirty-Two Minutes Fifty-Five Seconds (S 00°32'55") West for Four Hundred Feet (400.00'); thence South Forty-Nine Degrees Thirty-One Minutes Thirty Seconds (S 49°31'30") West for Sixty and Fifty-Eight Hundredths Feet (60.58'); thence South Five Degrees Fifty-Nine Minutes Two Seconds (S 05°59'02") West for One Hundred Seventy-Eight and Twelve Hundredths Feet (178.12'); thence North Eighty-Seven Degrees Twenty-Four Minutes Forty-Three Seconds (N 87°24'43") West for Seventy and Seventeen Hundredths Feet (70.17'); thence North Fifty-Three Degrees Fifty-Two Minutes Twenty Seconds (N 53°52'20") West for Two Hundred Fifty-Eight and Sixty-Eight Hundredths Feet (258.68'); thence North Forty-Four Degrees Twenty Minutes and Twenty Seconds (N 44°20'20") West for Two Hundred Forty and Ninety-Two Hundredths Feet (240.92'); thence North Forty-One Degrees Twenty-Three Minutes Twenty-Nine Seconds (N 41°23'29") West for One Hundred Eighty-Two and Two Hundredths Feet (182.02'); thence North Fifty-Eight Degrees Thirty-Six Minutes Twenty-Four Seconds (N 58°36'24") West for Ninety-Two and Seventy-Three Hundredths Feet (92.73'); thence North Zero Degrees Thirty-Eight Minutes Two Seconds (N 00°38'02") East for Ninety-Five Feet (95.00') to the point of beginning. Containing 6.47 acres including county right of way and 5.93 acres excluding said right of way.

Such abstract is in one part, commences with the root of title, contains Entries numbered 1 through 31, and was last certified _____, 2023, at _____m., by Engleson Abstract Co., Inc. As of such date of last certification, I find merchantable title in:

TERRY V. SWANGER, TRUSTEE OF THE TERRY V. SWANGER TRUST DATED DECEMBER 30, 2018

by reason of being Grantee in the Quit Claim Deed shown at Entry 22 of the abstract, filed December 31, 2018, at Roll 762, Image 6857. Title is subject to the following objections and limitations:

- MORTGAGE LIEN: At Entry 13 of the abstract appears a Mortgage executed by previous titleholders, Terry V. Swanger and Joan G. Swanger, husband and wife, to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for The Security National Bank of Sioux City, Iowa, dated April 11, 2012, and filed April 16, 2012, at Roll 722, Image 2043. This mortgage encumbers a 5.00 acre parcel and which appears to be contained within the boundaries of the captioned parcel.
- REAL ESTATE TAXES: The status of real estate taxes appears at Entry 31 of the abstract. The 2021/22 taxes and special assessments, becoming delinquent in 2022/23, are paid in full. Real estate taxes and special assessments not certified are a lien in an undetermined amount. (Parcel No. 884702200009)
- OTHER: No showing is made as to whether any solid waste, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, land fill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required clean up, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

Gregory N. Lohr
Attorney

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):	2 T. 88 N., R. 47 W.
ALIQUOT PART:	PART OF GOVERNMENT LOT 5
CITY:	
SUBDIVISION:	
BLOCK(S):	
LOT(S):	
PROPRIETOR(S):	TERRY V. SWANGER TRUST
REQUESTED BY:	CHAD SWANGER

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

AL FAGAN
LAND SURVEYING, P.C.
P.O. BOX 858
MERRILL, IA 51038
712 539-1471

TITLE OPINION EXCERPT

TITLE OPINION

To: Woodbury County Auditor and Recorder

RE:Back Acre Estates, Second Filing

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TERRY V. SWANGER, TRUSTEE OF THE TERRY V. SWANGER TRUST DATED DECEMBER 30, 2018

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3. OTHER: No showing is made as to whether any solid waste, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, land fill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required clean up, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

Gregory N. Lohr
Attorney

AL FAGAN

The CONSENT OF MORTGAGE HOLDER will be recorded separately as an attachment to the final plat. This version may be subject to changes by the mortgage holder prior to recording.

CONSENT OF MORTGAGE HOLDER

THE UNDERSIGNED, as _____ of Rocket Mortgage, current holder and owner of a Mortgage given to Mortgage Electronic Registration Systems, Inc., acting solely as nominee for The Security National Bank of Sioux City, Iowa, dated April 11, 2012, and filed April 16, 2012, at Roll 722, Image 2043, hereby states that the Plat of "Back Acre Estates, Second Filing" is prepared with the free consent and in accordance with the desire of Rocket Mortgage.

Dated: _____, 2023

Rocket Mortgage

BY: _____
_____ ()

STATE OF _____, _____ COUNTY, ss.

On this ____ day of _____, 2023, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, to me personally known, who, being by me duly sworn, did say that he/she is _____ of Rocket Mortgage, executing the foregoing instrument to which this is attached; that said instrument was signed on behalf of said Rocket Mortgage by authority of its Board of Directors; and that the said _____, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of Rocket Mortgage, by it and by him/her voluntarily executed.

Notary Public

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:

	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.
	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.
	shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and
	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.
	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
	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.
	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
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	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.
	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:

	shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	shall review the final plat and 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
	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.
	may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and
	Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. See next page.
	shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

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

LOT FRONTAGE means that portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

The undersigned, *Chad Swanger, Trustee of the Terry V. Swanger Trust*, the owner(s) of the real estate known as *Back Acre Estates, Second Filing*, an Addition to Woodbury County, Iowa, and legally described as follows:

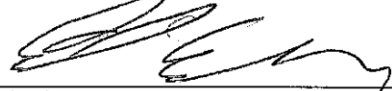
Lot One (1) of *Back Acre Estates, Second Filing* of Part of Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47) West of the Fifth Principal Meridian, in the County of Woodbury and the State of Iowa, a/k/a see legal described in Exhibit "A" attached hereto and by this reference made a part hereof.

In consideration of the approval of the Final Plat of *Back Acre Estates, Second Filing* we agree as follows:

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

Dated this 19 day of October, 2023.

Terry V. Swanger Trust,


Chad Swanger, Trustee of the Terry V. Swanger Trust

On this 19 day of October A.D. 2023, before me, the undersigned Notary Public, personally appeared to me known **Chad Swanger, Trustee of the Terry V. Swanger Trust** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Chad Swanger, Trustee of the Terry V. Swanger Trust** executed the same as a voluntary act and deed.

See Below
Public in and for said County

Notary

Seal or stamp above

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara
On 10/19/2023 before me, Mahanoor Khan, Notary Public
(Date) (Here Insert Name and Title of the Officer)

personally appeared Chad Eric Swanger -
(Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Mahanoor Khan (Seal)
(Signature of Notary Public)

EXHIBIT A

PART OF GOVERNMENT LOT 5, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 5; THENCE N.89°18'36"E. ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 5 FOR 572.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.89°18'36"E. ALONG SAID NORTH LINE FOR 714.41 FEET; THENCE S.0°32'55"W. FOR 400.00 FEET; THENCE S.49°31'30"W. FOR 60.58 FEET; THENCE S.5°59'02"W. FOR 178.12 FEET; THENCE N.87°24'43"W. FOR 70.17 FEET; THENCE N.53°52'20"W. FOR 258.68 FEET; THENCE N.44°20'20"W. FOR 240.92 FEET; THENCE N.41°23'29"W. FOR 182.02 FEET; THENCE N.58°36'24"W. FOR 92.73 FEET; THENCE N.0°38'02"E. FOR 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6.47 ACRES INCLUDING COUNTY RIGHT OF WAY AND 5.93 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 5 IS ASSUMED TO BEAR N.89°18'36"E.

Blurred

Passport and License
Blurred.



*** Proof of Publication ***

STATE OF IOWA
COUNTY OF WOODBURY

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

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 66191

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

this 10 day of OCTOBER, 2023



Danine Glascock Notary Public

In and for Woodbury County.

Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 10/10/2023

TOTAL AD COST: 72.96

FILED ON: 10/10/2023

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION

The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on October 23, 2023 at 5:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 638 086 537# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)

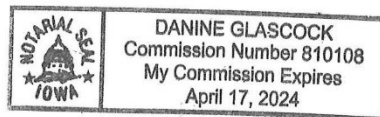
PROPOSED MINOR SUBDIVISION: To be known as Back Acre Estates, Second Filing, a one-lot minor subdivision in a 6.47-acre portion of Section 2, T88N R47W (Woodbury Township) on Government Lot 5 on Parcel #884702200009. The parent parcel is about 1 mile east of Sioux City and about 4.3 miles west of Lawton. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Chad Swanger, Trustee Terry V. Swanger Trust, 1656 162nd St., Lawton, IA 51030.

Item Two (2)

PROPOSED MINOR SUBDIVISION: To be known as Gray First Addition, a one-lot minor subdivision in a 10.02-acre portion of Section 9, T88N R42W (Rock Township) in the S 1/2 of the SE 1/4 of the NE 1/4 and the N 1/2 of the NE 1/4 of the SE 1/4 of the NE 1/4 on Parcel #884702200009. The parent parcel is around 2.2 miles southeast of Correctionville and 2.1 miles southwest of Cushing. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Marlis A. Gray, 1729 Story Ave., Correctionville, IA 51016.

Item Three (3)

PROPOSED UTILITY-SCALE SOLAR ENERGY SYSTEMS ZONING ORDINANCE AMENDMENT: A proposal to amend the Woodbury County Zoning Ordinance to include provisions for the permitting of utility-scale solar energy systems in the unincorporated areas of Woodbury County in the General Industrial (GI), Limited Industrial (LI), and Agricultural Preservation (AP) Zoning Districts. In addition, the concept of a utility-scale energy systems overall district will be considered. The proposed regulations provide uniform and comprehensive standards for the installation and use of Utility-Scale Solar Energy Systems (US-SES) including and not limited to agrisol and community solar systems. US-SES may include, solar panels, solar support structure, inverter/transformers, energy storage technologies, wiring, and other equipment necessary for the generation, storage and delivery of electricity. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of utility-scale solar energy resources for utility, commercial, and industrial purposes.



PROPERTY OWNER(S) NOTIFICATION		MAP
Total Property Owners within 1000 FT via Certified Abstractor's Listing:	7	
Notification Letter Date:	10/6/23	
Public Hearing Board:	Zoning Commission	
Public Hearing Date:	10/23/23	
Phone Inquiries:	1 (Doyle Turner)	
Written Inquiries:	0	
The names of the property owners are listed below.		
When more comments are received after the printing of this packet, they will be provided at the meeting.		

Property Owner(s)	Mailing Address	City	State	Zip	Comments
Trustee of the Terry V. Swanger Trust	4274 Dela Croix Court	San Jose	CA	95135-1722	No comments.
Marnice Schellinger	2137 Buchanan Ave.	Sergeant Bluff	IA	51054	No comments.
Hennings Joint Trust	1970 Garner Ave.	Moville	IA	51039	No comments.
Susan Magenheimer	PO Box 246	Lawton	IA	51030	No comments.
RK Schmitt Properties, LLC	2026 Keystone Dr.	Omaha	NE	68134	No comments.
Triple H International, LLC	1658 Hwy 20	Lawton	IA	51030	No comments.
Northern Natural Gas Co.	PO Box 3330	Omaha	NE	68103-0330	No comments.

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following proposed minor subdivision for MEC electric, and we have no conflicts. – Casey Meinen, 10/2/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC “Gas” on this either. – Tyler Ahlquist, 10/2/23.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	No comments.
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:	SEE REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	No comments. – Diane Swoboda Peterson, 10/2/23.
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, 10/2/23.



