

JANUARY 31, 2023, FIFTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, January 31, 2023, at 3:30 p.m. Board members present were Bittinger, Nelson, Radig and Ung; Taylor was absent. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget and Finance Director, James Loomis, County Attorney, Melissa Thomas, Human Resources Director, Michelle Skaff, Deputy Auditor and Patrick Gill, Auditor/Clerk to the Board.

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

1. Motion by Ung second by Bittinger to approve the agenda for January 31, 2023. Carried 4-0. Copy filed.
Motion by Radig second by Ung to approve the following items by consent:
2. To approve minutes of the January 24, 2023 meeting. Copy filed.
3. To approve the claims totaling \$581,214.45. Copy filed.
- 4a. To receive the appointment of Robert Copple, 610 Evans St., Sloan, to Mayor of Sloan, previously held by Charles, Thorpe, until the next regular/general election. Copy filed.
- 4b. To receive the County Recorder’s Report of Fees Collect for the period of 10/01/22 through 12/31/22. Copy filed.
- 4c. To receive the canvass of the Sandhill-Lakeport Intercounty Drainage District Trustee election. Copy filed.
- 4d. To receive the canvass of the McCandless Intercounty Drainage District Trustee election. Copy filed.
- 4e. To receive the canvass of the Little Sioux Intercounty Drainage District Trustee election. Copy filed.
5. To approve and authorize the Chairperson to sign a Resolution to withdraw from the Articles of Agreement which formed the Workforce Development Chief Elected Official Consortium for the Workforce Innovation and Opportunity Act of 2014.

RESOLUTION #15,534

A RESOLUTION TO WITHDRAW FROM THE ARTICLE OF AGREEMENT WHICH FORMED THE WORKFORCE DEVELOPMENT CHIEF ELECTED OFFICIAL CONSORTIUM FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2014

WHEREAS, Woodbury County previously signed a resolution to approve the Articles of Agreement creating the Workforce Development Chief Elected Official Consortium (CEO) together with 17 other counties in western and southwestern Iowa, known as the “Western Iowa Workforce Development Area” or WILWDA; and,

WHEREAS, this 28E Agreement was filed with the Iowa Secretary of State on July 7, 2020 and assigned filing number M512796; and,

WHEREAS, Article 13 of the Agreement allows counties, at their sole option, to withdraw from the Agreement at least 90 days prior to the beginning of the fiscal year (April 1 or any year); and,

WHEREAS, at their meeting on January 20, 2023, the CEO Board discussed the 28E Agreement, weighing the roles and responsibilities of counties as a result of the Agreement and impacts to services offered to their citizens both under the agreement and in absence of the Agreement; and,

WHEREAS, the CEO Board voted 11-0 at this meeting, after this discussion, to dissolve the 28E Agreement.

NOW, THEREFORE BE IT RESOLVED by the Woodbury County Board of Supervisors that:

1. It does hereby invoke Article 13 of the Articles of Agreement which formed the Workforce Development Chief Elected Official Consortium for the Workforce Innovation and Opportunity Act of 2014 and withdraws from the Agreement at the end of the day June 30, 2023.
2. It understands and is its intention withdrawal of the Agreement by all 18 counties will terminate the Agreement.

Passed and approved this 31st day of January 2023.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

6. To receive for signatures a Resolution Thanking and Commending Mark Campbell for his years of service to Woodbury County.

**RESOLUTION #13,535
 A RESOLUTION THANKING AND COMMENDING
 MARK CAMPBELL
 FOR HIS SERVICE TO WOODBURY COUNTY**

WHEREAS, Mark Campbell has capably served Woodbury County as an employee of the County Attorney’s Office for 39 years from March 27, 1984 to February 10, 2023

WHEREAS, the service given by Mark Campbell as a Woodbury County employee, has been characterized by his dedication to the best interests of the citizens of Woodbury County; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA that the undersigned members of this Board thanks and commends Mark Campbell for his years of service to Woodbury County; and

BE IT FURTHER RESOLVED that it is the wish of all those signing below that the future hold only the best for this very deserving person, Mark Campbell.

BE IT SO RESOLVED this 31st day of January 2023.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

7. To approve the lifting of tax suspension for Michael Reiners, parcel #894726362014, 101 Logan. Copy filed.
- 8a. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date of parcel #894725454004, 5217 1st St.

**RESOLUTION #13,536
 NOTICE OF PROPERTY SALE**

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

Lot Thirty (30) in Block Two (2) of the Hamiltons Addition, City of Sioux City, Woodbury County, Iowa (5217 1st Street)

NOW THEREFORE,

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

1. That a public hearing on the aforesaid proposal shall be held on the **14th Day of February, 2023 at 3:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.

