

AUGUST 2, 2022 THIRTY-FIRST MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, August 2, 2022 at 4:30 p.m. Board members present were Ung, Radig, Taylor (by phone), and Wright; De Witt was absent. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget and Finance Director, Joshua Widman, Assistant 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. There were no citizen concerns.
2. Motion by Radig second by Ung to approve the agenda for August 2, 2022. Carried 4-0. Copy filed.

Motion by Radig second by Ung to approve the following items by consent:
 3. To approve minutes of the July 26, 2022 meeting. Copy filed.
 4. To approve the claims totaling \$396,117.27. Copy filed.
 5. To approve the appointment of Adam Kirkpatrick, Civilian Jailer, County Sheriff Dept., effective 08-08-22, \$21.60/hour. Job Vacancy Posted 6-29-22. Entry Level Salary: \$23.33/hour.; the reclassification of Abigail Guerrero, Civilian Jailer, County Sheriff Dept., effective 08-08-22, \$22.48/hour, 4%=\$.88/hour. Per CWA Civilian Officers Contract agreement, from Class 3 to Class 2.; the reclassification of Zaira Torres, Civilian Jailer, County Sheriff Dept., effective 08-08-22, \$22.48/hour, 4%=\$.88/hour. Per CWA Civilian Officers Contract agreement, from Class 3 to Class 2.; the end of probation of Eric Robley, Motor Grader Operator, Secondary Roads Dept., effective 08-08-22, \$26.18/hour, 3%=\$.78/hour. Per CWA Secondary Roads Contract agreement, End of Probation Salary Increase.; and the appointment of Bradley Larson, Equipment Operator, Secondary Roads Dept., effective 08-10-22, \$25.10/hour. Job Vacancy Posted 6-8-22. Entry Level Salary: \$25.10/hour. Copy filed.
 6. To approve the underground permit for John Hindman/City of Hornick. Copy filed.
 7. To set 3 public hearing dates and times for a proposed amendment to the set back requirements in Ordinance #56 for Tuesday, August 9th @ 4:40 p.m., Tuesday, August 16th @ 4:40 p.m., and Tuesday, August 23rd @ 4:40 p.m. Copy filed.

Carried 4-0.

- 10a. Motion by Radig second by Ung to receive the final report and Zoning Commission recommendation from their 7/25/22 meeting. Carried 4-0. Copy filed.
8. A public hearing was held at 4:35 p.m. for the sale of parcel #894734252016, 515 S. College St. The Chairperson called on anyone wishing to be heard.

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

Motion by Radig second by Ung to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894734252016, 515 S. College St., to Beau Brockway, 4724 Grayhawk Ridge Dr., Sioux City, for \$354.00 plus recording fees. Carried 4-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #13,487**

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

By Brockway & Culley, LLC in the sum of Three Hundred Fifty-four and 00/100 (\$354.00) dollars.

For the following described real estate, To Wit:

Parcel #894734252016

**The South Two Hundred Forty-one feet (S 241') of the East One Hundred Sixty-six feet (E 166'), except the North One Hundred Eighty-six feet (N 186') of the South One Hundred Ninety-one feet (S 191') of the East Eighty-three feet (E 83'), of Block thirty-one (31), C.B. Rustin & Co's Addition to Sioux City, in the county of Woodbury and State of Iowa
(515 S. College St.)**

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 2nd Day of August, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 10d. Motion by Radig second by Wright to receive the final staff report and Planning & Zoning Commission's recommendation from their 7/25/22 meeting. Carried 4-0. Copy filed.
- 10e. Motion by Radig second by Ung to approve and authorize the Chairperson to sign a Resolution accepting and approving the final plat of The Evergreens Addition, with the condition that a 60/40 pavement agreement with Woodbury County be recorded. Carried 4-0.

**RESOLUTION #13,488
ACCEPTING AND APPROVING THE EVERGREENS ADDITION
WOODBURY COUNTY, IOWA**

WHEREAS, THE OWNERS AND PROPRIETORS DID ON THE 25TH DAY OF JULY, 2022, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS THE EVERGREENS ADDITION, WOODBURY COUNTY, IOWA; AND

WHEREAS, IT APPEARS THAT SAID PLAT CONFORMS WITH ALL OF THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA, WITH REFERENCE TO THE FILING OF SAME; AND

WHEREAS, THE ZONING COMMISSION OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT; AND

WHEREAS, THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, THAT THE PLAT OF THE EVERGREENS ADDITION, WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRMAN AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNERS AND PROPRIETORS A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS 2ND DAY OF AUGUST, 2022.
 WOODBURY COUNTY BOARD OF SUPERVISORS
 Copy filed.

- 10f. Motion by Radig second by Ung to approve and authorize the Chairperson to sign a Resolution setting the fees for various zoning, subdivision, and floodplain permit applications submitted to the Community and Economic Development Department. Carried 4-0.

