

## **FEBRUARY 14, 2023, SEVENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS**

The Board of Supervisors met on Tuesday, February 14, 2023, at 3:30 p.m. Board members present were Bittinger, Nelson, Taylor and Ung; Radig 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, 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 February 14, 2023. Carried 3-1; Taylor opposed. Copy filed.

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

2. To approve minutes of the February 7, 2023 meeting. Copy filed.
3. To approve the claims totaling \$687,231.33. Copy filed.
4. To set the dates and times for 3 public hearings for the proposed Zoning Ordinance Map Amendment (rezone) from Agricultural Preservation (AP) to Agricultural Estates (AE) Zoning District on parcel #874704300003 for Tuesday, March 7, 2023 @ 4:42 p.m., Tuesday, March 14, 2023 @ 4:42 p.m., and Tuesday, March 21, 2023 @ 4:42 p.m. Copy filed.
- 5a. To receive the appointment of Alan Weber, 3983 Danbury Blacktop, Mapleton, to Oto Township Trustee, previously held by David Dorale until the next regular/regular election. Copy filed.
- 5b. To approve an application for a 8-month Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales for Foot Wedge Lounge, effective 04/02/23. Copy filed.
6. To approve the property tax refund for mobile home, vin #05952089280, in the amount of \$194.00. Copy filed.
- 7a. To receive for signatures a Resolution Thanking and Commending Jill Esteves for her years of services with Woodbury County.

**RESOLUTION #13,542**  
**A RESOLUTION THANKING AND COMMENDING**  
**JILL ESTEVES**  
**FOR HER SERVICE TO WOODBURY COUNTY**

**WHEREAS**, Jill Esteves has capably served Woodbury County as an employee of the County Attorney's Office for 32 years from August 16, 1991 to February 24, 2023

**WHEREAS**, the service given by Jill Esteves as a Woodbury County employee, has been characterized by her 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 Jill Esteves for her 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, Jill Esteves.

**BE IT SO RESOLVED** this 14th day of February 2023.  
WOODBURY COUNTY BOARD OF SUPERVISORS  
Copy filed.

- 7b. To approve and authorize the Chairperson to sign a Resolution approving petition for suspension of taxes through the redemption process for Sonya Rivera, 1027 17<sup>th</sup> St., parcel #894721410013.

**WOODBURY COUNTY, IOWA**  
**RESOLUTION #13,543**  
**RESOLUTION APPROVING PETITION FOR SUSPENSION**  
**OF TAXES THROUGH THE REDEMPTION PROCESS**

**WHEREAS**, Sonya Rivera is a titleholder of property located at 1027 – 17th Street, Sioux City, Iowa, Woodbury County, Iowa, and legally described as follows:

**Parcel # 894721410013**

**RIVERVIEW PLACE LOT 4 BLOCK 2**

**WHEREAS**, Sonya Rivera, is a titleholder of the aforementioned property has petitioned the Board of Supervisors for a suspension of taxes pursuant to the 2017 Iowa Code Section 447.9(3) and,

**WHEREAS**, the Board of Supervisors recognizes from documents provided that the petitioner is unable to provide to the public revenue; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Woodbury County Board of Supervisors hereby directs the County Auditor to redeem this property Parcel #894721410013 owned by the petitioner from the holder of a certificate of purchase of the amount necessary to redeem under section 447.9, and hereby directs the Woodbury County Treasurer to so record the approval of this tax suspension for this parcel.

**SO RESOLVED** this 14th day of February, 2023.

WOODBURY COUNTY BOARD OF SUPERVISORS  
Copy filed.

- 8a. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date for parcel #894729439007, 118 W. 3<sup>rd</sup> St.

**RESOLUTION #13,544**  
**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 East 28 feet of the West 85 feet of Lots 1 and 2 in Block 40 of Sioux City Addition, Woodbury County, Iowa (118 W. 3<sup>rd</sup> Street)**

**NOW THEREFORE,**

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

1. That a public hearing on the aforesaid proposal shall be held on the **28<sup>th</sup> 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 **28<sup>th</sup> 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 \$315.00** 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 14<sup>th</sup> Day of February, 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 #894729439001, 120 W 3<sup>rd</sup> St.

