

FEBRUARY 13, 2024, SEVENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, February 13, 2024, at 3:15 p.m. Board members present were Nelson, Ung, Bittinger II, Radig, and Taylor. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, Joshua Widman, Assistant County Attorney, Dennis Butler, Budget and Finance Director, and Michelle Skaff, Deputy Auditor/Clerk to the Board.

1. Motion by Ung second by Bittinger to go into closed session per Iowa Code Section 21.5(1)(c). Carried 4-0 on roll-call vote.

Radig entered the meeting at 3:25 pm

Motion by Ung second by Taylor to go out of closed session per Iowa Code Section 21.5(1)(c). Carried 5-0 on roll-call vote.

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

Nelson was delayed due to attendance at Law Enforcement Authority meeting.

2. Motion by Ung second by Radig to approve the agenda for February 13, 2024. Carried 4-0. Copy filed.

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

3. To approve minutes of the January 30, 2024 meeting. Copy filed.
To approve minutes of the January 25, 2024 special meeting. Copy filed.
4. To approve the claims totaling \$781,377.08. Copy filed.
- 5a. To receive for signatures the canvass of the McCandless Intercounty Drainage District Trustee Election. Copy filed.
- 5b. To receive for signatures the canvass of the Sandhill-Lakeport Drainage District Trustee Election. Copy filed.
- 5c. To receive for signatures the canvass of the Little Sioux Intercounty Drainage District Trustee Election. Copy filed.
- 6a. To approve the Bond Counsel Engagement Agreement proposed issuance of not to exceed \$800,000 General Obligation Capital Loan Notes with Ahlers & Cooney, P.C. Coy filed.
- 6b. To approve and authorize the Chairperson to sign a Resolution fixing date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$406,000 General Obligation Capital Loan Notes of Woodbury County, State of Iowa (for essential County purposes), and providing for publication of notice thereof.

RESOLUTION #13,699

RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$406,000 GENERAL OBLIGATION CAPITAL LOAN NOTES OF WOODBURY COUNTY, STATE OF IOWA (FOR ESSENTIAL COUNTY PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that Woodbury County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$406,000, as authorized by Sections 331.402 and 331.443, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s) as hereinafter described; and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and General Obligation Capital Loan Notes, issued to evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal to issue such bonds and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the County to such action.

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

Section 1. That this Board meet in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:40 P.M., on the 5th day of March, 2024, for the purpose of taking action on the matter of the authorization of a Loan Agreement and issuance of not to exceed \$406,000 General Obligation Capital Loan Notes, for essential county purposes, the proceeds of which notes will be used to provide funds to pay the costs of capital projects for the construction, reconstruction, improvement, repair or equipping of bridges, roads, and culverts which assist in economic development through the creation of jobs and wealth, including the Frontage Road project.

Section 2. That pursuant to Iowa Code Section 331.441(2)(b)(16), capital projects must be found to "assist in economic development which creates jobs and wealth". No procedure for establishing this is spelled out in the Code. Accordingly, pursuant to Iowa Code Section 331.301(5), the Board elects to have a financial impact report prepared for purposes of determining the impacts of the proposed projects.

Section 3. The County Engineer has compiled data and prepared report, a copy of which is attached hereto and incorporated herein by this reference, which demonstrates the economic impact of the proposed projects. Having reviewed said report, this Board finds:

- a) These capital improvement projects:
 - i. provide necessary access to multiple businesses such as Security Bank, Lewis Pharmacy, Jeff's Bar, Subway, Movilatte Coffee Shop, Countryman Financial Group, and a new medical clinic (currently under construction);
 - ii. provide necessary hard surface roads, bridges and culverts for efficient and safe County travel, including Frontage Road;
 - iii. provide necessary access to retail, commercial, medical and educational operations which assist in economic development through the creation of jobs and wealth
 - iv. provide improved hard surface roads for workers traveling to and from work within the County, and travel in and out of Woodbury County;
 - v. provide improved hard surfaced roads for clients and customers traveling to and from businesses within the County.
- b) The health, safety and welfare of our citizens are dependent upon efficient travels within the County. Adequate and current infrastructure is necessary to achieve these goals and attracts a quality workforce for county industries seeking to expand.
- c) Access to safe and efficient roads and bridges is a draw to a quality workforce.

