

JANUARY 10, 2023, SECOND MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, January 10, 2023, at 3:30 p.m. Board members present were Taylor, Ung, Radig and Bittinger. 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. There were no citizen concerns.
2. Motion by Taylor second by Radig to approve the agenda for January 10, 2023. Carried 4-0. Copy filed.

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

3. To approve minutes of the January 3, 2023 meeting. Copy filed.
To approve minutes of the January 5, 2023 budget meeting. Copy filed.
4. To approve the claims totaling \$599,381.24. Copy filed.
- 5a. To approve the other of Matthew Ung, Board Chairperson, Board of Supervisors Dept., effective 01-03-23, \$44,100.02/year, \$1,633.33/bi-weekly, 19%=\$7,059.31/yr. From Board Member to Board Chairperson.; the other of Keith Radig, Board Member, Board of Supervisors Dept., effective 01-03-23, 37,040.71/year, \$1,371.88/bi-weekly, -19%=-\$7,059.31/yr. From Board Chairperson to Board Member.; the separation of Rocky De Witt, Board Member, Board of Supervisors Dept., effective 01-03-23. Resignation.; and the reclassification of Brent Jensen, P/T Courthouse Safety & Security Officer, County Sheriff Dept., effective 01-09-23, \$23.37/hour, 10.5%=\$2.25/hr. Per Wage Plan comparability with AFSCME Courthouse Contract, from Grade 3/Step 4 to Grade 3/Step 5. Copy filed.
- 5b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for a Legal Secretary III - Fine Collection, County Attorney Dept. AFSCME Courthouse: \$22.08/hour.; and Assistant County Attorney – Felony Division, County Attorney Dept. AFSCME Assistant County Attorney: \$67,271.54 - \$77,796.55/year. Copy filed.
- 5c. To approve the casualty policy with Princeton Excess and Surplus Lines Insurance Company. Copy filed.
Carried 4-0.
6. Motion by Radig second by Ung to receive for signatures a Resolution of proclamation for “Slavery and Human Trafficking Prevention and Awareness Month”. Carried 4-0.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,531
PROCLAMATION**

WHEREAS, the United States was founded upon the principle that all people are created with the inalienable right to freedom, and added the 13th amendment to the Constitution making slavery illegal; and

WHEREAS, slavery within the United States today is most often found in the form of forced labor and sex trafficking, which weakens our social fabric, increases violence and organized crime, and debases our humanity; and

WHEREAS, this problem is found even within our community; and

WHEREAS, every business, community organization, faith community, family and individual

can make a difference by choosing products that are not made by forced labor; by working to protect our young people from sexual exploitation; by addressing the problems of internet sex trafficking and pornography; and by becoming more aware of the problem and possible solutions.

NOW, THEREFORE, BE IT RESOLVED THAT the Woodbury County Board of Supervisors do hereby proclaim the month of January, 2023 as

**“SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH”
in Woodbury County, Iowa and urge all citizens to become more familiar with the problem and to work towards solutions.**

Dated this 10th day of January, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 7. Motion by Ung second by Taylor to approve the appointment of Doyle Turner to the Board of Adjustment for a new five-year term (2023 to 2027). Carried 4-0. Copy filed.
- 8a. Motion by Taylor second by Radig to approve the Chairperson’s 2023 Liaison assignments and Committee assignments. Carried 4-0. Copy filed.
- 8b. Motion by Taylor second by Radig to approve the Committee Form for Health & Wellness Committee. Carried 4-0. Copy filed.
- 8c. Motion by Radig second by Taylor to approve the Committee Form for Woodbury County Courthouse Advisory Committee for Historical Preservation. Carried 4-0. Copy filed.
- 8d. Motion by Taylor second by Radig to approve the Committee Form for Policy Review Committee. Carried 4-0. Copy filed.
- 8e. Motion by Taylor second by Radig approve and authorize the Chairperson to sign a Resolution appointing Commissioner to Woodbury County Law Enforcement Center Authority’s Board of Commissioners. Carried 4-0.