Woodbury County Secondary Roads Department

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

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

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

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: October 19, 2023

Subject: Back Acre Estates, 2nd Filing – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated October 2, 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 meets sight distance requirements may continue to be used. Access to the remaining parcels is already in place.
- A paving agreement should be applied to this subdivision. Other subdivisions bordering 162nd Street have implemented paving agreements at the time they were established. Owners of this lot should be required to pay their proportionate share of the project cost as well.
- 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

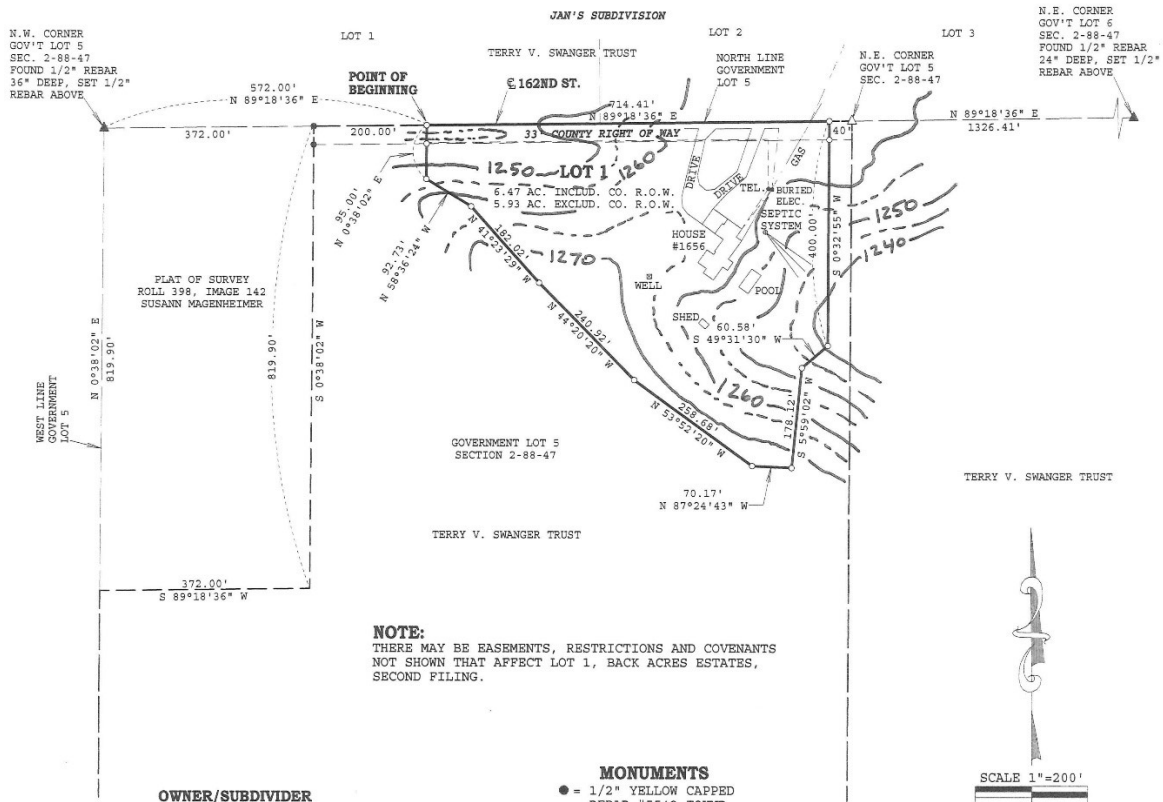
PRELIMINARY DRAWING
 A MINOR SUBDIVISION PLAT
 OF
BACK ACRE ESTATES, SECOND FILING
 WOODBURY COUNTY, IOWA

FOR REVIEW ONLY
 NOT FOR RECORD

SURVEYOR'S DESCRIPTION:

PART OF GOVERNMENT LOT 5, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 5; THENCE N.89°18'36"E. ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 5 FOR 572.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.89°18'36"E. ALONG SAID NORTH LINE FOR 714.41 FEET; THENCE S.0°32'55"W. FOR 400.00 FEET; THENCE S.49°31'30"W. FOR 60.58 FEET; THENCE S.5°59'02"W. FOR 178.12 FEET; THENCE N.87°24'43"W. FOR 70.17 FEET; THENCE N.53°52'20"W. FOR 258.68 FEET; THENCE N.44°20'20"W. FOR 240.92 FEET; THENCE N.41°23'29"W. FOR 182.02 FEET; THENCE N.58°36'24"W. FOR 92.73 FEET; THENCE N.0°38'02"E. FOR 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6.47 ACRES INCLUDING COUNTY RIGHT OF WAY AND 5.93 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 5 IS ASSUMED TO BEAR N.89°18'36"E.



NOTE:
 THERE MAY BE EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT LOT 1, BACK ACRES ESTATES, SECOND FILING.

OWNER/SUBDIVIDER
 TERRY V. SWANGER TRUST

SURVEYOR
 ALAN L. FAGAN

ZONING
 AG AG PRESERVATION

WATER/SEWER
 PRIVATE WELL AND SEPTIC SYSTEM

POWER/GAS
 MID AMERICAN

TELEPHONE
 CENTURYLINK

SETBACKS
 FRONT YARD - 100'

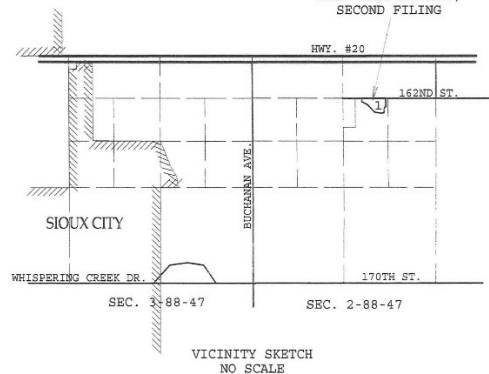
SIDE YARD - 20'
 ACCESSORY STRUCTURE - 10'

REAR YARD - 50'
 ACCESSORY STRUCTURE - 10'

MONUMENTS
 ● = 1/2" YELLOW CAPPED REBAR #5542 FOUND
 ○ = 1/2" YELLOW CAPPED REBAR #15082 SET

SCALE 1"=200'
 0 100 200
 2-88-47 GOVT LOT 5
 2023 (58)

BACK ACRE ESTATES,
 SECOND FILING



AL FAGAN
 LAND SURVEYING, P.C.
 P.O. BOX 858
 MERRILL, IA 51038
 712 539-1471

DATE OF SURVEY: JULY 2023

PARCEL REPORT

Summary

Parcel ID 884702200009
 Alternate ID 832237
 Property Address 1656 162ND ST
 LAWTON IA 51030
 Sec7/Wp/Rng 2-88-47
 Brief Tax Description GOVTL LOTS (EXA TCT 819 RD ON WX 372 ON N IN NW COR)
 (Note: Not to be used on legal documents)
 755-21849 (11/21/2017)
 Deed Book/Page 30-28
 Gross Acres 30.28
 Net Acres 30.28
 Adjusted CSR Pts 1137.37
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0030 WOODBURY/LAWTON-BRONSON
 School District LAWTON BRONSON
 Neighborhood N/A



Owner

Deed Holder
 SWANGER TERRY V TRUST
 4274 DELACROIX CT
 SAN JOSE CA 95135-1722
Contract Holder
 Mailing Address
 SWANGER TERRY V TRUST
 4274 DELACROIX CT
 SAN JOSE CA 95135-1722

Land

Lot Area 30.28 Acres 1,318,997 SF

Residential Dwellings

Residential Dwelling
 Occupancy Single-Family / Owner Occupied
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1991
 Condition Normal
 Roof Asphalt / Hip
 Flooring
 Foundation C Blk
 Exterior Material Vinyl
 Interior Material Dwf
 Brick or Stone Veneer
 Total Gross Living Area 2,545 SF
 Main Area Square Feet 2,545
 Attic Type None
 Number of Rooms 0 above; 0 below
 Number of Bedrooms 0 above; 0 below
 Basement Area Type Full
 Basement Area 2,545
 Basement Finished Area 1,843 SF - Living Qtrs. (Multi)
 Plumbing 1 Standard Bath - 3/4; 3 Shower-Stall Bath - 3;
 Appliances 1 Range Unit; 1 Oven - Single; 1 Dishwasher;
 Central Air Yes
 Heat Yes
 Fireplaces 1 Masonry;
 Porches 15 Frame Enclosed (192 SF); 15 Frame Open (56 SF);
 Decks Wood Deck (666 SF);
 Additions
 Garages 1,120 SF - Att Frame (Built 1991);

Yard Extras

#1 - (1) Swimming Pool (Residential) 800 SFWSA, Vinyl, Cover-No, Heat=None, Diving Brd=Average, Built 1991

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/30/2018	SWANGER TERRY V LIFE ESTATE ETAL	SWANGER TERRY V TRUST	762-6857	Quit Claim Deed	Deed		\$0.00
4/14/1998	SWANGER, TERRY V & JOAN G.	LAW, THOMAS F & TARAL	398-2115	SALE OF PORTION OF PROPERTY (SPLIT)	Deed		\$14,000.00

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

Valuation

	2023	2022	2021	2020	2019
Classifcation	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$37,050	\$28,780	\$28,780	\$27,220	\$27,220
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$581,440	\$442,380	\$442,380	\$376,550	\$376,550
= Gross Assessed Value	\$618,490	\$471,160	\$471,160	\$403,770	\$403,770
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$618,490	\$471,160	\$471,160	\$403,770	\$403,770

Sioux City Special Assessments and Fees

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

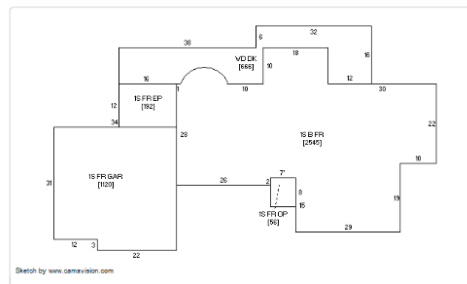
Woodbury County Tax Credit Applications

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

Photos



Sketches



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

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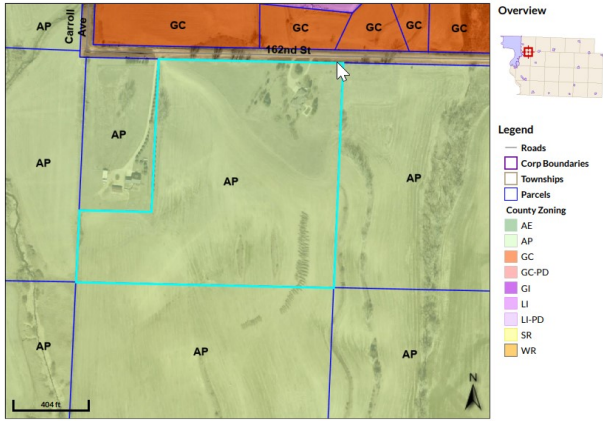
Contact Us



Developed by
Schneider
 SOFTWARE

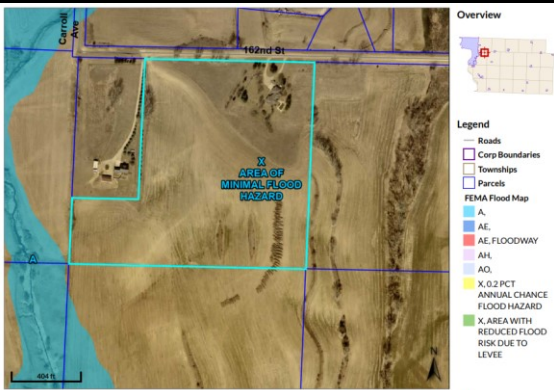
User Privacy Policy | GDPR Privacy Notice
 Last Data Update: 9/29/2023, 7:10:32 PM

ZONING MAP



Parcel ID 884702200009 Alternate ID 821237 Owner Address SWANGER TERRY V TRUST
 Sec/Twp/Rng 2-88-47 Class A 4274 DELACROIX CT
 Property Address 1656 162ND ST Acreage 30.28 SAN JOSE, CA 95135-1722
 District LAWTON 0030
 Brief Tax Description GOVT LOTS (EXA TCT 819.90' ON W X 372' ON N IN NW COR)
 (Note: Not to be used on legal documents)

