

**WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**

Date: 03/08/2023

Weekly Agenda Date: 03/14/2023

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** Patrick Gill, County Auditor

**WORDING FOR AGENDA ITEM:**

Receive petition and bond from the city of Salix for establishment of a new drainage district and appoint an engineer.

**ACTION REQUIRED:**

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

**EXECUTIVE SUMMARY:**

The city of Salix has filed a petition for the establishment of a drainage district. The board should receive the petition and bond for the district and appoint a drainage engineer.

**BACKGROUND:**

The Board's responsibilities for drainage district establishment are outlined in Chapter 468 of the Iowa Code. If the board finds the petition and bond in order, the Board should appoint a disinterested engineer to prepare a survey and report for the Board.

The Board may appoint Patrick Mouw of V and K Engineering as the engineer for the drainage district. As presented at the February 7 meeting of the Board of Supervisors, he has been working on the design of improvements proposed for the district on behalf of the City of Salix.

**FINANCIAL IMPACT:**

The Board of Supervisors will have to pay up front costs for the engineering work to establish the new drainage district. The fees paid by the Board can be assessed to the drainage district upon formation. The drainage district is filing a bond for establishment expenses as one of the next steps in the process. A fund source for the fees will have to be identified until reimbursement can be arranged.

**IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?**

Yes  No

**RECOMMENDATION:**

The Board may accept the petition and bond and appoint a drainage engineer.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to accept the petition and bond presented by the City of Salix for the establishment of a new drainage district.

Motion to appoint a drainage engineer to prepare a report for the Board of Supervisors as required by section 468.10 of the Code of Iowa. Said engineer shall be directed to prepare a contract for the work as provided in 468.10(2) for board approval.

CITY OF SALIX  
PO BOX 240  
Salix, IA 51052



JAN 9 2023

JAN 9 2023 PM 1:15  
JAN 9 2023 PM 1:10

November 14, 2022

Woodbury County Board of Supervisors  
Attention: Pat Gill  
620 Douglas Street  
Sioux City, Iowa 51101

RE: Petition for the Establishment of a Drainage District

Dear Mr. Gill,

The City of Salix has been notified by the Famers Drainage District that the pumping agreement that has been in place since May 11<sup>th</sup>, 1984 will terminate in December 2023 and will not be renewed. This leaves the City of Salix and the surrounding area with no natural outlet for their stormwater runoff. Without an outlet for the stormwater, the City and surrounding areas will have flooding issues that could result in damage to homes, streets, utilities, and farmground.

The City of Salix has been working with Veenstra & Kimm, Inc. and has had discussions with County Engineer, Mark Nahra, to determine a potential route for a new drainage ditch. The drainage ditch would start at the intersection of 280<sup>th</sup> Street and S. Tama Street then going west along 280<sup>th</sup> Street to the existing drainage channel near Port Neal Road that drains into Snyder Bend (See Attached Map).

After the drainage district has been created the City of Salix would request that the Woodbury County Board of Supervisors transfer control of the drainage district to the City of Salix per Iowa Code Chapter 468.322.


We, the undersigned petitioners, respectfully request that the Woodbury County Board of Supervisors work with the City of Salix and Veenstra & Kimm, Inc. to establish a new Salix Drainage District per Iowa Code Chapter 468.

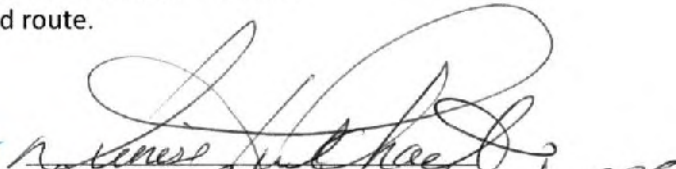
Per Iowa Code 468.8 this petition includes:


1. See attached map for the lands that may have potential improvements created by the new drainage ditch.
2. Due to no natural outlet for stormwater runoff, the City of Salix and surrounding areas will be subject to flooding.

**Kevin Nelson, Mayor Denise Burkhart, Mayor Pro Tem**  
Council Members: Karen Allen, Emily Clayton, Donnie Nelson, Cindy VanAuken