**RESOLUTION #13,545  
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 West 57 feet of Lot One (1) and the North 9 feet of the West 31 feet of Lot Two (2) and the North 3 feet of the East 26 feet of the West 57 feet of Lot Two (2) in Block Forty (40) of Sioux City Addition, County of Woodbury and State of Iowa  
(120 W. 3<sup>rd</sup> Street)**

**NOW THEREFORE,**

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

1. That a public hearing on the aforesaid proposal shall be held on the **28<sup>th</sup> 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 **28<sup>th</sup> 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 \$350.00** 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 14<sup>th</sup> Day of February, 2023.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 9a. To approve the appointment of Jonathan Moeller, Sheriff Reserve Officer, County Sheriff Dept., effective 09-13-22, \$1.00/year. Per Iowa Code 80D.11; the appointment of James Hansen, Assistant County Attorney, County Attorney Dept., effective 02-15-23, \$73,493/year, \$2721.96/bi-weekly. Job Vacancy Posted 9-21-22. Entry Level Salary: \$67,371-\$113,311/year.; the appointment of Nathaniel Kisner, Civilian Jailer, County Sheriff Dept., effective 02-20-23, \$23.33/hour. Job Vacancy Posted 1-4-23. Entry Level Salary: \$23.33/hour.; the reclassification of Randi Uhl, Clerk II, County Treasurer Dept., effective 02-20-23, \$21.12/hour, 5.5%=\$1.10/hour. Per AFSCME Courthouse Contract agreement, from Grade 3/Step 3 to Grade 3/Step 4.; and the end of probation of Blake Hinrickson, Equipment Operator, Secondary Roads Dept., effective 02-20-23, \$26.92/hour, 3%=\$.81/hr. Per CWA Secondary Roads Contract agreement, End of Probation Salary Increase. Copy filed.

- 9b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for (14) Civilian Jailers, County Sheriff Dept CWA: \$23.33/hour; and Civilian Lieutenant, County Sheriff Dept. Wage Plan: \$84,114.00/year. Copy filed.

Carried 4-0.

- 10a. A public hearing was held at 3:35 p.m. for the sale of parcel #894725454004, 5217 1<sup>st</sup> St. The Chairperson called on anyone wishing to be heard.

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

Motion by Ung second by Bittinger to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894725454004, 5217 1<sup>st</sup> St., to Bill Brown for \$400.00 plus recording fees. Carried 4-0.

**RESOLUTION OF THE BOARD  
OF SUPERVISORS OF WOODBURY COUNTY, IOWA  
RESOLUTION #13,546**

**BE IT RESOLVED** by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

**By Eric Skinner** in the sum of **Four Hundred and 00/100 (\$400.00)**-----  
-----dollars.

For the following described real estate, To Wit:

**Parcel #894725454004**

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

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

**BE IT RESOLVED** that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

**BE IT RESOLVED** that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

**BE IT FURTHER RESOLVED** that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

**SO DATED** this 14<sup>th</sup> Day of February, 2023.

WOODBURY COUNTY BAORD OF SUPERVISORS

Copy filed.

- 10b. A public hearing was held at 3:37 p.m. for the sale of parcel #894723379019, 3431 Athlone Ave. The Chairperson called on anyone wishing to be heard.

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

Motion by Taylor second by Nelson to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894723379019, 3431 Athlone Ave., to Jeremiah Chase for \$718.00 plus recording fees. Carried 4-0.