RESOLUTION #13,489
A RESOLUTION SETTING THE FEES FOR VARIOUS ZONING, SUBDIVISION, AND FLOODPLAIN PERMIT APPLICATIONS SUBMITTED TO THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

WHEREAS, on July 22, 2003, the Woodbury County Board of Supervisors passed and adopted the current fees charged for various zoning, subdivision, and floodplain permit applications provided for in the Woodbury County Zoning Ordinance, Subdivision Ordinance, and Floodplain Development Ordinance, which became effective on August 1, 2003; and

WHEREAS, Article 2: Section 2.01.3.D of the Woodbury County Zoning Ordinance states that the Board of Supervisors shall appropriate funds, establish fees and ley taxes to provide for the cost of administering the provisions of the ordinance; and

WHEREAS, the Board of Supervisors have reviewed a proposed fee schedule developed by the Community and Economic Development department staff; and

WHEREAS, the Board of Supervisors have given reasonable consideration, among other things, to the cost factors required to effectively administer the provisions of said ordinance; and

NOW, THEREFORE, BE IT RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS: Pursuant to the provisions of Chapter 335 of the Code of Iowa and the Woodbury County Zoning Ordinance, Subdivision Ordinance, and Floodplain Development Ordinance, Woodbury County hereby approves the following fee schedule, which shall take effective immediately and hereby repeals and replaces the fee schedule established on August 1, 2003, for such applications:

**COMMUNITY AND ECONOMIC DEVELOPMENT
 FEE SCHEDULE**

BUILDING PERMITS	FEE
New Dwelling	\$250
New Dwelling with Attached/Detached Garage under 300 sq. ft.	\$300
New Dwelling with Attached/Detached Garage over 300 sq. ft.	\$500
Accessory Structure under 300 sq. ft.	\$50
Accessory Structure over 300 sq. ft.	\$250
Commercial/Industrial Building (0-10,000 sq. ft.)	\$500
Commercial/Industrial Building over 10,000 sq. ft. – (\$50 for each additional 1,000 sq. ft. over 10,000).....	\$500+

SUBDIVISIONS	FEE
Final Plat for Minor Subdivision 4 Lots or Less	\$300*
Final Plat for Minor Subdivision more than 4 Lots (\$5 for each additional lot)	\$300+*
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Preliminary Plat for Major Subdivision 4 Lots or Less	\$350*
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Preliminary Plat for Major Subdivision more than 4 Lots (\$5 for each additional lot)	\$350+*
.....	
Final Plat for Major Subdivision 4 Lots or Less	\$350*
Final Plat for Major Subdivision More than 4 Lots (\$5 for each additional lot)	\$350+*
.....	

OTHER LAND USE PERMITS	FEE
Conditional Use Permit	\$300*
Floodplain Development Permit	\$110
Grading Permit	\$0
Sign Permit	\$50
Fence	\$50

TELECOMMUNICATION TOWERS	FEE
Tower Development Permit	\$500*

ADMINISTRATIVE REQUESTS/ACTIONS	FEE
Zoning Ordinance Amendment (text or map)	\$400*
Planned Development	\$400*
Variance	\$300*
Appeal of Administrator's Decision	\$300*
Research and Staff Investigation Time (\$40.00 per hour – minimum charge 2 hours)	
Photocopies (\$0.50 per page)	

***ADDITIONAL FEES**
 *Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s) when the fees exceed \$100.00.

Application review including the public hearing(s) shall not commence until all necessary documents and payments have been received.

The Zoning Director may reserve the right to waive permit fees for other political subdivisions or governmental bodies.

Fees will be doubled if construction commences prior to obtaining a permit.

Passed and approved this 2nd day of August, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 9a. A public hearing was held at 4:40 p.m. for issuance of conduit revenue bonds or notes (Siouxland Regional Transit System Project). The Chairperson called on anyone wishing to be heard.

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

- 9b. Motion by Radig second by Ung to approve and authorize the Chairperson to sign a Resolution relating to the holding of a public hearing and approving taking additional action for the issuance of revenue bonds or notes (Siouxland Regional Transit System Project) in an aggregate principal amount not to exceed \$2,100,000. Carried 4-0.