For the foregoing reasons, this Board finds the proposed capital improvement projects enumerated in the Engineer's report assist economic development efforts within the County which are designed to create jobs and wealth for citizens of the County.

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WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and General Obligation Capital Loan Notes, issued to evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal to issue such bonds and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the County to such action.

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

Section 1. That this Board meet in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:40 P.M., on the 5th day of March, 2024, for the purpose of taking action on the matter of the authorization of a Loan Agreement and issuance of not to exceed \$406,000 General Obligation Capital Loan Notes, for essential county purposes, the proceeds of which notes will be used to provide funds to pay the costs of capital projects for the construction, reconstruction, improvement, repair or equipping of bridges, roads, and culverts which assist in economic development through the creation of jobs and wealth, including the Frontage Road project.

Section 2. That pursuant to Iowa Code Section 331.441(2)(b)(16), capital projects must be found to "assist in economic development which creates jobs and wealth". No procedure for establishing this is spelled out in the Code. Accordingly, pursuant to Iowa Code Section 331.301(5), the Board elects to have a financial impact report prepared for purposes of determining the impacts of the proposed projects.

Section 3. The County Engineer has compiled data and prepared report, a copy of which is attached hereto and incorporated herein by this reference, which demonstrates the economic impact of the proposed projects. Having reviewed said report, this Board finds:

- a) These capital improvement projects:
 - i. provide necessary access to multiple businesses such as Security Bank, Lewis Pharmacy, Jeff's Bar, Subway, Movilatte Coffee Shop, Countryman Financial Group, and a new medical clinic (currently under construction);
 - ii. provide necessary hard surface roads, bridges and culverts for efficient and safe County travel, including Frontage Road;
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- b) The health, safety and welfare of our citizens are dependent upon efficient travels within the County. Adequate and current infrastructure is necessary to achieve these goals and attracts a quality workforce for county industries seeking to expand.
- c) Access to safe and efficient roads and bridges is a draw to a quality workforce.

For the foregoing reasons, this Board finds the proposed capital improvement projects enumerated in the Engineer's report assist economic development efforts within the County which are designed to create jobs and wealth for citizens of the County.

Section 4. That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than four clear days nor more than twenty days before the date of the public meeting on the issuance of the Notes.

Section 5. The notice of the proposed action to issue notes shall be in substantially the following form:

(To be published between: February 14, 2024 and March 1, 2024)

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, STATE OF IOWA, ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$406,000 GENERAL OBLIGATION CAPITAL LOAN NOTES OF THE COUNTY (FOR ESSENTIAL COUNTY PURPOSES), AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Supervisors of Woodbury County, State of Iowa, will hold a public hearing on the 5th day of March, 2024, at 4:40 P.M., in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$406,000 General Obligation Capital Loan Notes, for essential county purposes, to provide funds to pay the costs of costs of capital projects for the construction, reconstruction, improvement, repair or equipping of bridges, roads, and culverts which assist in economic development through the creation of jobs and wealth, including the Frontage Road project. Principal and interest on the proposed Loan Agreement will be payable from the Debt Service Fund.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and the issuance of the Notes to evidence the obligation of the County thereunder or will abandon the proposal to issue said Notes.

This notice is given by order of the Board of Supervisors of Woodbury County, State of Iowa, as provided by Sections 331.402 and 331.443 of the Code of Iowa.

Dated this 13th day of February, 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6c. To approve and authorize the Chairperson to sign a Resolution fixing date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$394,000 General Obligation Capital Loan notes of Woodbury County, State of Iowa (for essential County purposes), and providing for publication of notice thereof.

