

OCTOBER 04, 2022 FORTIETH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, October 04, 2022 at 4:30 p.m. Board members present were De Witt, Taylor, Ung, Wright, and Radig. Staff members present were Heather Satterwhite Van Sickle, Executive Secretary/Public Bidder, Dennis Butler, Budget and Finance Director, Melissa Thomas, Human Resources Director, Joshua Widman, Assistant County Attorney, 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. There were no citizen concerns.
2. Motion by Radig second by De Witt to approve the agenda for October 04, 2022. Carried 5-0. Copy filed.

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

3. To approve minutes of the September 27, 2022 meeting. Copy filed.
4. To approve the claims totaling \$434,780.62. Copy filed.
5. To approve the refund of property for Brent Stephens, parcel #894734257012, 607 S Linn St., in the amount of \$1,085.00. Copy filed.
6. To approve and authorize the Chairperson to sign a Resolution approving petition for suspension of taxes through the redemption process for Albert Schoen, parcel #894730151001, 436 Blair St., Sioux City.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,510
RESOLUTION APPROVING PETITION FOR SUSPENSION
OF TAXES THROUGH THE REDEMPTION PROCESS**

WHEREAS, Albert Schoen is a titleholder of property located at 436 Blair Street, Sioux City, Iowa, Woodbury County, Iowa, and legally described as follows:

Parcel # 894730151001

BRADSTREET N ½ LOT 12 & LOT 13 BLOCK 8

WHEREAS, Albert Schoen, 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 #894730151001 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 4th day of October, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

7. To approve the appointment of Michelle Kyle, Paramedic, Emergency Services Dept., effective 10-05-22, \$25.00/hour. Appointment.; and the other of Timothy Jordan, P/T Youth Worker, Juvenile Detention Dept., effective 10-09-22. Reinstatement. Copy filed.
- 8a. To approve the permit to work in the right of way for Rich DeRocher. Copy filed.

8b. To approve underground utility permit for SDN Communications. Copy filed.

Carried 5-0.

9. Motion by Taylor second by De Witt to receive for signatures a Resolution for Proclamation for Domestic Violence Awareness Month. Carried 5-0.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,511
PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH**

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

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

WHEREAS, in Siouxland, SafePlace is available 24 hours a day every day of the year and last year responded to nearly 2000 victims fleeing domestic abuse and despite high census and a global pandemic, no one in an unsafe situation was turned away; and

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

NOW, THEREFORE, Woodbury County Board of Supervisors, do hereby proclaim the month of October, 2022 as

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

BE IT SO RESOLVED this 4th day of October, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

10. There was no update on Summit Carbon Solutions project.

11. Motion by Radig second by Taylor to approve to reserve the LEC Conference Room for Juvenile Court during construction at Trooper Hoyt. Carried 5-0. Copy filed.

12. Motion by Radig second by Taylor to set the dates and times for 3 public hearings for a proposed Zoning Ordinance Map Amendment of Parcel #884701200009 from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for Tuesday, 10/25/22 @ 4:45 p.m., Tuesday, 11/1/22 @ 4:45 p.m., and Tuesday, 11/8/22 @ 4:45 p.m. Carried 5-0. Copy filed.

13a. Motion by Radig second by De Witt to approve and authorize the Chairperson to sign a Resolution authorizing the execution of a Memorandum of Agreement with Siouxland Mental Health Services, Inc. and fixing a date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code. Carried 5-0.

RESOLUTION #13,512
A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH
SIouxLAND MENTAL HEALTH SERVICES, INC. AND FIXING A DATE FOR A HEARING ON THE
PROPOSED ISSUANCE OF REVENUE BONDS OR NOTES PURSUANT TO CHAPTER 419 OF THE IOWA
CODE

WHEREAS, the County of Woodbury, State of Iowa (the "Issuer"), is a county and political subdivision of the State of Iowa authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the "Act"), to issue revenue bonds or notes for a project located within, or within eight miles of, the Issuer for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds issued pursuant to the Act and any existing indebtedness relating to such facilities and paying costs of issuance associated therewith; and

WHEREAS, the Issuer has been requested by Siouxland Mental Health Services, Inc., d/b/a Siouxland Mental Health Center or an affiliate thereof (the "Borrower"), a Tax Exempt Organization, to issue its revenue bonds or notes in an aggregate principal amount not to exceed \$4,000,000 (the "Bonds") for the purpose of providing funds to the Borrower (a) to finance all or a portion of the costs of acquiring, constructing, improving, equipping and furnishing a mental health clinic facility (the "Project") to be located at 4265 Sergeant Road, Sioux City, Iowa 51106 and (b) to pay costs of issuance of the Bonds; and

WHEREAS, it is proposed to finance the foregoing through the issuance of the Bonds and to loan the proceeds from the sale of the Bonds to the Borrower pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to provide for a portion of the financing the Project and paying for costs of issuance; and

WHEREAS, the Bonds, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to pursue proceedings necessary under the Act to issue the Bonds for such purpose and the Memorandum of Agreement does not legally commit the Issuer to issue the Bonds;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the Issuer, as follows:

Section 1. The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chair is hereby authorized to execute said Memorandum of Agreement and the County Auditor is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto.

Section 2. Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement. The final decision whether to issue the Bonds and the final amount of the Bonds shall be subject to further action by this Board of Supervisors.

Section 3. This Board shall meet on the 25th day of October, 2022, in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:40 o'clock p.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Bonds referred to in the preamble hereof.

Section 4. The County Auditor is hereby directed to give notice of intention to issue the Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE REVENUE BONDS OR NOTES

The Board of Supervisors of Woodbury County, Iowa, (the "Issuer") will meet on the 25th day of October, 2022, at 4:40 o'clock p.m., in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa, 51101, for the purpose of conducting a public hearing on the proposal to issue revenue bonds or notes, of the Issuer in the aggregate principal amount not to exceed \$4,000,000 (the "Bonds") and to loan said amount to Siouxland Mental Health Services, Inc., d/b/a Siouxland Mental Health Center or an affiliate thereof (the "Borrower"), for the purpose of providing funds to the Borrower (a) to finance all or a portion of the costs of acquiring, constructing, improving, equipping and furnishing a mental health clinic facility (the "Project") to be located at 4265 Sergeant Road, Sioux City, Iowa 51106, and (b) to pay costs of issuance of the Bonds. The Project will be owned by the Borrower.

The Bonds, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Bonds will be payable solely and only from amounts received by the Issuer pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds. Written comments may also be submitted to the Issuer at 620 Douglas Street, Sioux City, Iowa, 51101. Written comments must be received by the above hearing date.

By order of the Board of Supervisors of Woodbury County, Iowa.

County Auditor

Section 5. On the basis of representations of the Borrower, the Issuer declares (a) that the Borrower intends to undertake the Project; (b) that other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution (or other qualifying reimbursement resolution), or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the Borrower and no expenditures will be made by the Borrower until after the date of this Resolution (or other qualifying reimbursement resolution); and (c) that the Borrower reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved October 4, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 13b. Motion by Radig second by De Witt to approve the termination notice to D.A. Davidson & Co. as dissemination agent. Carried 5-0. Copy filed.
- 13c. Motion by De Witt second by Radig to approve the Dissemination Agent Agreement with UMB Bank, n.a. Carried 5-0. Copy filed.

14. Report on Committee Meetings.
15. Doyle Turner, Merville, discussed an issue with the Board regarding MidAmerican coal plants.
16. Board concerns were heard.

The Board adjourned the regular meeting until October 11, 2022.

Meeting sign in sheet. Copy filed.