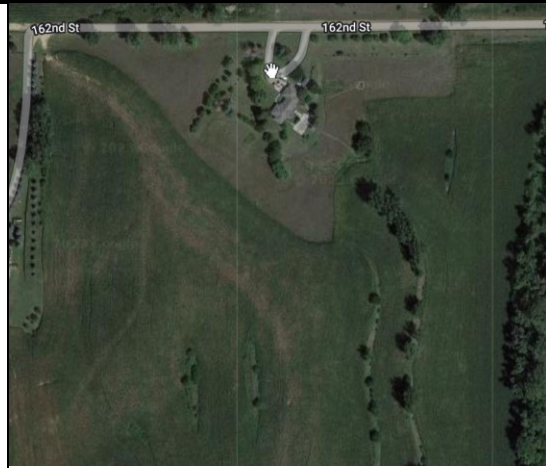
EFFECTIVE FLOODPLAIN MAP



Parcel ID 884702200009 Alternate ID 821237 Owner Address SWANGER TERRY V TRUST
 Sec/Twp/Rng 2-88-47 Class A 4274 DELACROIX CT
 Property Address 1656 162ND ST Acreage 30.28 SAN JOSE, CA 95135-1722
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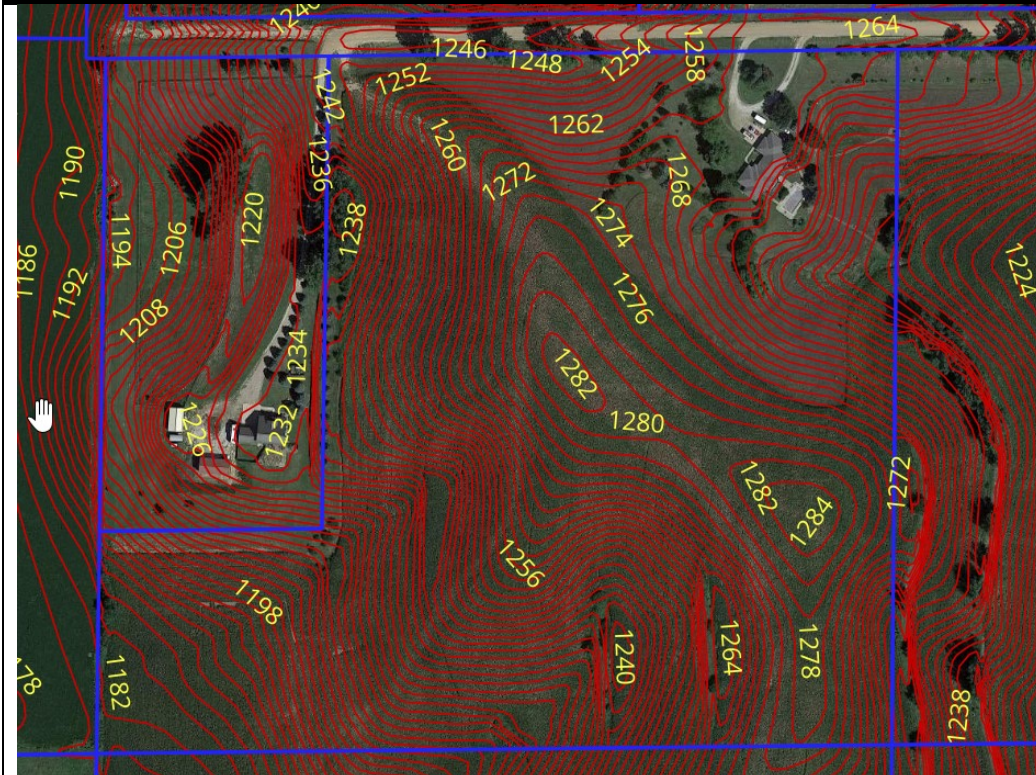
Not in floodplain.

DRAFT FLOODPLAIN MAP



Not in floodplain.

ELEVATION MAP



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

Date: 10/24/23

Weekly Agenda Date: 10/31/23

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 10/23/23 meeting to approve the final plat of Gray First Addition, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve Gray First 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:

Marlis A. Gray, has filed for a one (1) lot minor subdivision on the property identified as Parcel #884209200009 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 legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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. However, there is rounding error on the plat that must be corrected prior to recording. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the Special Flood Hazard Area (SFHA). Extraterritorial review is not required by a city as the property is further than two (2) miles from the closest incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the Gray First Addition subdivision final plat.

Parcel #: 884209200009
Township/Range: T88N R42W (Rock)
Section: 9
Quarter: S ½ of the SE ¼ of the NE ¼ and the N ½ of the NE ¼ of the SE ¼ of the NE ¼
Zoning District: Agricultural Preservation
Floodplain District: Zone X (Not in Floodplain)
Address: 1729 Story Ave., Correctionville, IA 51016

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?

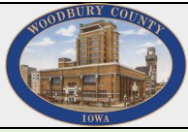
Yes No

RECOMMENDATION:

Receive the final staff report and P&Z Commission's recommendation from their 10/23/23 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 10/23/23 meeting to approve the final plat of Gray First Addition, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve the Gray First 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 – OCTOBER 24, 2023

GRAY FIRST ADDITION - MINOR SUBDIVISION PROPOSAL

Application Details

Applicant(s)/Owner(s):	Marlis A. Gray
Application Type:	Minor Subdivision
Name of Subdivision:	Gray First Addition
Application Date:	9/29/23
Number of Lots:	1
Total Acres:	10.02
Extraterritorial Review:	Not Required
Legal Notice Date:	10/10/23
Neighbor(s) Notice Date:	10/6/23
Stakeholder(s) Notice Date:	10/2/23
Zoning Commission Public Hearing Date:	10/23/23
Board of Supervisors Agenda Date:	10/31/23
Attorney:	Ryan C. Ross
Surveyor:	Brad M. Beck

Property Details

Parcel #:	884209200009
Township/Range:	T88N R42W (Rock)
Section:	9
Quarter:	S ½ of the SE ¼ of the NE ¼ and the N ½ of the NE ¼ of the SE ¼ of the NE ¼
Zoning District:	Agricultural Preservation
Floodplain District:	Zone X (Not in Floodplain)
Address:	1729 Story Ave., Correctionville, IA 51016



Contents

Summary, Location Aerial, Site Plan Excerpt, & Recommendation
Application
Final Plat / Attachments / Review Criteria
Extraterritorial Review
Legal Notification
Public and Stakeholder Comments
Plat Excerpt
Parcel Report
Zoning Map
Floodplain Maps
Elevation Map
Soil Map and Report

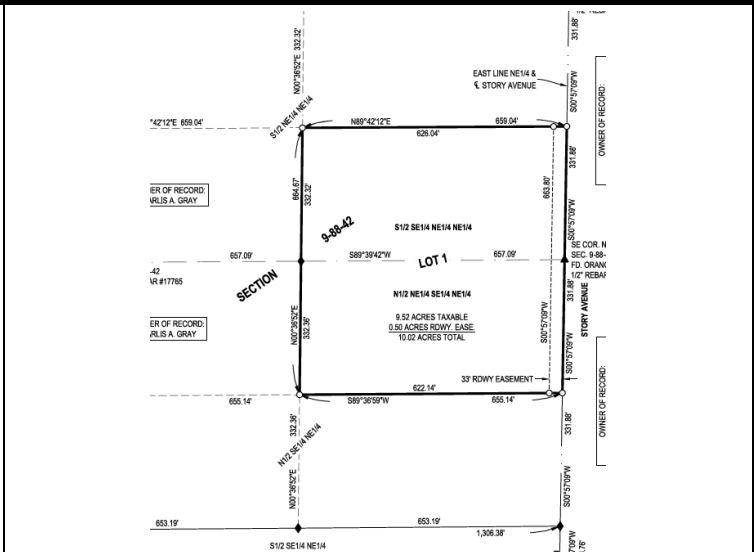
SUMMARY

Marlis A. Gray, has filed for a one (1) lot minor subdivision on the property identified as Parcel #884209200009 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 October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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. However, there is rounding error on the plat that must be corrected prior to recording. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the Special Flood Hazard Area (SFHA). Extraterritorial review is not required by a city as the property is further than two (2) miles from the closest incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the Gray First Addition subdivision final plat.

AERIAL VIEW

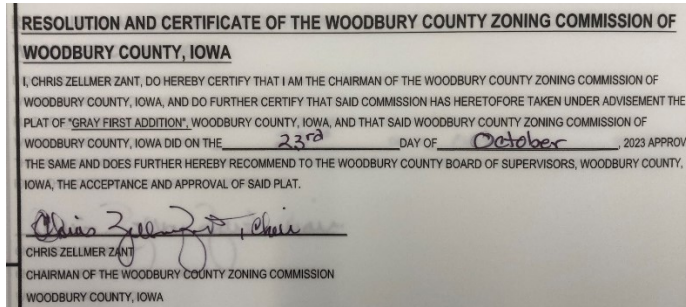


FINAL PLAT EXCERPT



ZONING COMMISSION RECOMMENDATION

The Woodbury County Zoning Commission voted 4 – 0 to recommend acceptance and approval of the Gray First Addition subdivision final plat.



Minutes - Woodbury County Zoning Commission Meeting – October 23, 2023

The Zoning Commission (ZC) meeting convened on Monday, 23rd of September, at 5:00 PM in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Corey Meister, Jeff O'Tool, Barb Parker
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Leo Jochum, Bev Jochum, Dan Bittinger, Ann Johnston, Daniel Segura, Elizabeth Widman, Emily Segura, Bob Fritzmeier, Roger & Gwen Burnett (?), Russell Petersen, Hope Lynam
Chad Swanger

Telephone:

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission YouTube channel: <https://www.youtube.com/watch?v=qNpK3atf1k0>

Call to Order

Chair Chris Zant formally called the meeting to order at 5:08 PM. Tom Bride was absent.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – September 25, 2023 and October 16, 2023

O'Tool motioned. Second: Meister. Motion carried: 4-0.

Public Hearing: Back Acre Estates, Second Filing, Minor Subdivision Proposal on Parcel #884702200009

Priestley read the preliminary report and staff recommendation into the record. Chad Swanger, Trustee Terry V. Swanger Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #884702200009. 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 legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via an October 6, 2023 letter about the October 23, 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 NOT located in the Special Flood Hazard Area (SFHA). The City of Sioux City have accepted and approved the file plat with the approval of Sioux City council resolution No. 2023-0962. Staff recommends that a pavement agreement be signed with Woodbury County as a condition of approval of this final plat. Based on the information received and requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Owner has signed a pavement agreement which will be recorded with the final plat. O'Tool motioned to close public hearing. Second: Meister. Motion carried: 4-0. Motion to recommend acceptance and approval to Board of Supervisors by Meister. Second: Parker. Carried: 4-0. Item will be presented to the Board of Supervisors on October 31, 2023.

Public Hearing: Grays First Addition, Minor Subdivision Proposal on Parcel #884209200009

Priestley read the preliminary report and staff recommendation into the record. Marlis A. Gray, has filed for a one (1) lot minor subdivision on the property identified as Parcel #884209200009. 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 legal section on October 10, 2023. The neighbors within 1000 FT have been duly notified via a October 6, 2023 letter about the October 23, 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. However, there is a rounding error on the plat that must be corrected prior to recording. Priestley confirmed that the rounding error has been corrected and shared with the County Engineer who concurred. This property is located in the Agricultural Preservation (AP) Zoning District and is NOT located in the special Flood Hazard Area (SFHA). Exterritorial review is not required by a city as the property is further than two (2) miles from the closest incorporated jurisdiction. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Motion to close public hearing: Meister. Second: O'Tool. Carried: 4-0. Parker inquired about a pavement agreement. Priestley indicated that pavement agreements are required when referenced/requested by the County Engineer. Zant asked about the well and septic location and Priestley indicated that the well and septic were on the lot. Motion to recommend acceptance and approval to the Board of Supervisors by Meister. Second: Parker. Carried: 4-0.

Public Hearing: Solar Energy – Utility-Scale Solar Systems – Consideration of Solar Ordinances for Recommendations(s) to the Board of Supervisors

Priestley summarized the purpose of the public hearing. The Woodbury County Zoning Commission has been directed by the Board of Supervisors on August 8, 2023 to establish/examine a new ordinance as it relates to utility-scale solar systems. The purpose of the public hearing is to receive comments and put together a proposal as a possible ordinance or amendments for

solar energy systems not limited to utility-scale systems, agrisolar or agrivoltaics, and community solar systems, together with the Commission addressing the permitting process for such systems in industrial and/or agricultural areas. The Zoning Commission held their first public hearing at the Moville Area Community Center on September 11, 2023. The second was held in the basement of the Woodbury County Courthouse on September 25, 2023. Both public hearings included constituents who offered comments both in support and opposition to the expansion of utility-scale solar in the Agricultural Preservation (AP) Zoning District. Audio of meetings may be accessed for review by visiting the Woodbury County Zoning Commission "Committee" page on the Woodbury County website at: www.woodburycountyiowa.gov. The Zoning Commission conducted a work session on October 16, 2023 to discuss the considerations for an ordinance. The audio for this meeting may be obtained by using the following link: <https://www.youtube.com/watch?v=1JAJ6Xh3cSU> or <https://tinyurl.com/Zoning101623>

Emily Segura (Sioux City) addressed the ZC about the impact of utility-scale solar on area farmland. She discussed the importance of taking care of the land and questioned the disposal and the economics of sending the panels to the dump. Segura recommended for the ZC to read the article "The Dark Side of Solar Power" by Atalay Atas, Serasu Duran, and Luk N. Van Wassenhove from the Harvard Business Review which discusses a number of topics including the high cost of solar trash and disposal. She offered concerns about the emittance of toxic waste from the decommissioned panels.