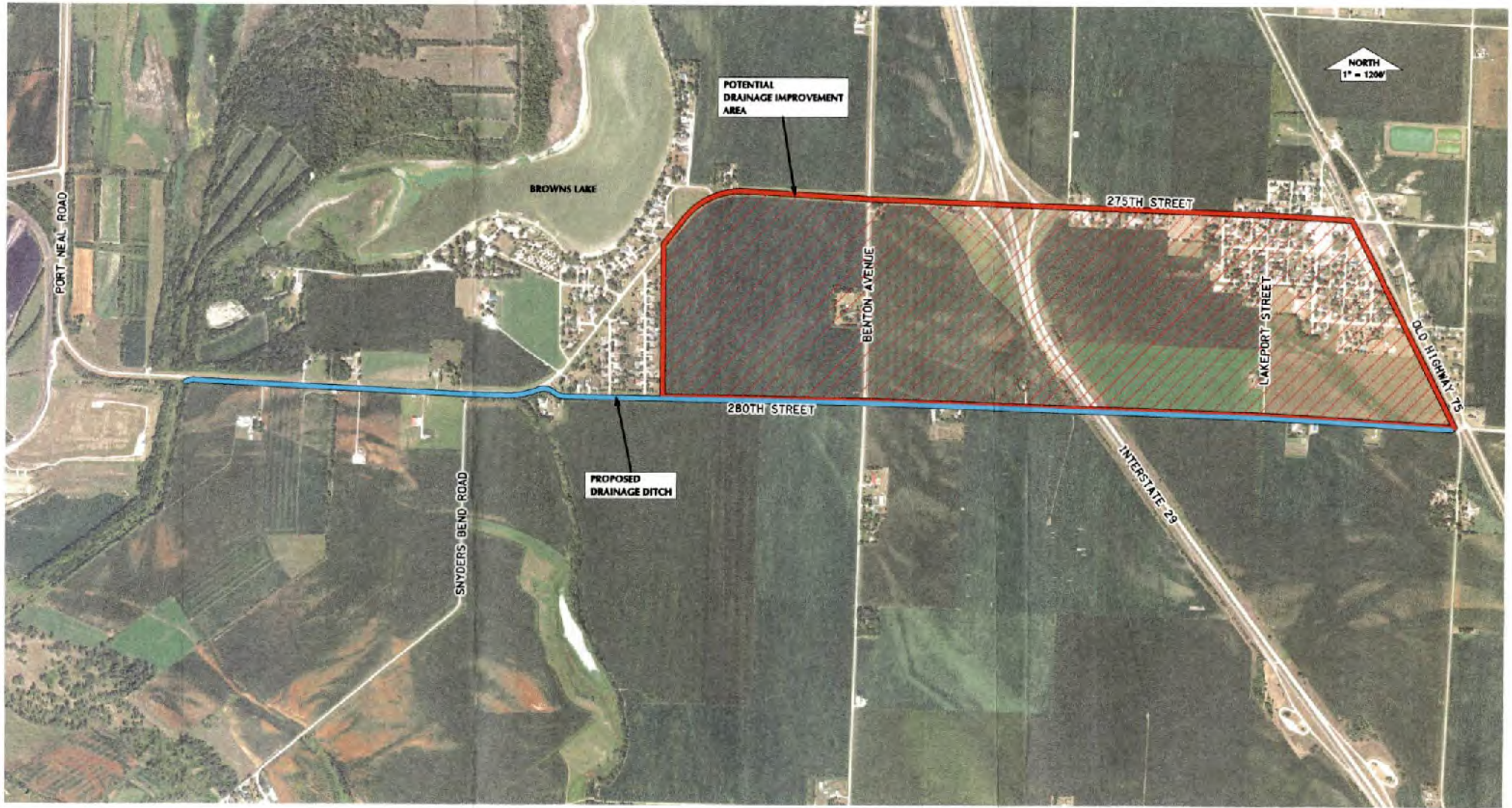
3. Creating the new drainage ditch will alleviate flooding and provide drainage which will promote public benefit, utility, health, convenience, or welfare.
4. See the attached map for the proposed route.

  
\_\_\_\_\_  
KEVIN NELSON, MAYOR

  
\_\_\_\_\_  
Denise Burkhardt - Landowner

  
\_\_\_\_\_  
GREG JOEHUM, LANDOWNER

\_\_\_\_\_



DATE PLOTTED: 05/05/2014  
 09:50:27 AM  
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**VK**  
**VEENSTRA**  
**& KIMM INC.**

SALIX, IOWA  
 PROPOSED DRAINAGE IMPROVEMENTS  
 FIGURE 1

**FINANCIAL GUARANTEE BOND**

**KNOW ALL MEN BY THESE PRESENTS**, That

City of Salix, Iowa as Principal  
and NGM Insurance Company, as Surety, a company organized under the laws of the State of Florida,  
and licensed to do business in the State of Iowa, as Surety, are held and firmly bound unto  
Woodbury County Board of Supervisors as Obligee, in the total penal sum of  
Fifty Thousand and no/100 (\$ 50,000 )  
lawful money of the United States of America, for which sum well and truly to be paid, said Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

**WHEREAS**, the said Principal has entered into a written agreement to:

pay Veenstra & Kimm, Inc. engineer costs for the Salix Drainage Improvements located at the intersection of 280th Street and S Tama Street then going east along 280th street to the existing drainage channel near Port Neal Road that drains into Snyder Bend

**NOW, THEREFORE**, the condition of this obligation is such that, the Obligee having performed its obligations under an agreement between Principal and Obligee dated Feb. 7, 2023, if the above named Principal shall pay to the Obligee the sums required in said agreement, then this bond shall be null and void; otherwise to remain in full force and effect.

Further, regardless of the number of years this bond shall remain in force the aggregate liability of Surety hereunder shall never exceed the penal sum of this bond.

This bond shall be effective as of Feb. 23, 2023 and shall continue in full force and effect until cancelled by the Surety after giving written notice to the Obligee at least thirty (30) before the effective date of the cancellation.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their hands and seal this 23rd day of February, 2023.

Principal: City of Salix, Iowa

BY: Kevin Nelson  
Kevin Nelson, Mayor

Surety: NGM Insurance Company

BY: Zach Matter, Attorney-in-Fact





KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them. "

does hereby make, constitute and appoint **Ryan Swalve, Zach Matter, Zach Mefferd, Havilah Watson** -----

its true and lawful Attorneys-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

- 1. **No one bond to exceed Five Million Dollars (\$5,000,000)**

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 7th day of January, 2020.

NGM INSURANCE COMPANY By:

*Kimberly K. Law*

Kimberly K. Law  
Vice President, General  
Counsel and Secretary

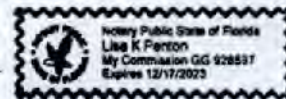


State of Florida,  
County of Duval.

On this 7th day of January, 2020, before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Kimberly K. Law of NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and she acknowledged the execution of same, and being by me fully sworn, deposed and said that she is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 7th day of January, 2020.

*Lois K. Penton*



I, Nancy Giordano-Ramos, Vice President of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this 23 day of February, 2023.

*Nancy Giordano-Ramos*

WARNING: Any unauthorized reproduction or alteration of this document is prohibited.  
TO CONFIRM VALIDITY of the attached bond please call 1-800-223-5646  
TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431 Attn: Bond Claims.