**RESOLUTION #13,700
RESOLUTION FIXING DATE FOR A MEETING ON THE
AUTHORIZATION OF A LOAN AGREEMENT AND THE
ISSUANCE OF NOT TO EXCEED \$394,000 GENERAL
OBLIGATION CAPITAL LOAN NOTES OF WOODBURY
COUNTY, STATE OF IOWA (FOR ESSENTIAL COUNTY
PURPOSES), AND PROVIDING FOR PUBLICATION OF
NOTICE THEREOF**

WHEREAS, it is deemed necessary and advisable that Woodbury County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of General Obligation Capital Loan Notes, to the amount of not to exceed \$394,000, as authorized by Sections 331.402 and 331.443, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose project(s) as hereinafter described; and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and General Obligation Capital Loan Notes, issued to

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Section 5. The notice of the proposed action to issue notes shall be in substantially the following form:

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evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the County to such action.

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

Section 1. That this Board meet in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:45 P.M., on the 5th day of March, 2024, for the purpose of taking action on the matter of the authorization of a Loan Agreement and issuance of not to exceed \$394,000 General Obligation Capital Loan Notes, for essential county purposes, the proceeds of which notes will be used to provide funds to pay the costs of erecting, equipping, remodeling or reconstructing sidewalks on the site of the district health building; equipping the law enforcement center including software, hardware and other equipment; equipping the Courthouse including software, hardware and other equipment.

Section 2. The Auditor is authorized and directed to proceed on behalf of the County with the negotiation of terms of a Loan Agreement and the issuance of General Obligation Capital Loan Notes, evidencing the County's obligations to a principal amount of not to exceed \$394,000, to select a date for the final approval thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the completion of a loan on a basis favorable to the County and acceptable to the Board.

Section 3. That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language,

published at least once weekly, and having general circulation in the County. The publication to be not less than four clear days nor more than twenty days before the date of the public meeting on the issuance of the Notes.

Section 4. The notice of the proposed action to issue notes shall be in substantially the following form:

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At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and the issuance of the Notes to evidence the obligation of the County thereunder or will abandon the proposal to issue said Notes.

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Dated this 13th day of February, 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 7. To approve an application for a 12-month Class C Retail Alcohol License, with Outdoor Service Sales privileges for Anthon Golf Course, effective 04/01/2024 through 03/31/24. Copy filed.
- 8a. To approve the separation of Peter McDermott, Equipment Operator, Secondary Roads Dept., effective 2-02-24. Separation.; and the appointment of Bryan Peters, Civilian Jailer, County Sheriff Dept., effective 02-19-24, \$23.97/hour. Job Vacancy Posted 12-6-23. Entry Level Salary: \$23.97/hour. Copy filed.
- 8b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Equipment Operator, Secondary Roads Dept. CWA: \$26.63/hour. Copy filed.
- 8c. Presentation of Award Certificate to Virgil Bremer. Copy filed.
- 9a. To approve the permit to work in the right of way for Mitch Parker. Copy filed.
- 9b. To approve the underground utility permit for Frontier Communications of Iowa, LLC. Copy filed.

Carried 4-0.

- 10. Dan Bittinger, Board of Supervisors, and Anna Bertrand, Sky Ranch Behavioral Services, presented an Opioid remediation settlement request and proposal for F.T.E. positions. Copy filed.

Motion by Bittinger second by Radig to receive document related to this Opioid settlement request. Carried 4-0. Copy filed.

- 11. Motion by Taylor second by Ung to receive letter from the Veteran's Commission clarifying the intent of their request. Carried 4-0. Copy filed.

Nelson re-entered the meeting at 5:10pm.

Motion by Ung second by Radig to postpone action on the improvement request of the Veteran's Services Director pay. Carried 5-0. Copy filed.

- 12a. Motion by Radig second by Ung to approve the contract with Calhoun Burns and Associates for bridge inspection for calendar year 2024. Carried 5-0. Copy filed.
- 12b. Motion by Taylor second by Nelson to approve the project agreement with HNTB Corporation with \$19,000 funded from gaming. Carried 5-0. Copy filed.
- 12c. Motion by Nelson second by Radig approve the preconstruction agreement with Iowa DOT for side road construction along Hwy 20. Carried 5-0. Copy filed.
- 12d. Motion by Nelson second by Radig to approve and authorize the Chairperson to sign a Resolution Commitment of Funds and Project Maintenance. Carried 5-0.