Ann Johnston (Salix) addressed the ZC with concerns about slave labor groups in foreign countries such as the Uyghurs in China who are part of the supply chains that make up 95% of the solar panels worldwide. She referenced that much emphasis has been placed on Scott and Linn Counties but not enough on the western counties in Iowa. Johnston indicated that Sioux County is under a moratorium from solar renewables.

Elizabeth Widman (Sergeant Bluff) addressed the ZC indicating that two of the Board of Supervisors voted against putting solar on ag protected land. She asserted this is not a mandate from the board to ensure solar encroaches on ag land. Putting solar on ag land fundamentally changes the ag protected areas and should only be put in industrial zones. MidAmerica's largest Iowa project is 800 acres but they stated they do not have immediate plans to locate solar in Woodbury County. Widman indicated that the farming between solar panels is experimental and not done in America. MidAmerica stated that cattle grazing underneath solar panels would not work because they would rub against the panels and knock them down. Grass planted underneath would not help wildlife because fences need to be around these areas to protect the public. Widman questioned Daniel Priestley's comment at the previous work session that if applicants were to apply to the county to establish utility-solar they would have to be forthright in the application. However, at the public meetings it has not been mentioned that the pro-solar speakers have already signed contracts with an outside company, and we should be told who the company is. If you add up the acres in the plat book owned by these individuals in my area, it comes out to 2,600 acres or 4 square miles in comparison to the City of Sergeant Bluff which is only 2.11 square miles. All the remaining cities in Woodbury are less than one square mile. Four square miles is about the size of 1,936 football fields. Widman indicated that contracts are for 30 years. If these are the same, she will be 97 years old before the possibility of decommissioning them back to solar and her family will grow up to not see agriculture land. Widman asserted that utility-solar is not agriculture. Widman referenced a 3,000 acre solar project near Rock Branch that will be near her ground. She stated that agricultural preservation is meant to preserve agriculture. Widman asserted these utility-scale solar facilities belong on industrial land.

Elizabeth Cindy Haase (Salix) addressed the ZC offering concerns about the radiation caused by solar panels. She indicated that the electronic magnetic sensitivity causing, headaches, dizziness, nausea, cancer risk has been reported by people who reside close to solar systems.

Motion to close public hearing: Parker. Second: O'Tool. Carried: 4-0.

Zant commented there have been great comments from both sides, wants verification on some facts, Commission will work on collecting and reviewing more information. O'Tool appreciates feedback, good to hear all sides.

No Public Comment on Matters Not on the Agenda

Commissioner Comment of Inquiry

Due to harvest, O'Tool suggested waiting until regular November 27th meeting instead of scheduling a work session, all present commissioners agreed.

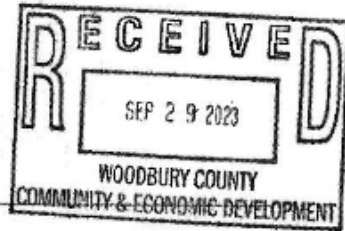
Staff Update

Priestley noted subdivisions recommended tonight will be presented to the Board of Supervisors on Oct 31, 2023. Woodbury County Community and Economic Development will be hosting the COZO conference in May of 2024.

Adjourn

Motion to adjourn: Meister. Second: O'Tool. Carried: 4-0.

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION



Applicant: MARLIS A. GRAY
Name of Owner

Mailing Address: 1023 MASON AVENUE, PIERSON, IOWA 51048
Street City or Town State and Zip + 4

Property Address: 1729 STORY AVENUE, CORRECTIONVILLE, IOWA 51016
Street City or Town State and Zip + 4

Ph/Cell #: 712-251-5040 E-mail Address: JLGRAYTRUCKING@GMAIL.COM

To subdivide land located in the NE Quarter of Section 9

Civil Township 88 NORTH GIS Parcel # 884209200009

Name of Subdivision: GRAY FIRST ADDITION

Subdivision Area in Acres 10.02 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: BRAD M. BECK, P.E., P.L.S. #17765 Ph/Cell: 712-225-9025

Attorney: RYAN C. ROSS Ph/Cell: 712-224-7585

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

Owner's Signature: *Marlis A. Gray*
Zoning Director: *[Signature]* 9/29/23

For Office Use Only:

Zoning District AP Flood District X Date 9-29-23 No. 6939

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$300 ck#1006
5 Lots or more (\$300* plus \$5 per lot + Additional Fees)

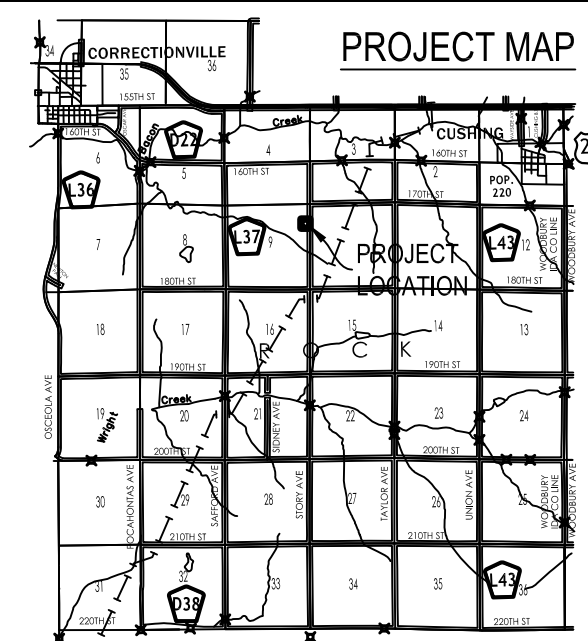
*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s)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

FINAL PLAT - GRAY FIRST ADDITION

Minor Subdivision to Woodbury County, Iowa.

LEGEND

- FOUND ORANGE CAPPED 1/2" REBAR #15746
- SET YELLOW CAPPED 1/2" REBAR #17765
- ◆ CALCULATED CORNER (NOTHING SET)
- ▲ FOUND SECTION CORNER AS NOTED
- △ SET SECTION CORNER AS NOTED

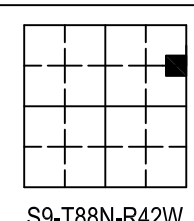


INDEX LEGEND

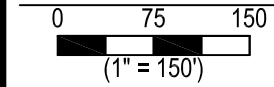
Location: Section: 9-88-42 - NE1/4

Requestor: Josh Gray
 Proprietor: Marlis A. Gray
 Surveyor: Brad M. Beck, P.E., P.L.S. #17765
 Surveyor Company: Beck Engineering, Inc.
 110 East Indian Street, Cherokee, Iowa 51012
 Return To: info@beck-engineering.net - (712)-225-9025

LOCATION MAP



GRAPHIC SCALE



BEI PROJECT #: S23075

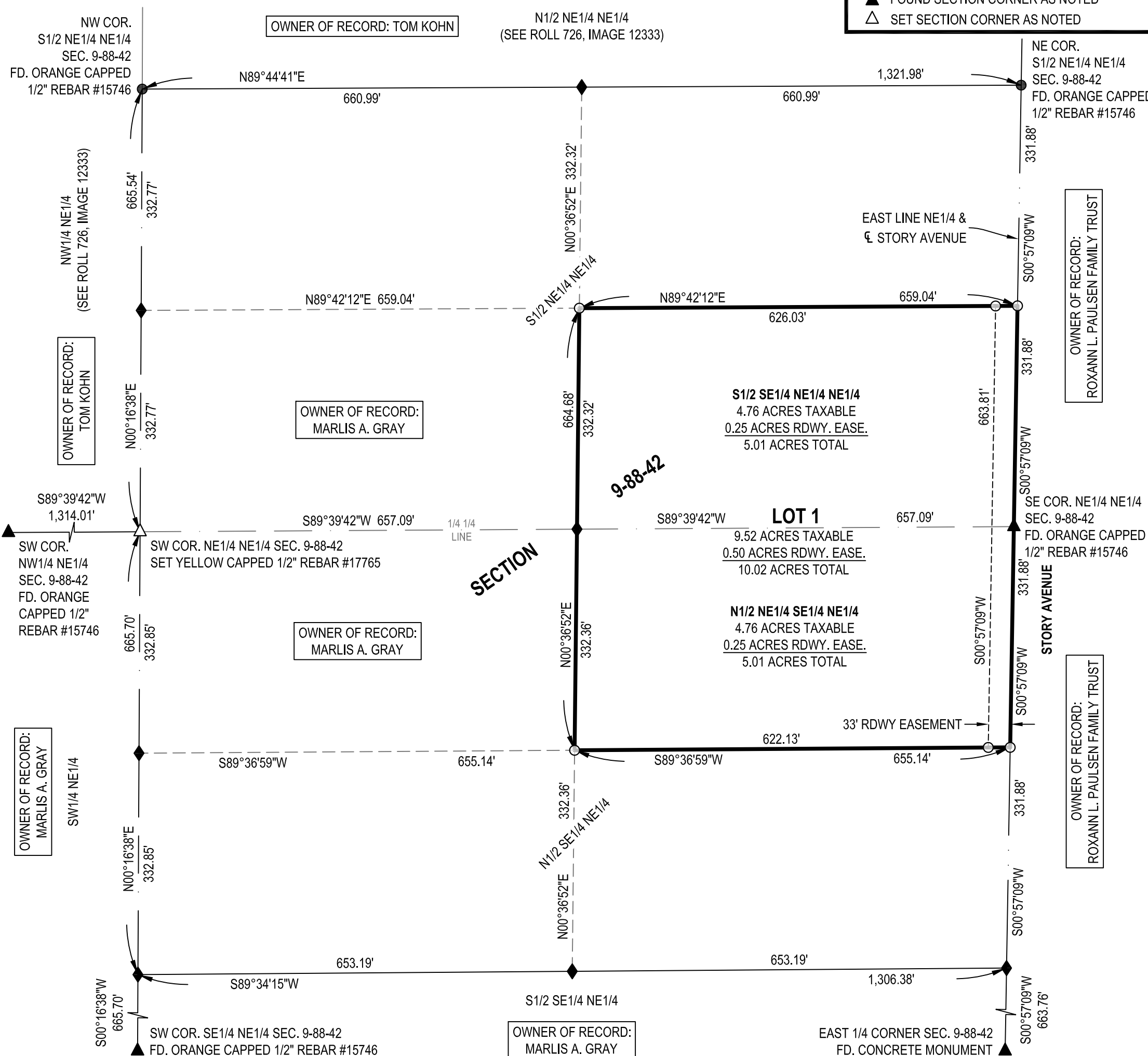
SURVEY DATE: JUNE - 2023 BY JJB

CLOSEST CITY: CUSHING (2.1 MILES) AND CORRECTIONVILLE (2.6 MILES)

BECK ENGINEERING, INC.



Civil Engineering - Land Surveying
 Landscape Architecture



LEGAL DESCRIPTION OF LOT 1:

The South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter,
 AND
 The North Half of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter,

all in Section 9, Township 88 North, Range 42 West of the 5th P.M., Woodbury County, Iowa.

Said described Lot 1 contains a total of 10.02 Acres, inclusive of a Public Roadway Easement of 0.50 Acres. Said Lot 1 is also subject to any and all other Easements be they of Record or not.

For this Survey the East line of the NE1/4 of said Section 9 is assumed to bear S00°57'09"W (Iowa Regional Coordinate System Zone 4 Sioux City-Iowa Falls). All distances measured using the U.S. Survey Foot.