**RESOLUTION #13,532
RESOLUTION APPOINTING COMMISSION TO
WOODBURY COUNTY LAW ENFORCEMENT CENTER AUTHORITY’S
BOARD OF COMMISSIONERS**

WHEREAS, Woodbury County, State of Iowa (the “County”), is a political subdivision, organized and existing under and by the laws and Constitution of the State of Iowa; and

WHEREAS, the County has approached the City of Sioux City, Iowa (the “City”) with a proposal to establish a Joint County and City Building Authority pursuant to Iowa Code Section 346.27 (the “Authority”) for the purposes of building and financing a new law enforcement center for joint use by the City and County; and

WHEREAS, the County has now adopted a resolution adopting Articles of Incorporation to form the Woodbury County Law Enforcement Center Authority and has authorized the execution of the Articles of Incorporation: and

WHEREAS, Iowa Code Section 346.27 requires that the Authority be directed and governed by a Board of Commissioners of three members, one to be elected by the Board of Supervisors of the County from the area outside the county seat, one to be elected by the City Council of the City from the area inside the City, and one to be elected by the joint action of the Board of Supervisors of the County and the City Council of the City; and

WHEREAS, the County's appointee Rocky De Witt has resigned from the Woodbury County Board of Supervisors and per the County's Resolution #13,371 his appointment is vacant; and

WHEREAS, the County hereby intends to appoint a Commissioner to the Board of Commissioners of the Authority to serve the remainder of the current six-year term; and

WHEREAS, 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, STATE OF IOWA:

Section 1. Appointment. Rocky De Witt, currently residing outside of the City of Sioux City, Iowa, is hereby appointed to serve as the County's Commissioner on the Woodbury County Law Enforcement Authority's Board of Commissioners for a remainder of the current six-year term ending December 31, 2027.

Section 2. Compensation. The Commissioner shall not receive compensation in any actual and necessary expenditures in connection with the performance of the Commissioner's duties.

Section 3. What constitutes vacancy. The appointment shall be vacant if the Commissioner ceases to reside in the area outside of the county seat of Woodbury County, Iowa (i.e. Sioux City, Iowa). If a vacancy occurs, the Woodbury County Board of Supervisors shall fill the vacancy and the person filling such vacancy shall serve out the remainder of the term of the prior Commissioner.

PASSED AND APPROVED this 10th day of January 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 8f. Motion by Taylor second by Radig to approve the rules of public participation in the Board of Supervisors meetings. Carried 4-0. Copy filed.
- 9a. Motion by Radig second by Taylor to approve to separate consideration of Board of Supervisors pay from other elected officials. Failed 2-2 on a roll call vote; Bittinger and Ung were opposed. Copy filed.
- 9b. There was no action taken to approve to reduce the supervisor's salaries to 0% increase for FY24.
- 10. James Loomis, County Attorney, addressed the Board about filling the vacancies in the Attorney's office. Copy filed.
- 11. Kenny Schmitz, Building Services, gave an update on the Trospen Hoyt Building. Copy filed.
- 12a. Motion by Taylor second by Ung to approve the contract for gravel production at the Little Sioux pit with Bedrock for \$1,575,000.00. Carried 4-0. Copy filed.
- 12b. Motion by Taylor second by Ung to approve the contract for overburden removal at the Little Sioux pit with Bedrock for \$108,000.00. Carried 4-0. Copy filed.
- 13. Motion by Taylor second by Radig to approve and authorize the Chairperson to sign a Resolution amending Resolution #13,518 confirming the issuance of not to exceed \$2,100,000 aggregate principal amount of Revenue Bonds (Siouxland Regional Transit System Project) and approving bank qualification designation. Carried 4-0.

RESOLUTION #13,533
RESOLUTION AMENDING RESOLUTION #13,518 CONFIRMING THE
ISSUANCE OF NOT TO EXCEED \$2,100,000 AGGREGATE PRINCIPAL
AMOUNT OF REVENUE BONDS (SIOUXLAND REGIONAL TRANSIT
SYSTEM PROJECT) AND APPROVING BANK QUALIFICATION

DESIGNATION

WHEREAS, Woodbury County, 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, or any interest therein, 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"), to refund any bonds issued pursuant to the Act, and to retire any existing indebtedness on a facility for a Tax Exempt Organization; and

WHEREAS, the Issuer has been requested by Siouxland Regional Transit System (the "Borrower"), a Tax Exempt Organization, to issue revenue bonds or notes, in one or more series, in an aggregate principal amount of not to exceed \$2,100,000 (the "Bonds"), pursuant to the Act, and to loan said amount to the Borrower for the purpose of (1) financing a portion of the cost of constructing, equipping and furnishing a bus operation facility (the "Project") to be located at 6401 Gordon Drive, Sioux City, Iowa, and (2) paying for certain costs of issuance of the Bonds; and