- 2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **14th Day of February, 2023**, immediately following the closing of the public hearing.
- 3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$400.00** plus recording fees.
- 4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 31st Day of January, 2023.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

8b. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date of parcel #894723379019, 3431 Athlone Ave.

RESOLUTION #13,537
NOTICE OF PROPERTY SALE

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

**Lot Nine (9) in Block Seventeen (17) of Kelly Park, an Addition to Sioux City in the County of Woodbury and State of Iowa
 (3431 Athlone Ave.)**

NOW THEREFORE,

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

- 1. That a public hearing on the aforesaid proposal shall be held on the **14th Day of February, 2023 at 3:37 o'clock p.m.** in the basement of the Woodbury County Courthouse.
- 2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **14th Day of February, 2023**, immediately following the closing of the public hearing.
- 3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$718.00** plus recording fees.
- 4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 31st Day of January, 2023.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

8c. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date of parcel #894729435011, 200 W 3rd St.

RESOLUTION #13,538
NOTICE OF PROPERTY SALE

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

The Easterly Fifty-five feet (Ely 55 ft) of Lot Twelve (12) in Block Thirty-two (32) of Sioux City Addition to City of Sioux City, Woodbury County, Iowa (200 W. 3rd Street)

NOW THEREFORE,

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

1. That a public hearing on the aforesaid proposal shall be held on the **14th Day of February, 2023 at 3:39 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **14th Day of February, 2023**, immediately following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$323.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the aforesaid proposal, hearing and sale.

Dated this 31st Day of January, 2023.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

9. To approve the revised 2023 Committee Assignments. Copy filed.
- 10a. To approve the separation of Dawn Banys, Clerk II, County Treasurer Dept., effective 01-19-23. Resignation; and the appointment of Mark Nelson, Board Member, Board of Supervisors Dept., effective 01-24-23, \$37,040.71/year, \$1,371.88/bi-weekly. Appointment. Copy filed.
- 10b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for a Clerk II, County Treasurer Dept AFSCME Courthouse: \$18.22/hour. Copy filed.
- 10c. To approve the AFSCME County Attorney MOU. Copy filed.
11. To approve to cancel the February 21, 2023 meeting.
Carried 4-0.
12. Neapolitan Labs presented the new county website.
13. Riley Gibson, Summit Carbon Solution, gave an update on Summit Carbon Solutions project.
Motion by Ung second by Radig to receive information presented by Summit Carbon Solution. Carried 4-0. Copy filed.
14. Motion by Ung second by Bittinger to approve and authorize the Chairperson to sign a Resolution declaring a state of emergency exists pertaining to structural exterior south-west wall of the Woodbury County Trospen-Hoyt building. Carried 4-0.

**A RESOLUTION DECLARING A STATE OF EMERGENCY EXISTS PERTAINING TO
STRUCTURAL EXTERIOR SOUTH-WEST OF THE WOODBURY COUNTY TROSPER-
HOYT BUILDING**

WHEREAS the Woodbury County Building Services was notified of movement relating to South-west exterior wall at the Trospers-Hoyt Building and

WHEREAS Woodbury County engaged Cannon Moss Brygger Architects and Raker Rhodes Engineering to inspect wall in question and

WHEREAS Cannon Moss Brygger Architects has completed a report and written a letter to the Chairperson of the Woodbury County Board of Supervisors notifying them that in their professional opinion that a state of emergency exists where action is needed immediately to protect from further property damage and prevent serious injury or possible death and

WHEREAS, the Woodbury County Board of Supervisors, are convinced the South-west exterior wall of the Trospers-Hoyt Building is in need of emergency repair,

BE IT THEREFORE RESOLVED BY THE Board of Supervisors, Woodbury County, Iowa hereby declares that a state of emergency exists in regards to the south-west exterior wall of the Woodbury County Trospers-Hoyt Building and that immediate action is needed to protect the County from further property damage and to prevent serious injury or possible death.

BE IT FURTHER RESOLVED that the Woodbury County Supervisors intend to take any reasonable action allowable under Iowa Law to protect the County from further property damage and prevent serious injury or possible death.

SO RESOLVED this 31st day of January 2023
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 15. Motion by Radig second by Ung to approve the contract with Calhoun Burns and Associates for bridge inspection for calendar year 2023. Carried 4-0. Copy filed.
- 16. Motion by Ung second by Bittinger to approve paperwork for ICAP to become our property insurance provider. Carried 4-0. Copy filed.
- 17a. Motion by Ung second by Radig to approve Conflict Waiver regarding Second Amendment to Lease Agreement with the Woodbury County Law Enforcement Center Authority. Carried 4-0. Copy filed.
- 17b. Motion by Ung second by Radig to approve and authorize the Chairperson to sign a Resolution fixing date for a public hearing on the proposal to amend the lease agreement with the Woodbury County Law Enforcement Center Authority. Carried 4-0.