ZONING DISTRICT DIMENSIONAL STANDARDS:

Current & Proposed Zoning: AP

Minimum Lot Area:

- Single Family
- Two Family 2 acres
- Multiple Family

Minimum Lot Width: 200 ft

Front Yard Setback: 100 ft

Side Yard Setback: 20 ft

--Accessory Structures: 10 ft

Rear Yard Setback: 50 ft

--Accessory Structures: 10 ft

Maximum Height: 45 ft

--Accessory Structures: 45 ft

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 LINEAR 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 COUNTY ASSESSOR

I, JULIE CONOLLY, HEREBY CERTIFY THAT ONE THE _____ DAY OF _____, 2023, A COPY OF THIS PLAT WAS FILED IN THE WOODBURY COUNTY ASSESSOR'S OFFICE.

DATED _____, 2023.

JULIE CONOLLY

ASSESSOR

WOODBURY COUNTY, IOWA

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 ADVICE THE PLAT OF "GRAY FIRST ADDITION", WOODBURY COUNTY, IOWA, AND THAT SAID WOODBURY COUNTY ZONING COMMISSION OF WOODBURY COUNTY, IOWA DID ON THE _____ DAY OF _____, 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.

CHRIS ZELLMER ZANT

CHAIRMAN OF THE WOODBURY COUNTY ZONING COMMISSION

WOODBURY COUNTY, IOWA

AUDITOR AND RECORDER CERTIFICATE OF RECORDING

CERTIFICATE OF RECORDING

STATE OF IOWA :

: SS

COUNTY OF WOODBURY :

DOCKET NO: _____

FILED FOR RECORD, THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____ M.

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

DATED _____, 2023.

PATRICK F. GILL

AUDITOR AND RECORDER

WOODBURY COUNTY, IOWA

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 _____, 2023.

TINA BERTRAND

TREASURER

WOODBURY COUNTY, IOWA

SURVEYOR'S CERTIFICATE

I, BRAD M. BECK, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 17765, DO HEREBY CERTIFY THAT THE SUBDIVISION PLAT OF "GRAY FIRST 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.

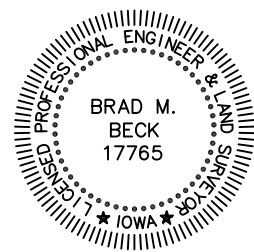
I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOTS AND STREETS DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBERS, NAMES, AND LOCATIONS AS SHOWN ON SAID PLAT, AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT AND TRACT EXCEPT AS NOTED ON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

DATED AT SIOUX CITY, IOWA _____, 2023.

BRAD M. BECK, P.E., P.L.S. #17765

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023

NUMBER OF PAGES COVERED BY THIS CERTIFICATION. = 1



DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

MARLIS A. GRAY, A SINGLE PERSON, THE OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, HAS THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED, AND PLATTED INTO A LOT, AS IS PARTICULARLY SHOWN AND SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF BRAD M. BECK, A PROFESSIONAL LAND SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS "GRAY FIRST ADDITION", WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____, IOWA, THE _____ DAY OF _____, 2023.

MARLIS A. GRAY

INDIVIDUAL ACKNOWLEDGMENT

STATE OF IOWA :

: SS

COUNTY OF WOODBURY :

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY

PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARLIS A. GRAY, A SINGLE PERSON, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME AS HER VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

BOARD OF SUPERVISOR'S RESOLUTION

RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING "GRAY FIRST ADDITION", WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE _____ DAY OF _____

2023, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS "GRAY FIRST ADDITION", WOODBURY COUNTY, IOWA; AND

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

MATTHEW UNG

CHAIRMAN

BOARD OF SUPERVISORS

WOODBURY COUNTY, IOWA

ATTEST:

PATRICK F. GILL

SECRETARY

WOODBURY COUNTY, IOWA

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

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

DATED _____, 2023.

PATRICK F. GILL

AUDITOR

WOODBURY COUNTY, IOWA

DIANE SWOBODA PETERSON, DEPUTY

TITLE OPINION

_____, 2023

County Auditor and Recorder
Woodbury County, Iowa

Dear Sir/Madam:

We have this date examined a complete abstract to Title, pursuant to Iowa Code Section 354.11(1)(c) to property which includes in its entirety, property described in the surveyor's certificate on the plat of: Gray First Addition to Woodbury County, Iowa last certified by Engleson Abstract Co., Inc., dated _____, 2023 at 8:59 a.m. and from said abstract find good and merchantable title to said premises vested in Marlis A. Gray, subject to the following, liens, limitations and exceptions:

1. A Mortgage in favor of United Bank of Iowa, dated August 12, 2021, filed August 12, 2021, and recorded in Inst. #2021-11237.
2. An Assignment of Rents in favor of United Bank of Iowa, dated August 6, 2021, filed August 18, 2021, and recorded in Inst. #2021-11492.
3. 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: _____, 2023.

Ryan C. Ross
ATTORNEY AT LAW

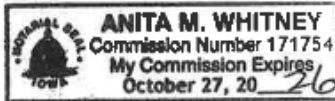
STATEMENT BY MORTGAGE HOLDER: The undersigned, United Bank of Iowa, the present owner and holder of the mortgage recorded as Instrument #2021-11237, and the assignment of rents recorded as Instrument #2021-11492 states that the Plat of Gray First Addition to Woodbury County, Iowa is prepared with United Bank of Iowa's consent and in accordance with its desire. By signing this Plat, the mortgagee consents to the subdivision. This statement is made in accordance with Iowa Code Section 354.11(2).

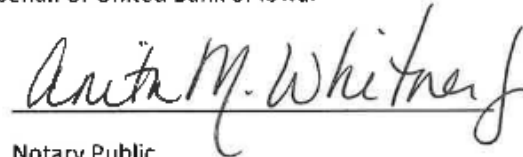
United Bank of Iowa

By: 

Its: President & CEO

On this 21st day of September, 2023, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Daniel Dotzler, the President and CEO of United Bank of Iowa, and who executed the foregoing instrument on behalf of United Bank of Iowa.





Notary Public

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:

	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.
	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.
	shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and
	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.
	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
	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.
	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
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	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.
	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:

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

EXTRATERRITORIAL REVIEW

Extraterritorial review is not required under Iowa Code 354.9 as the location of the subdivision exceeds two miles of a city.

LEGAL NOTIFICATION

Published in the Sioux City Journal's Legal Section on October 10, 2023.

*** Proof of Publication ***

STATE OF IOWA
COUNTY OF WOODBURY

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

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 66191

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

this 10 day of OCTOBER, 2023



Danine Glascock Notary Public

In and for Woodbury County.

Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 10/10/2023

TOTAL AD COST: 72.96

FILED ON: 10/10/2023

NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION

The Woodbury County Zoning Commission will hold public hearings on the following items hereafter described in detail on October 23, 2023 at 5:00 PM or as soon thereafter as the matters may be considered. Said hearings will be held in the Board of Supervisors meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to these matters should appear at the aforesaid hearings in person or call: 712-454-1133 and enter the Conference ID: 638 086 537# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)

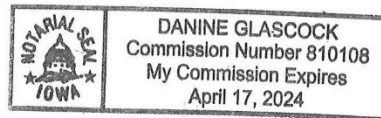
PROPOSED MINOR SUBDIVISION: To be known as Back Acre Estates, Second Filing, a one-lot minor subdivision in a 6.47-acre portion of Section 2, T88N R47W (Woodbury Township) on Government Lot 5 on Parcel #88470220009. The parent parcel is about 1 mile east of Sioux City and about 4.3 miles west of Lawton. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Chad Swanger, Trustee Terry V. Swanger Trust, 1656 162nd St., Lawton, IA 51030.

Item Two (2)

PROPOSED MINOR SUBDIVISION: To be known as Gray First Addition, a one-lot minor subdivision in a 10.02-acre portion of Section 9, T88N R42W (Rock Township) in the S 1/2 of the SE 1/4 of the NE 1/4 and the N 1/2 of the NE 1/4 of the SE 1/4 of the NE 1/4 on Parcel #88470220009. The parent parcel is around 2.2 miles southeast of Correctionville and 2.1 miles southwest of Cushing. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Maris A. Gray, 1729 Story Ave., Correctionville, IA 51016.

Item Three (3)

PROPOSED UTILITY-SCALE SOLAR ENERGY SYSTEMS ZONING ORDINANCE AMENDMENT: A proposal to amend the Woodbury County Zoning Ordinance to include provisions for the permitting of utility-scale solar energy systems in the unincorporated areas of Woodbury County in the General Industrial (GI), Limited Industrial (LI), and Agricultural Preservation (AP) Zoning Districts. In addition, the concept of a utility-scale energy systems overall district will be considered. The proposed regulations provide uniform and comprehensive standards for the installation and use of Utility-Scale Solar Energy Systems (US-SES) including and not limited to agrisolar and community solar systems. US-SES may include, solar panels, solar support structure, inverter/transformers, energy storage technologies, wiring, and other equipment necessary for the generation, storage and delivery of electricity. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of utility-scale solar energy resources for utility, commercial, and industrial purposes.



PROPERTY OWNER(S) NOTIFICATION		MAP
Total Property Owners within 1000 FT via Certified Abstractor's Listing:	8	
Notification Letter Date:	October 6, 2023	
Public Hearing Board:	Zoning Commission	
Public Hearing Date:	October 23, 2023	
Phone Inquiries:	0	
Written Inquiries:	0	
The names of the property owners are listed below.		
When more comments are received after the printing of this packet, they will be provided at the meeting.		

Property Owner(s)	Mailing Address				Comments
Marlis A. Gray	1729 Story Ave.	Correctionville	IA	51016	No comments.
Tom Kohn	1817 Alpine Ave.	Cushing	IA	51018	No comments.
Carol Smith	930 So. St. Mary's St.	Sioux City	IA	51106	No comments.
William Allen Ryan and Delores A. Ryan	1746 Story Ave.	Correctionville	IA	51016-8017	No comments.
Roxann L. Paulsen Family Trust	108 Brookhollow Dr.	Flat Rock	NC	28731	No comments.
Luane Todd and Cheryl Todd	4495 160th Street	Correctionville	IA	51016	No comments.
Ethan J. Todd and Megan C. Todd	4511 170th Street	Correctionville	IA	51016	No comments.
Roland Loehr, Trustee of Roland Loehr Revocable Trust	25 South Main St.	Denison	IA	51442	No comments.

STAKEHOLDER COMMENTS	
911 COMMUNICATIONS CENTER:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments.
LOESS HILLS PROGRAM:	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the proposed minor subdivision for MEC electric, and we have no conflicts. Let me know if you have any questions or concerns. Have an amazing week! – Casey Meinen, 10/2/23.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No conflicts for MEC "Gas". – Tyler Ahlquist, 10/2/23.
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. Thanks. – Jeff Zettel, 10/5/23.
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:	SEE REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	It appears that the lines in the recording certificate are long enough but not "high" enough for me to write in the recording information. – Diane Swoboda Peterson, 10/2/23.
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, 10/2/23.
WOODBURY COUNTY TREASURER	There are taxes owed in the amount of \$1,053 on this parcel that will need to be paid. – Tina Bertrand, 10/2/23.



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039

Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

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

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

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: October 19, 2023

Subject: Gray First Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated October 2, 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. There is an error on the plat, however. The west line of Lot 1 shows two fractional parts of quarter-quarter-quarter sections as having line lengths of 332.36 feet and 332.62 feet respectively. The line call for the full length of the west line of the lot is shown at 664.57 feet. There appears to be a rounding error that should be addressed before the plat is recorded.
- I reviewed the parcel for access. The two of the existing driveways serving the house lot meet sight distance requirements may continue to be used. There is a field entrance serving the new Lot 1 north of the house that does not meet requirements for sight distance. It was likely in place prior to the changes in design stopping sight distance and may remain in place but may not be improved or widened. It would be preferable to the department to relocate the driveway to a location with adequate sight distance.
Access to the remaining acreage is already in place for the south half of the quarter-quarter-quarter section. There is no access for the north remainder. Should a driveway be needed for access, the owner will need to contact my department for a driveway permit.
- 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

The concerns in this memo have been addressed. See email exchange between Mark Nahra and Daniel Priestley on the next page.

Daniel Priestley

From: Mark Nahra
Sent: Monday, October 23, 2023 11:25 AM
To: Daniel Priestley
Subject: RE: Correction to Gray First Addition

Dan,

The correction looks good to me. Thank you.