**RESOLUTION OF THE BOARD  
OF SUPERVISORS OF WOODBURY COUNTY, IOWA**

**RESOLUTION #13,547**

**BE IT RESOLVED** by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

**By Jeremiah Chase** in the sum of **Seven Hundred Eighteen and 00/100 (\$718.00)**-----  
-----dollars.

For the following described real estate, To Wit:

**Parcel #894723379019**

**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 and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

**BE IT RESOLVED** that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

**BE IT RESOLVED** that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

**BE IT FURTHER RESOLVED** that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

**SO DATED** this 14<sup>th</sup> Day of February, 2023.  
WOODBURY COUNTY BAORD OF SUPERVISORS  
Copy filed.

- 10c. A public hearing was held at 3:39 p.m. for the sale of parcel #894729435011, 200 W. 3<sup>rd</sup> St. The Chairperson called on anyone wishing to be heard.

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

Motion by Ung second by Nelson to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894729435011, 200 W. 3<sup>rd</sup> St., to Miguel Padilla for \$2,800.00 plus recording fees. Carried 4-0.

**RESOLUTION OF THE BOARD  
OF SUPERVISORS OF WOODBURY COUNTY, IOWA**

**RESOLUTION #13,548**

**BE IT RESOLVED** by the Board of Supervisors of Woodbury County, Iowa, that the offer at public auction of:

By Miguel Angel Padilla Uriarte and Lashanda Annay Arellano in the sum of Two Thousand Eight Hundred and 00/100 (\$2,800.00)-----dollars.

For the following described real estate, To Wit:

**Parcel #894729435011**

**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. 3<sup>rd</sup> Street)**

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

**BE IT RESOLVED** that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

**BE IT RESOLVED** that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

**BE IT FURTHER RESOLVED** that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

**SO DATED** this 14<sup>th</sup> Day of February, 2023.

WOODBURY COUNTY BAORD OF SUPERVISORS

Copy filed.

- 11a. A public hearing was held at 3:40 p.m. for the proposal to amend the Lease Agreement with the Woodbury County Law Enforcement Center Authority. The Chairperson called on anyone wishing to be heard.

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

- 11b. Motion by Ung second by Nelson to approve and authorize the Chairperson to sign a Resolution approving and authorizing execution of the second amendment of the Lease Agreement with the Woodbury County Law Enforcement Center Authority. Carried 4-0.

**RESOLUTION #13,549  
RESOLUTION APPROVING AND AUTHORIZING  
EXECUTION OF THE SECOND AMENDMENT OF 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, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to approve and authorize execution of the Second Amendment and has considered the extent of objections received from residents or property owners as to said proposed Second Amendment; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof.

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

That the performance by the County of its obligations under the Second Amendment, under the terms set forth in the Second Amendment, be and is hereby declared to be an appropriate and necessary undertaking of the County pursuant to Section 346.27, Code of Iowa.

That the form and content of the Second Amendment, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Second Amendment for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Second Amendment, the Chairperson and the County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Second Amendment as executed.

PASSED AND APPROVED this 14th day of February, 2023.  
WOODBURY COUNTY BOARD OF SUPERVISORS  
Copy filed.

- 12a. A public hearing was held on the reading of proposed ordinance for county library system. The Chairperson called on anyone wishing to be heard.  
  
Motion by Ung second by Bittinger to close the public hearing. Carried 4-0.
- 12b. Motion by Ung second by Bittinger to waive the second and third readings of proposed ordinance for county library system. Carried 4-0. Copy filed.
- 12c. Motion by Ung second by Taylor to adopt Ordinance #70, an Ordinance for the Countywide Public Library System, and to provide for the appointment, powers, and duties of a Library Board of Trustees. Carried 4-0. Copy filed.
- 13. Reports on committee meetings were heard.
- 14. There were no citizen concerns.
- 15. Board concerns were heard.
- 16a. There was no action on any budget items included in the FY 24 budget.
- 16b. Motion by Ung second by Taylor to set the public hearing for the maximum property tax dollars for FY 24 regarding the General Fund and Rural Fund to be held March 7, 2023, at 4:45 p.m. Carried 4-0.

The Board adjourned the regular meeting until February 28, 2023.

Meeting sign in sheet. Copy filed.