WHEREAS, pursuant to published notice of intention, this Board has previously conducted a public hearing thereon on August 2, 2022, as required by Section 419.9 of the Act and Section 147(f) of the Code; and

WHEREAS, this Board has previously adopted a resolution on November 22, 2022 (the "Authorizing Resolution") authorizing and providing for the issuance of the Bonds in calendar year 2022, the execution and delivery of a Loan Agreement providing for the repayment of the loan, the sale of said Bonds, the execution of an Assignment and Pledge Agreement, and the execution of other documents related thereto; and

WHEREAS, the Borrower has negotiated with Security National Bank (the "Lender") to purchase the Bonds and the Borrower anticipated the issuance of the Bonds and the Closing of the Loan to occur in calendar year 2022; and

WHEREAS, the issuance of the Bonds was delayed until calendar year 2023, and the Borrower has requested the County confirm the issuance of the Bonds for calendar year 2023;

NOW, THEREFORE, Be It Resolved by the Board of Woodbury County, Iowa, as follows:

Section 1. The issuance of the Bonds in calendar year 2023 is approved, and the Authorizing Resolution is amended as provided herein and remains in full force and effect.

Section 2. In order to qualify the Bonds as "qualified tax exempt obligations" within the meaning of Section 265(b)(3) of the Code for calendar year 2023, the Issuer hereby makes the following factual statements and representations:

(A) The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(B) The reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Section 265(b)(3)(c) of the Code) which will be issued by the Issuer (and all entities whose obligations will be aggregated with those of the Issuer) during this calendar year 2023 will not exceed \$10,000,000; and

(C) Not more than \$10,000,000 of obligations issued by the Issuer during this calendar year 2023 (including the Bonds) have been designated for purposes of Section 265(b)(3) of the Code.

Section 3. The provisions of this Resolution are hereby declared to be separable and if any action, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 4. All resolutions or parts thereof in conflict herewith are repealed, to the extent of such conflict.

Section 5. That this Resolution shall become effective immediately upon its passage and approval.

Passed and approved January 10, 2023.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

14. Reports on committee meetings were heard.
15. There were no citizen concerns.
16. Board concerns were heard.
- 17a. Motion by Ung second by Taylor to rescind the January 18, 2022 motion which split proceeds of the sale of the county farm for FY23 and FY24, and to instead retain \$2,518,784.00 in general basic revenues and within a restricted reserve account purposed for FY24 budget review sessions. Carried 4-0.
- 17b. The Board discussed cash reserves.
- 17c. Tina Bertrand, Treasurer, updated the Board on interest rates on idle investments.

Motion by Ung second by Taylor to budget \$300,000.00 in interest revenue. Carried 4-0.
- 17d. Motion by Taylor second by Ung to receive the County Supervisors Communication Center budget as submitted. Carried 4-0.

Motion by Radig second by Taylor to receive the County Supervisors Starcom Program budget as submitted. Carried 4-0.

Motion by Ung second by Radig to receive the County Supervisors Youth Guidance Services budget as submitted. Carried 4-0.
- 17e. Motion by Taylor second by Radig to receive the Emergency Management budget increased by \$756.00. Carried 4-0.
- 17f. Motion by Taylor second by Radig to receive the Community Economic Development budget reduced by \$122,606.00. Carried 4-0.
- 17g. Motion by Taylor second by Ung to use \$535,000.00 of Hard Rock Gaming Fees to fund equipment purchases. Carried 4-0.

Motion by Taylor second by Ung to receive the County Supervisors Hard Rock Gaming Fees: Woodbury County Senior Meal Program budget as submitted. Carried 4-0.

Motion by Taylor second by Ung to receive the County Supervisors Hard Rock Gaming Fees: Siouxland Regional Transit System budget as submitted. Carried 4-0.

Motion by Ung second by Radig to receive the County Supervisors Hard Rock Gaming Fees: Centers Against Abuse & Sexual Assault budget reduced to \$0.00. Carried 4-0.

Motion by Taylor second by Radig to receive the County Supervisors Infrastructure/Economic Development: Event Center budget, Siouxland Initiative budget, Woodbury County Fair budget, SIMPCO Improvement Regional Housing budget, SIMPCO Memberships budget, and the Western Iowa Tourism budget as submitted. Carried 4-0.

The Board adjourned the regular meeting until January 17, 2023.

Meeting sign in sheet. Copy filed.