Mark J. Nahra, P.E.
Woodbury County Engineer
759 E. Frontage Road
Moyville, IA 51039
Phone: 712-279-6484
712-873-3215
email: mnahra@woodburycountyia.gov

From: Daniel Priestley <dpriestley@woodburycountyia.gov>
Sent: Friday, October 20, 2023 8:33 AM
To: Mark Nahra <mnahra@woodburycountyia.gov>
Subject: Correction to Gray First Addition

Mark,
Attached is the correction to the Gray First Addition subdivision plat as referenced in your review memo.

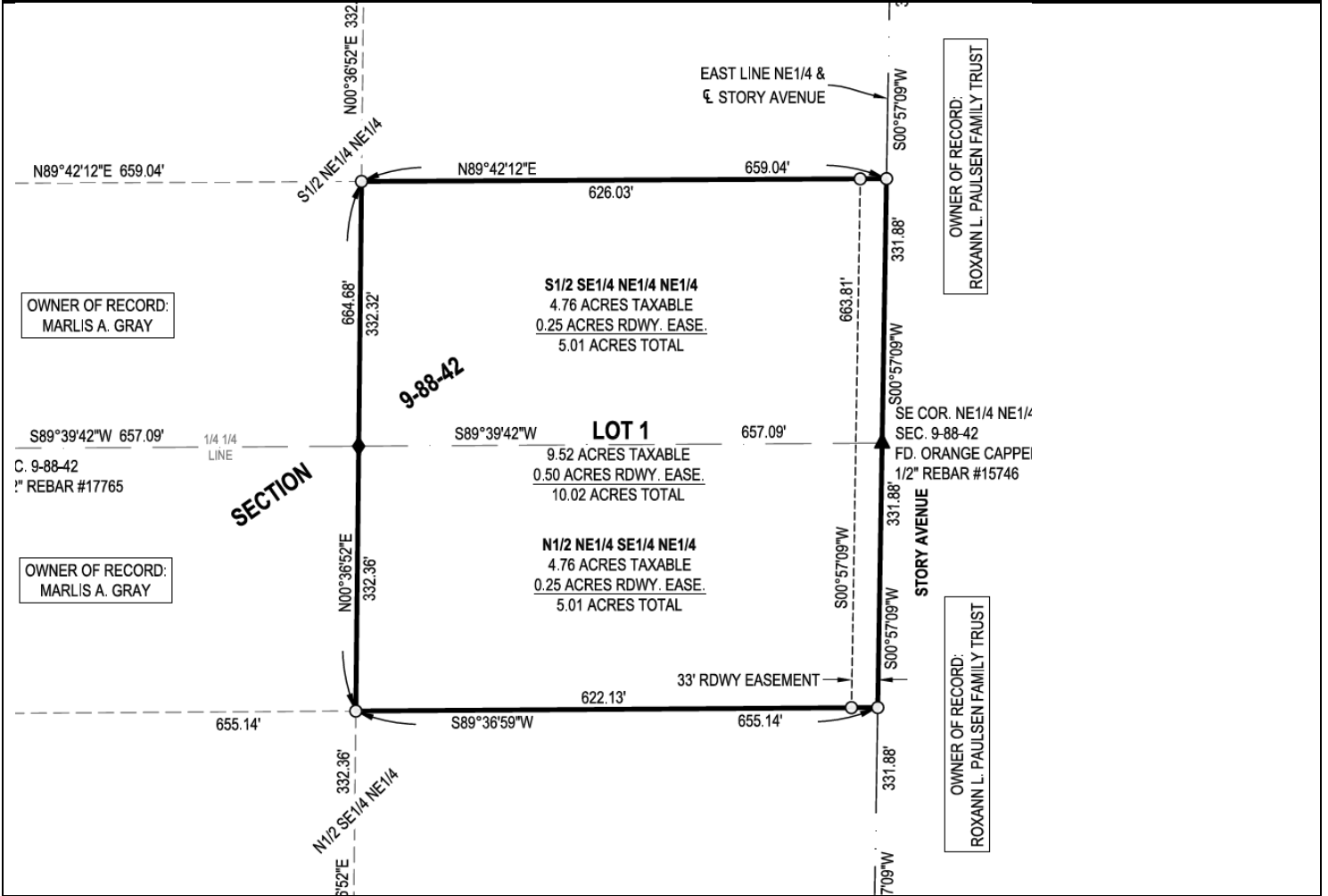
Thanks,

Daniel J. Priestley, MPA - Zoning Coordinator
Woodbury County Community & Economic Development
620 Douglas Street, 6th Floor
Sioux City, IA 51101
Office: (712) 279-6609
Fax: (712) 279-6530
Email: dpriestley@woodburycountyia.gov
Web: www.WoodburyCountyCED.com

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PLAT MAP EXCERPT



WELL AND SEPTIC LOCATIONS



Woodbury County, IA / Sioux City

Summary

Parcel ID 884209200009
Alternate ID 775007
Property Address 1729 STORY AVE
 CORRECTIIONVILLE IA 51016
Sec/Twp/Rng 9-88-42
Brief Tax Description ROCK TOWNSHIP S 1/2 OF NE NE & N 1/2 OF NE SE NE 9-88-42
 (Note: Not to be used on legal documents)
Deed Book/Page 2023-02000 (3/9/2023)
Gross Acres 24.25
Net Acres 24.25
Adjusted CSR Pts 1342.64
Zoning AP-AGR[CULTURAL PRESERVATION
District 0017 ROCK/RIVER VALLEY
School District RIVER VALLEY CO
Neighborhood N/A



Owner

Deed Holder
[GRAY MARLYS A](#)
[1729 STORY AVE](#)
 CORRECTIIONVILLE IA 51016
Contract Holder
Mailing Address
 GRAY MARLYS A
 1729 STORY AVE
 CORRECTIIONVILLE IA 51016

Land

Lot Area 24.25 Acres ;1,056,330 SF

Residential Dwellings

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style 1 Story Frame
Architectural Style N/A
Year Built 1976
Condition Above Normal
Roof Mt / Gable
Flooring
Foundation C Bk
Exterior Material Vinyl
Interior Material Drwl
Brick or Stone Veneer
Total Gross Living Area 1,244 SF
Main Area Square Feet 1244
Attic Type None;
Number of Rooms 0 above; 0 below
Number of Bedrooms 0 above; 0 below
Basement Area Type Full
Basement Area 1,244
Basement Finished Area
Plumbing 1 Standard Bath - 3 Fi; 1 Shower Stall Bath - 3;
Appliances
Central Air No
Heat Yes
Fireplaces
Porches
Decks
Additions
Garages 624 SF - Att Frame (Built 1976);

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Bin - Grain Storage (Bushel)	BIN "STORMOR"	0	0	1972	1
0	Bin - Grain Storage (Bushel)	BIN "CCC"	0	0	1972	1
0	Confinement - Hog	FARROWHSE	30	80	1979	1
0	Bin - Grain Storage (Bushel)	BIN	0	0	1972	1
	Shed - Hay		0	0	2011	1
	Shed		0	0	2011	2

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
3/3/2023	GRAY WILLIAM T	GRAY MARLYS A	2023-02000	No consideration	Deed		\$0.00

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	\$44,640	\$34,000	\$34,000	\$32,130	\$32,130
+ Assessed Building Value	\$10,980	\$6,940	\$6,940	\$6,320	\$6,320
+ Assessed Dwelling Value	\$148,620	\$110,570	\$109,340	\$98,410	\$98,410
= Gross Assessed Value	\$204,240	\$151,510	\$150,280	\$136,860	\$136,860
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$204,240	\$151,510	\$150,280	\$136,860	\$136,860

Sioux City Special Assessments and Fees

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

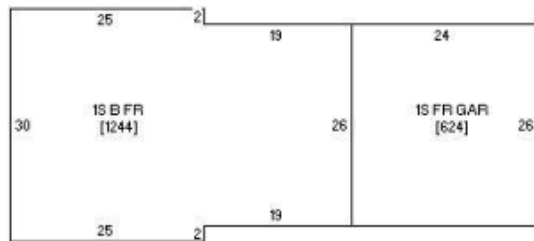
Woodbury County Tax Credit Applications

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

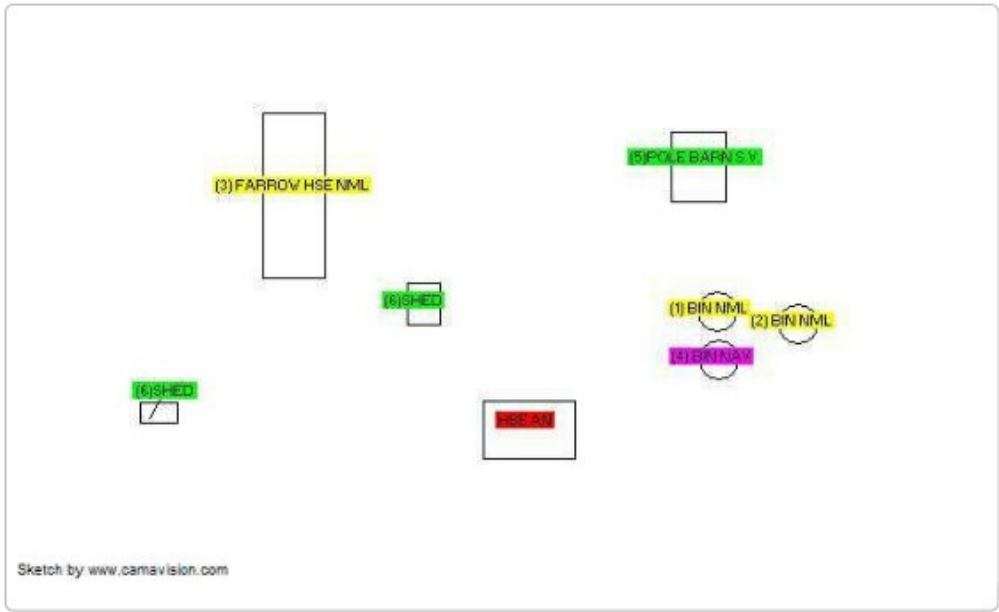
Photos



Sketches



Sketch by www.camavision.com



Sketch by www.camavision.com

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

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ZONING MAP



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

Parcel ID	88420920009	Alternate ID	775007	Owner Address	GRAY MARLIS A
Sec/Twp/Rng	9-88-42	Class	A		1729 STORY AVE
Property Address	1729 STORY AVE	Acreage	24.25		CORRECTIONVILLE, IA 51016
	CORRECTIONVILLE				
District	0017				
Brief Tax Description	ROCK TOWNSHIP S 1/2 OF NE NE & N 1/2 OF NE SE NE 9-88-42				
	<i>(Note: Not to be used on legal documents)</i>				