**RESOLUTION #13,540
RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON
THE PROPOSAL TO AMEND THE LEASE AGREEMENT WITH
THE WOODBURY COUNTY LAW ENFORCEMENT CENTER
AUTHORITY**

WHEREAS, Woodbury County, State of Iowa (the "County") and the Woodbury County Law Enforcement Center Authority (the "Authority") have heretofore entered into that certain Lease Agreement originally dated September 1, 2020, as amended and substituted (the "Lease"); and

WHEREAS, it is now deemed necessary and advisable that the County should provide for the authorization of a Second Amendment to the Lease (the "Second Amendment") with the Authority; and

WHEREAS, Iowa Code Section 346.27 provides that the Authority shall have and exercise certain public and essential governmental powers and functions including the right to lease all or any part of a building to an incorporating unit upon rental terms agreed upon between the Authority and the incorporating unit; and

WHEREAS, the Authority and County have negotiated the form of a proposed Second Amendment, which is intended to provide for the reimbursement of certain insurance expenses and to clarify the use of the Additional Rent and Maintenance Payments (as those terms are defined in the Lease); and

WHEREAS, the Second Amendment does not alter the Base Rent (as defined in the Lease) due per the terms of the Lease; and

WHEREAS, neither Chapter 331 nor any other Code provision sets forth any procedural action required to be taken before said Second Amendment can be approved, and pursuant to Section 331.301(5), Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the Woodbury County Auditor causes to be published notice of the proposal and of the time and place of the meeting at which the Board of Supervisors proposes to take action thereon and to receive oral and/or written objections to such action; and

WHEREAS, the following action is now considered to be in the best interests of the County.

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

Section 1. That this Board of Supervisors meet in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at 3:40 P.M. on February 14, 2023, for the purpose of taking action on the matter of the proposal to amend the Lease with the Woodbury County Law Enforcement Center Authority.

Section 2. That the Woodbury County Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in Woodbury County, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA, ON THE MATTER OF THE PROPOSAL TO AMEND THE LEASE AGREEMENT WITH THE WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Board of Supervisors of Woodbury County, Iowa, will hold a public hearing on February 14, 2023, at 3:40 P.M. in the Board Room, Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, at which meeting the Board of Supervisors proposes to take action on the proposal to authorize a Second Amendment to the Lease Agreement (the "Second Amendment") with the Woodbury County Law Enforcement Center Authority (the "Authority") said Lease Agreement originally dated September 1, 2020, as amended and substituted (the "Lease").

The Authority and County have negotiated the form of a proposed Second Amendment, which is intended to provide for the reimbursement of certain insurance expenses and to clarify the use of the Additional Rent and Maintenance Payments (as those terms are defined in the Lease). The Second Amendment does not alter the Base Rent (as defined in the Lease) due per the terms of the Lease.

A copy of the Second Amendment is on file for public inspection during regular business hours in the office of the Auditor of Woodbury County, Iowa.

At the above meeting the Board of Supervisors shall receive oral or written objections to the proposal to enter into the Second Amendment. After all objections have been received and considered, the Board of Supervisors will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the

proposal to authorize said Second Amendment.

This notice is given by order of the Board of Supervisors of Woodbury County, Iowa.

Dated this 31st day of January, 2023.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

18. Reports on committee meetings were heard.
19. There were no citizen concerns.
20. Board concerns were heard.
- 21c. Motion by Radig second by Ung to approve County Supervisors Medical Examiner budget as submitted. Carried 4-0.
- 21a. Motion by Ung second by Nelson to approve allocation of \$368,665 from Local Option Sales Tax to fund the total Nature Center department budget allocation. Carried 3-1; Radig opposed.
- 21b. Motion by Ung second by Bittinger to approve the request to add a full-time transport officer to Sheriff's office at a cost of \$77,288. Carried 4-0.
- 21d. Motion by Ung second by Nelson to reduce the medical services line item in the correctional facility budget by \$197,205. Carried 4-0.

Motion by Ung second by Radig to reduce the gaming revenues allocation by \$100,000. Carried 4-0.

Motion by Ung second by Bittinger to allocate \$15,059 of cash reserves to rural basic budgeted expenses. Carried 4-0.

The Board adjourned the regular meeting until February 7, 2023.

Meeting sign in sheet. Copy filed.