**COMMITMENT OF FUNDS AND PROJECT MAINTENANCE
RESOLUTION
RESOLUTION #13,701**

WHEREAS: The Board of Supervisors is submitting application to the SRTPA RPA Surface Transportation Program for the following project in FY 2025, and

**County Hwy D25 – Old Highway 141
PCC Pavement Overlay**

NOW, THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors that County Engineer is directed to submit application for the above captioned project, that the Board of Supervisors will dedicate the local match funding for the project, and that Woodbury County will maintain the completed project for its intended public use for a minimum of 20 years following project completion.

Passed and approved this 13th day of February, 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 12e. Motion by Taylor second by Bittinger to direct the County Engineer to work with the city to survey, plat, and allow the city to purchase the property for the construction of a city park. Carried 5-0. Copy filed.
13. Motion by Taylor second by Radig to approve utilization of \$300,000 from Gaming Revenues to general supplemental in order to achieve flat tax rates in the countywide and rural levies. Carried 5-0. Copy filed.
- 14a. Motion by Bittinger second by Taylor to approve the creation of the Courthouse Long-Term Capital Improvement Project Fund, a division of General Basic, and authorize to sign written procedure with certain policy provisions. Carried 5-0. Copy filed.
- 14b. Motion by Taylor second by Bittinger to table action on approval of \$250,000 from gaming revenue for FY 2025. Carried 5-0. Copy filed.
- 14c. Motion by Taylor second by Ung to remove the request to transfer \$12,000 from the Courthouse Foundation into the newly created fund. Carried 5-0. Copy filed.
15. Reports on committee meetings were heard.
16. Auditor Gill addressed the board regarding an elections budget adjustment that will be needed for FY24.
17. Board concerns were heard.
- 18a1. Motion by Radig second by Ung to receive the Secondary Roads Roadside Management budget as submitted. Carried 5-0.
- 18a2. Motion by Radig second by Ung to receive the Secondary Roads budget as submitted. Carried 5-0.
- 18b. Motion by Ung second by Bittinger to receive the Planning/Zoning budget with an increase of \$18,000.00 in revenue. Carried 5-0.
- 18c1a. Motion by Ung second by Taylor to receive the Board of Supervisors Woodbury County Senior Meal Program budget as submitted. Carried 5-0.
- 18c1b. Motion by Ung second by Taylor to receive the Board of Supervisors Siouxland Regional Transit System budget as submitted. Carried 5-0.
- 18c1c. Motion by Ung second by Radig to deny funding for the NEW Centers Against Abuse & Sexual Assault. Carried 5-0.
- 18c2a. Motion by Taylor second by Radig to fund \$89,000 from local option sales tax for the I 29 New Interchange Grant Application (replacing today's action to use \$19,000.00 from gaming for the project with HNTB Corporation). Carried 5-0.
- 18c2b. Motion by Radig second by Ung to receive the Board of Supervisors Event Center budget as submitted. Carried 5-0.

- 18c2c. Motion by Taylor second by Radig to receive the Board of Supervisors Siouxland Initiative budget as submitted. Carried 5-0.
- 18c2d. Motion by Taylor second by Radig to receive the Board of Supervisors Woodbury County Fair budget as submitted. Carried 5-0.
- 18c2e. Motion by Taylor second by Radig to receive the Board of Supervisors SIMPCO Improvement Regional Housing budget as submitted. Carried 5-0.
- 18c2f. Motion by Radig second by Ung to receive the Board of Supervisors SIMPCO Memberships budget as submitted. Carried 5-0.
- 18c2g. Motion by Taylor second by Ung to receive the Board of Supervisors Western Iowa Tourism budget as submitted. Carried 5-0.
- 18c2h. Motion by Radig second by Ung to receive the Board of Supervisors Iowa's West Coast budget as submitted. Carried 5-0.
- 18d. Motion by Taylor second by Ung to receive the Debt Services Fund budget as submitted. Carried 5-0.

Motion by Ung second by Radig to receive LEC Budget update from Dennis Butler, Budget and Finance Director. Carried 5-0. Copy filed.

The Board adjourned the regular meeting until February 20, 2024.

Meeting sign in sheet. Copy filed.