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

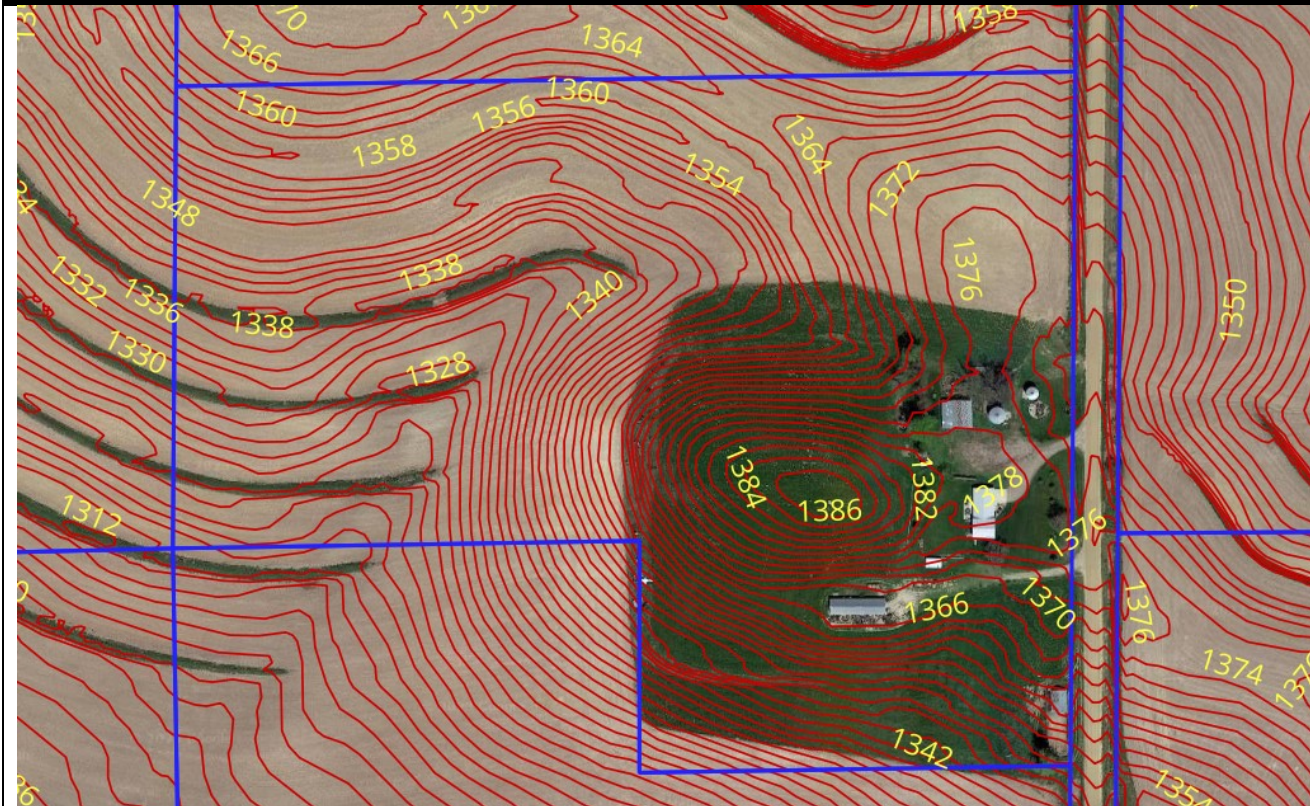
Parcel ID	884209200009	Alternate ID	775007	Owner Address	GRAY MARLIS A
Sec/Twp/Rng	9-88-42	Class	A		1729 STORY AVE
Property Address	1729 STORY AVE	Acree	24.25		CORRECTIONVILLE, IA 51016
	CORRECTIONVILLE				
District	0017				
Brief Tax Description	ROCK TOWNSHIP S 1/2 OF NE NE & N 1/2 OF NE SE NE 9-88-42				
	<small>(Note: Not to be used on legal documents)</small>				

DRAFT FLOODPLAIN MAP

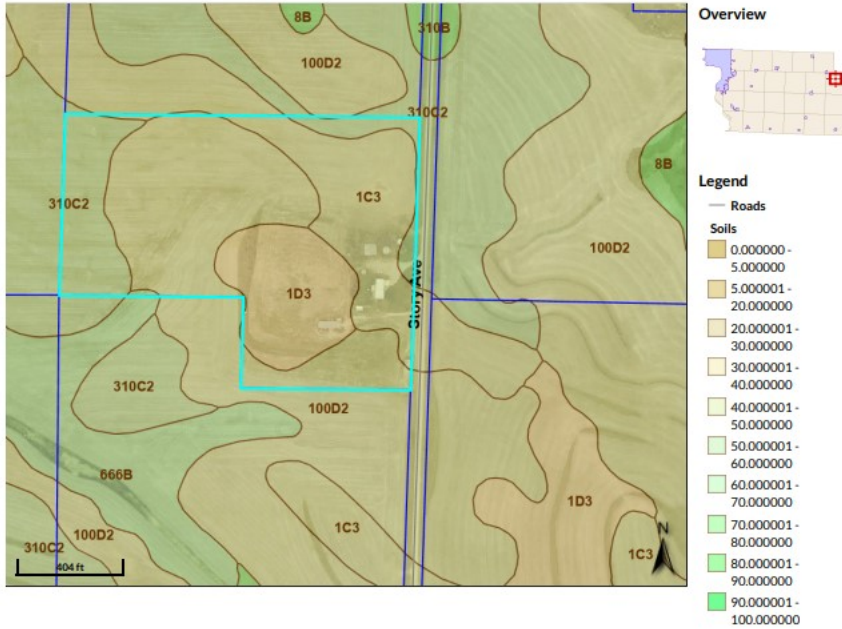
Not in the floodplain.



ELEVATION MAP



SOIL MAP



SOIL REPORT

Summary

Parcel ID 884209200009
Gross Acres 24.25
ROW Acres 0.00
Gross Taxable Acres 24.25
Exempt Acres 0.00
Net Taxable Acres 24.25 *(Gross Taxable Acres - Exempt Land)*
Average Unadjusted CSR2 58.32 *(1414.2 CSR2 Points / 24.25 Gross Taxable Acres)*

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	20.54	58.54	1,202.50	1,202.50
Non-Crop	3.71	57.06	211.70	140.14
Total	24.25		1,414.20	1,342.64

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	666B	SMITHLAND-DANBURY-JUDSON COMPLEX, 2 TO 5 PERCENT SLOPES	88.00	0.05	4.40	4.40
100% Value	310C2	GALVA SILTY CLAY LOAM, 5 TO 9 PERCENT SLOPES, MODERATELY ERO	84.00	3.76	315.84	315.84
100% Value	100D2	MONONA SILTY CLAY LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY E	60.00	8.87	532.20	532.20
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	3.79	219.82	219.82
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	4.07	130.24	130.24
Non-Crop	310C2	GALVA SILTY CLAY LOAM, 5 TO 9 PERCENT SLOPES, MODERATELY ERO	84.00	0.22	18.48	9.85
Non-Crop	100D2	MONONA SILTY CLAY LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY E	60.00	1.12	67.20	43.16
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	1.93	111.94	73.38
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.44	14.08	13.75
Total				24.25	1,414.20	1,342.64

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

Date: 10/26/2023 Weekly Agenda Date: 10/31/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel A. Bittinger II & Mark Nelson

WORDING FOR AGENDA ITEM:

Update on legal fee expenditures, to-date, for Woodbury County Open Records request.

ACTION REQUIRED:

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

EXECUTIVE SUMMARY:

To ensure fiscal oversight of county funds, an update on legal fee expenditures for outside legal counsel is needed since two months has passed since B.O.S. approval.

BACKGROUND:

On August 8, 2023 the Woodbury County Attorney advised the B.O.S. to seek outside counsel to process the Woodbury County Open Records request.
The B.O.S. approved this request with a motion - 4-0 vote in the affirmative.

FINANCIAL IMPACT:

Up to \$20,000 was allocated.

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:

Request expenditure update from the Finance/Budget Director.

ACTION REQUIRED / PROPOSED MOTION:

informational

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

Date: 10/26/2023 Weekly Agenda Date: 10/31/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Mark Nelson

WORDING FOR AGENDA ITEM:

Correction and information regarding statements made about Baker Group's compensation

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

See attached letter signed by Shane Albrecht with Baker Group

BACKGROUND:

Supervisor Radig claimed Baker Group delayed progress at the LEC in order to continue to charge for their services. This claim is completely baseless. They were never guaranteed a contract extension for a project delay.

Supervisor Radig claimed Baker Group made a percentage fee for every change order. Baker Group receives no fees from change orders and hasn't for the entirety of the project.

FINANCIAL IMPACT:

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

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:



Baker Group
Shane Albrecht
Sr. Project Manager
1600 SE Corporate Woods Drive
Ankeny, Iowa 50021-7501
Phone: 515.262.4000
855.262.4000
Fax: 515.266.1025
www.thebakergroup.com

October 25, 2023

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

RE: Baker Group Contract

Woodbury County Board of Supervisors,

Baker Group's fee was based on 3.0% of the original contract sum of \$58,390,000.00. The original fee would have been \$1,751,700.00.

The contract with change orders is now \$60,833,768.00. Baker Group's fee based on the original 3.0% of the contract with change orders would have been \$1,825,013.04.

Amendment #1 fixed the fee at \$1,325,000.00. That changed the Baker Group fee from 3.0% of the original contract with change orders to 2.2% of the contract without change orders.

Typically, owner's representatives receive additional reimbursables such as meals, lodging, office and printing expenses, and mileage. Baker Group included reimbursables with this contract.

Baker Group's fee is a lump sum fee. There were no extra fees on top of that fee. Thank you.

Sincerely,

Shane Albrecht

Shane Albrecht
Sr. Project Manager
Baker Group

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

Date: 10/24/2023

Weekly Agenda Date: 10/31/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisors K. Radig/J. Taylor

WORDING FOR AGENDA ITEM:

Hiring of Outside Legal Counsel Authorizing the Chairman to Sign Letter of Engagement with Whitfield and Eddy Law, John A. Templar, Jr.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

We have been advised that the Board of Supervisors should retain outside legal counsel and Jodie McDougal of Fredrikson, Byron, P.A. has let us know given some of the concerns shared at the 10-17-2023 that joint counsel is not advisable. This leaves us to rely upon outside legal counsel. John A. Templar, Jr. is widely regarded as one of the best construction law attorneys in the state (see resume, prospectus). He knows and has worked with Jodie McDougal on a variety of manners.

BACKGROUND:

We are asking that the Board of Supervisors receive an opinion from outside legal counsel in review of all contracts and any damages that may be due the county due to the loss of revenue from the LEC Authority opening past the 9-14-2023 original substantial completion date.

Additionally, our hardworking county attorney's office has suggested that outside legal counsel is appropriate given the vast range of specific construction law issues; however, Jodie McDougal of Fredrikson, Byron, P.A. has been counsel for The Baker Group in many matters and is currently retained by the LEC Authority. While our interests may align (and trust us, we have no reason to imagine litigating against the Authority but to work in a concurrent and cooperative matter to resolve any issues), it is necessary given the complexity of the issues to include standing, independent reviews, etc.

The goal would be to render an independent opinion (we have no preconceived one ourselves) but to have a third-party whose legal guidance we can rely upon. This alleviates ourselves of the appearance of impropriety and concerns shared by taxpayers.

We hope for representation in closed sessions that cooperatively works with the Authority's attorney to make sure taxpayer interests are protected. We want to understand better the claims of damages due the county in lost revenue, limitations on our capacity to exceed the bond referendum, and legalities concerning the binding of future boards to a certain levy for monies outside of the control of a taxing body. We hope and expect both counsels to work in a spirit of cooperation where our interests and the LEC Authorities align and engage preferably in mediation as regards damages.

FINANCIAL IMPACT:

See attached.

Whitfield will examine the possibility of recovery of losses due to the late completion of the Project, including lost revenue from federal prisoner participation in the LEC.

b. Whitfield will examine the potential liability of any party which is or may be responsible for the alleged failure of the plans and specifications to provide adequate fire protection systems, including a fire damper system that complies with engineering standards and all applicable codes.

c. Whitfield will examine the issue of which party (the Board, the Authority, or both) has standing to pursue remedies to recoup losses.

d. Whitfield will examine the issue of the impact of the potential cost overruns on the Project on the existing bond issue limits.

e. Whitfield will examine the issue and propriety of maintenance fees.

f. Whitfield will examine potential sources of recovery for losses incurred by the County due to late completion of the Project, including, but not limited to, loss of revenue from federal prisoner placement sources.

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:

Hiring of Outside Legal Counsel Authorizing the Chairman to Sign Letter of Engagement with Whitfield and Eddy Law, John A. Templar, Jr.

ACTION REQUIRED / PROPOSED MOTION:

Hiring of Outside Legal Counsel Authorizing the Chairman to Sign Letter of Engagement with Whitfield and Eddy Law, John A. Templar, Jr.



John A. Templer, Jr.

Attorney at Law

t: 515-558-0116

f: 515-246-1474

templer@whitfieldlaw.com



John Templer's experience as an advocate covers a multitude of project types including commercial, industrial and residential buildings, and often he is called upon to apply his expertise in insurance law pertaining to construction projects. He has represented his construction clients before many different forums, and in a variety of venues around the country. This includes bench and jury trials in Iowa and other states for complex construction disputes. In Chambers USA 2021 edition Litigation: General Commercial - Iowa, John is described as "preeminent in construction law."

PRACTICE AREAS

Alternative Dispute
Resolution

Construction Arbitration and
Mediation

Construction Business and
Litigation

Construction Litigation
Litigation

CONSTRUCTION ARBITRATION AND MEDIATION

He has also developed a strong reputation as an expert arbitrator and mediator in construction disputes, and is a Fellow of the College of Commercial Arbitrators, a distinguished group of arbitrators whose expertise in this field of Alternative Dispute Resolution is recognized world-wide. For over twenty years he has served on American Arbitration Association (AAA) panels, both as panelist and chair, in large complex arbitrations involving high-rise hotel/office buildings, sports domes, schools, and industrial projects.