RESOLUTION #13,490
RESOLUTION RELATING TO THE HOLDING OF A PUBLIC HEARING
AND APPROVING TAKING ADDITIONAL ACTION FOR THE ISSUANCE
OF REVENUE BONDS OR NOTES (SIOUXLAND REGIONAL TRANSIT
SYSTEM PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO
EXCEED \$2,100,000

WHEREAS, the County of Woodbury, State of Iowa (the "Issuer"), is a County authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, 2021 as amended (the "Act"), to issue revenue bonds or notes 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") or to retire any existing indebtedness on a facility for a Tax Exempt Organization or to refund any Bonds issued pursuant to the Act; 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 an aggregate principal amount not to exceed \$2,100,000 (the "Bonds"), in one or more series, 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, 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 under a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall be due and payable; 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, notice of intention to issue the Bonds has, as directed by the Board of the Issuer, been duly given in compliance with the Act and Section 147(f) of the Internal Revenue Code; and

WHEREAS, a public hearing has been held on the proposal to issue the Bonds at the time and place as specified in said notice and all objections or other comments relating to the issuance of the Bonds have been heard; and

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

Section 1. It is hereby determined that it is necessary and advisable that the Issuer proceed with the issuance of the Bonds, as authorized and permitted by the Act, and loan the proceeds of the sale of the Bonds to the Borrower, all upon terms and conditions mutually satisfactory to the Issuer and the Borrower.

Section 2. At the public hearing conducted by the Board, pursuant to published notice, all persons who appeared were given an opportunity to express their views for or against the proposal to issue the Bonds.

Section 3. The Board shall proceed with the necessary proceedings relating to the issuance of the Bonds.

Section 4. The Bonds, if issued, and the interest thereon, will be payable solely out of the revenues derived from the Loan Agreement, and shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation, and shall not constitute nor give rise to a pecuniary liability of said Issuer or a charge against its general credit or taxing powers. All costs and expenses incident to the issuance and sale of the Bonds, including, but not limited to, accounting, legal, special counsel, Bond Counsel, printing and filing fees, shall be paid from proceeds of the Bonds or directly by the Borrower.

Section 5. All resolutions and orders or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this Resolution shall be in full force and effect immediately upon its adoption.

Passed and approved August 2, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

10b. A public hearing was held at 4:45 p.m. for PROPOSED Zoning Ordinance Map Amendment. The Chairperson called on anyone wishing to be heard.

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

10c. Motion by Radig second by Ung to conduct the first reading of the ordinance. Carried 4-0. Copy filed.

11. Motion by Radig second by Wright to approve the Sioux City Engineering Company 28th Street Paving Project Contract Change Order #2 in the amount of \$190,113.65. Carried 4-0. Copy filed.

12a. Motion by Radig second by Wright to approve the change accrued compensatory time payout date for J. J. to the last pay period in December. Carried 4-0. Copy filed.

12b. Motion by Radig second by Ung to approve the addition of an EMT position for recording purposes. Carried 4-0. Copy filed.

13. Motion by Radig second by Ung to approve the Inter-Local Agreement between the City of Sioux City, Iowa, and Woodbury County, Iowa. Carried 4-0. Copy filed.

14a. Motion by Radig second by Ung to receive for signatures a Resolution to reclassify area Service B Roads. Carried 4-0.

**RESOLUTION TO RECLASSIFY AREA SERVICE B ROADS
RESOLUTION #13,491**

WHEREAS, the Woodbury County Board of Supervisors in accordance with Section 309.57, (Code of Iowa) as amended and Woodbury County Ordinance #17, held a public hearing on October 12, 2021 to consider assigning roads to level B classification, and

WHEREAS, Woodbury County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "B" roads pursuant to Iowa Code Section 309.57, and

WHEREAS, road use is under constant scrutiny to assure that the Secondary Road System meets the needs of county residents and landowners, and

WHEREAS, two roads reviewed at landowner request are essential to efficient operations and are determined to require Level of Service A to meet the needs of road users,

NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors that has determined that the following Area Service B Roads are hereby reclassified as Area Service System A Roads:

Street	Location
210th Street	between Ida Avenue & Jasper Avenue
Ida Avenue	between 200th Street & 210th Street

Said level A status shall be effective when appropriate signs giving notice of reduced maintenance are removed.

Passed and approved this 2nd day of August 2022
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 14b. Motion by Radig second by Ung to approve a contract for Pavement Markings – 2022 with Vogel Traffic Services for \$138,560. Carried 4-0. Copy filed.
- 14c. Motion by Radig second by Ung to approve a quit claim deed for street and alley right of way for Gabe and Terri Demarest. Carried 4-0. Copy filed.
- 14d. Motion by Radig second by Ung to approve a quit claim deed for street and alley right of way for Sensible Properties, LLC. Carried 4-0. Copy filed.
- 14e. Motion by Radig second by Wright to approve a quit claim deed for street and alley right of way for Culver. Carried 4-0. Copy filed.
- 14f. Motion by Radig second by Wright to approve a quit claim deed for street and alley right of way for Munhoven and Kowalke. Carried 4-0. Copy filed.
- 14g. Motion by Radig second by Wright to approve a quit claim deed for street and alley right of way for Charles and Christine Hope. Carried 4-0. Copy filed.
- 15. Reports on committee meetings were heard.
- 16. There were no citizen concerns.
- 17. Board concerns were heard.

The Board adjourned the regular meeting until August 9, 2022.

Meeting sign in sheet. Copy filed.