CONSTRUCTION TRADE ASSOCIATION LEADERSHIP

He regularly counsels construction trade associations on issues including case law, ethics, and arbitration, conducts seminars and provides assistance in producing trade associations' publications. During Iowa legislative sessions John assists in drafting legislation impacting their members.

John was one of the original members of Construction Law Section Council of the Iowa State Bar Association and served as Chair of that organization in 2015–2016. For many years he also served as Chair of Whitfield & Eddy's Construction and Surety Law group.

CONSTRUCTION INDUSTRY CLIENTS

- General Contractors

EDUCATION

University of Iowa College of Law, J.D., with high distinction

University of Iowa, B.A.

- Copy Editor and Features Editor: *The Daily Iowan*

ADMISSIONS

Iowa

U.S. District Court - Southern District of Iowa

U.S. District Court - Northern District of Iowa

U.S. Court of Appeals - Eighth Circuit

- Subcontractors
- Owners, both private and public
- Design Professionals
- Construction Industry Associations

NOTABLE WORK

- Co-counsel in a multi-party, multi-million dollar arbitration involving the Louisiana Superdome, resulting in a favorable outcome for his Iowa-based client;
- Lead counsel for a national general contractor involving the construction of a high-rise retirement community in Florida in which he successfully defended his client against defective construction claims;
- Successfully defended his subcontractor clients in numerous cases involving curtain-wall construction and masonry;
- Successfully defended a national geotechnical company in cases involving tower construction, bridge construction, building failures, and other matters in involving expansive soils;
- Lead counsel for a large public owner in Iowa in numerous matters, including parking ramp construction, industrial excavation and major utility projects;

- Represented a major steel fabricator who provided services on a large Corps of Engineers dam project on Table Rock Lake in Missouri and obtained a large arbitration award for his client against a major international general contractor;
- Co-counsel defending a national general contractor against claims of faulty construction involving a large sports arena which was resolved favorably for his client through mediation;
- Author of a significant publication on public construction law written for the Master Builders of Iowa;
- Drafted major legislation benefitting the construction industry which was adopted by the Iowa Legislature in 2017.

EXPERIENCE

- Past Chair, Whitfield & Eddy, P.L.C. Construction and Surety Law Practice Group

ACTIVITIES AND AFFILIATIONS

- Fellow, College of Commercial Arbitrators (Committees: Construction Arbitration, Judicial Education)
- American Arbitration Association (Construction Panel Arbitrator)
- American Bar Association (Sections: Litigation; Forum on the Construction Industry)
- Associated General Contractors of America

- Construction Specifications Institute (Iowa Chapter Board of Directors)
- Iowa State Bar Association (Chair: Construction Law Section Council, 2015–2016; Chair: Construction Law Council Section Legislative Sub-Committee, 2014–2015; Member since inception)
- Master Builders of Iowa (Legislative Committee)
- Mechanical Contractors of Iowa
- National Arbitration Forum
- Polk County Bar Association

SEMINARS

- Construction Superconference, Las Vegas, Nevada, December 2022
- Master Builders of Iowa Annual Winter Conference, February 2022
- Master Builders of Iowa Annual Winter Conference, February 2019
- College of Commercial Arbitrators 18th Annual Meeting, Atlanta, GA, October 2018
- American Bar Association Section of Dispute Resolution Spring Conference, Washington, D.C., April, 2018
- Master Builders of Iowa Annual Winter Conference, February 2018

- Construction Superconference, Las Vegas, Nevada, December 2017
- Iowa State Bar Association Construction Law Seminar, April 2017
- Master Builders of Iowa Annual Winter Conference, Altoona, Iowa, February 2017
- Construction Superconference, Las Vegas, Nevada, December 2016
- College of Commercial Arbitrators 15th Annual Meeting, New York, New York, October 2015
- ABA Forum on the Construction Industry, Boca Raton, Florida, April 2015

NEWS

- Best Lawyers in America 2024 Announced
Best Lawyers in America, 08.22.2023
- *Chambers USA* Recognizes Whitfield & Eddy Law Attorneys and Practice Group
Chambers USA, 08.10.2023
- Attorney Service Anniversaries Celebrated
01.25.2023
- Best Lawyers in America 2023 Announced
Best Lawyers in America, 08.30.2022
- Attorneys Recognized in 2022 Great Plains Super Lawyers and 2022 Great Plains Rising Stars

Great Plains Super Lawyers, 08.30.2022

Chambers and Partners Ranks Whitfield & Eddy Law Attorneys and Practice Group

Chambers and Partners USA Guide, 2022, 06.13.2022

Best Lawyers in America 2022 Announced

Best Lawyers in America, 08.19.2021

Attorneys Recognized in 2021 Great Plains Super Lawyers and 2021 Great Plains Rising Stars

07.16.2021

Attorneys Recognized by Peers in Chambers USA

Chambers USA, 05.20.2021

Whitfield & Eddy Recognized by Best Lawyers in America 2021

Best Lawyers In America, 08.20.2020

Whitfield & Eddy Attorneys Recognized by Great Plains Super Lawyers 2020

07.17.2020

John Templer Co-authors Update to Master Builders of Iowa Public Owners' Guide to Legal Issues

01.21.2019

EVENTS & SPEAKING ENGAGEMENTS

- John Templer Presents Construction Industry Ethics to ASPE Regional Membership
Des Moines, Iowa, 05.09.2023
- John Templer Presents Construction Manager at Risk for Public Owners in Iowa
West Des Moines, Iowa, 04.26.2023

HONORS & RECOGNITIONS

- AV rated by Martindale-Hubbell
- Selected for inclusion in *Chambers USA: America's Leading Lawyers for Business* as a Leading Individual Lawyer in General Commercial Litigation (2021–2023)
- Selected by *Best Lawyers in America* as the Des Moines area's “Lawyer of the Year” by in the area of Construction Law (2013, 2021)
- Selected for inclusion in the *Best Lawyers in America* as a top-ranked attorney in Construction Law, Mediation, and Litigation - Construction (2003–2024)
- Selected for inclusion in the *Great Plains Super Lawyers* in the area of Construction Litigation (2007–2022)

CASES & PRESENTATIONS

PUBLISHED CASE

- *Weitz Co., LLC v. Lloyd's of London*, 574 F.3d 885 (8th Cir. 2009)

SELECTED PRESENTATIONS

- Presenter, "Construction Industry Ethics, Bid Peddling and Bid Shopping," American Society of Professional Estimators Regional Meeting, April 2023
- Presenter, "Construction Ethics," American Society of Professional Estimators," April 2023
- Presenter, "Construction Manager at Risk for Public Owners in Iowa," Central Iowa Construction Specification Institute," April 2023
- Presenter, "Ethics, Bid Peddling and Bid Shopping," American Society of Professional Estimators, February 2023
- Presenter, "The New AIA A201 General Conditions," Master Builders of Iowa Webinar, September 2017
- Co-Presenter, "Construction Case Law Update," Iowa State Bar Association Construction Law Seminar, April 2017
- Co-Presenter, "Understanding Construction Arbitration," Master Builders of Iowa Annual Seminar, Altoona, Iowa, February 2017

- Presenter, "Construction Ethics" Iowa State Bar Association Construction Law Seminar, February, 2016
- Presenter, "Construction Law and Killer Contract Clauses" Master Builders of Iowa, December 2015
- Presenter, "Construction Essentials" Master Builders of Iowa, December 2015
- Presenter, "State of Art Construction Contracts" Iowa Chapter of American Society of Professional Estimators, November 2015
- Presenter, "Construction Ethics" CLE presentation for Nebraska State Bar Association, November 2015
- Presenter, "Construction Industry Business Ethics," American Society of Professional Estimators, March 2015
- Presenter, "Iowa Construction Law," Master Builders of Iowa Cornerstone Academy, February 2015
- Presenter, "Iowa Construction Law," Master Builders of Iowa MB "Eye" on the Future, December 2013, February 2014, January 2015



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October 17, 2023

Woodbury County Board of Supervisors
Woodbury County Courthouse
620 Douglas Street, Room 104
Sioux City, Iowa 51101

Re: Woodbury County Law Enforcement Center

Dear Supervisors:

I understand you may wish to retain me and my firm to represent the interests of the Board and County with respect to several issues that have arisen in conjunction with the construction of the Woodbury County Law Enforcement Center. To that end, I am enclosing a Proposal for Legal Services for your review.

Note that this Proposal identifies only the Board as our client, not the Woodbury County Law Enforcement Center Authority; however, it would be my intention if engaged that I and the Board work closely with the Authority to resolve any current or unresolved issues pertaining to the Project.

Because there may be differences of opinion between the Board and the Authority with respect to certain courses of action that could or should be taken to protect the interests of the taxpayers of Woodbury County, I don't believe it would be proper for me to represent both parties. The Authority is, itself, a corporation organized under the laws of the State of Iowa and, since its interests may at some point diverge from those of the Board and it has the legal authority to do so, it may wish to retain its own separate legal counsel. If this occurs, I see no reason why the Board and Authority and their respective counsel cannot work together to bring about results that are satisfactory to both parties.

In addition to my proposed Engagement Proposal, I am also enclosing a copy of my resume.

Sincerely,

WHITFIELD & EDDY, PLC

/s/

John A. Templer, Jr.

Whitfield & Eddy, PLC Proposal for Legal Services

Project: Woodbury County Law Enforcement Center
Client: Board of Supervisors, Woodbury County, Iowa

Date: 17 Oct 2023

Whitfield & Eddy, PLC, (or “the Firm”), offers the following proposal for provision of legal services with respect to the above Project.

1. Scope of Engagement:

- a. Whitfield will examine the possibility of recovery of losses due to the late completion of the Project, including lost revenue from federal prisoner participation in the LEC.
- b. Whitfield will examine the potential liability of any party which is or may be responsible for the alleged failure of the plans and specifications to provide adequate fire protection systems, including a fire damper system that complies with engineering standards and all applicable codes.
- c. Whitfield will examine the issue of which party (the Board, the Authority, or both) has standing to pursue remedies to recoup losses.
- d. Whitfield will examine the issue of the impact of the potential cost overruns on the Project on the existing bond issue limits.
- e. Whitfield will examine the issue and propriety of maintenance fees.

- f. Whitfield will examine potential sources of recovery for losses incurred by the County due to late completion of the Project, including, but not limited to, loss of revenue from federal prisoner placement sources.
2. This Proposal is based on information as to the Project provided to us by parties familiar with the Project, and our review of documents posted on the LEC's website. It is understood that the scope of the engagement may change from time as more information is obtained.
3. Whitfield's Fees and Expenses
 - a. Fees: Whitfield will bill Clients for its fees on the basis of tenths of an hour. John Templer's hourly rate is \$525. Whitfield may also employ the services of partner Sean Corpstein. Sean Corpstein's rate is \$375. Other Whitfield legal personnel such as Associates, Legal Assistants, and Law Clerks may perform work on the project as needed. The services performed by such other Whitfield personnel will be billed at the standard hourly rate for the services. Our hourly rates for the services rendered pursuant to this contract may increase slightly beginning in the next calendar year. You will be notified of and agree to pay any updated rates.
 - b. Expenses. We do not bill for usual copying tasks, long-distance phone calls (with the exception of any conference calls or "Zoom" calls for which a fee is charged.) We will bill for any travel outside of Polk County at the current IRS mileage rate. We will also bill travel time outside of Polk County at the regular hourly rate of the involved Whitfield personnel.
 - c. Our fees and expenses are billed monthly and we expect payment to be made within thirty days of the mailing date of the invoice.

- d. Due to the open-ended nature of the Project and unexpected issues that may arise with respect to the project and/or changes to Iowa law, we are unable to predict the total fees and expenses which may be billed to the Project.
4. Termination: Either Client or Whitfield may terminate Whitfield's representation at any time for any reason, subject, on our part, to the applicable Rules of Professional Conduct. Unless terminated earlier, our representation will terminate automatically upon completion of the work for which you have engaged the Firm.
5. This Proposal shall remain open for 30 days from the date set out below.

WHITFIELD & EDDY, PLC

/s/ John A. Templer, Jr.

ACCEPTED BY:

Woodbury County Board
of Supervisors

Signature

Printed Name

Date