

APRIL 30, 2024, EIGHTEENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, April 30, 2024, at 4:30 p.m. Board members present were Nelson, Ung, Bittinger II (by phone), Radig, and Taylor. Staff members present were Karen James, Board Administrative Assistant, 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. Motion by Ung second by Bittinger to approve the agenda for April 30, 2024. Carried 4-1; Taylor opposed. Copy filed.

Motion by Ung second by Taylor to approve the following items by consent:
2. To approve minutes of the April 23, 2024 meeting. Copy filed.

To approve minutes of the April 19, 2024 special meeting. Copy filed.
3. To approve the claims totaling \$788,201.31. Copy filed.
4. To approve the reclassification of Abigail Guerrero-Miller, Civilian Jailer, County Sheriff Dept., effective 04-30-24, \$28.77/hour, 15%=\$3.82/hr. Per CWA Contract: 4 Years of Service Plus BS. Reclassify to Senior Class.; the appointment of Nathan Farley, Equipment Operator, Secondary Roads Dept., effective 05-01-24, \$26.63/hour. Job Vacancy Posted 2-27-2024. Entry Level Salary: \$26.63/hour.; the reclassification of Cathia Wise, Custodian, Building Services Dept., effective 4-29-24, \$20.14/hour, 6%=\$1.14/hr. Per AFSCME Courthouse: Step Increase from Step 3 to Step 4.; and the reclassification of Danielle Brady, Clerk II, County Auditor-Election Dept., effective 04-29-24, \$23.95/hour, 11%=\$2.30/hr. Per AFSCME Courthouse: Step Increase from Step 4 to Step 5. Copy filed.
5. To approve to set the public hearing for the FY24 Budget Amendment #1 for May 28, 2024 at 4:45 p.m.
6. To approve and authorize the Chairperson to sign a Resolution Certificate of Appointment of Representative of the Housing Authority of Woodbury County, Iowa.

**CERTIFICATION OF APPOINTMENT OF REPRESENTATIVE OF THE
HOUSING AUTHORITY OF WOODBURY COUNTY, IOWA
RESOLUTION #13,716**

WHEREAS, the Board of Supervisors of Woodbury County, Iowa, held a duly authorized regular meeting on the ____ day of August 1981; and

WHEREAS, at said meeting it was duly noted that a resolution “Declaring the Need for a Housing Authority in Woodbury County, Iowa” has been previously passed and adopted;

AND WHEREAS, a resolution has been passed and adopted entitled “Resolution Approving and Authorizing the Execution of a certain Joint Exercise of Powers Agreement for the purpose of Creating a Multi-County Housing Authority”.

NOW, THEREFORE, Pursuant to the provision of Chapter 28E, Code of Iowa, and by virtue of our office as Board of Supervisors, we hereby appoint the one (1) person hereinafter named to serve as Representative of the Northwest Iowa Regional Housing Authority, representing Woodbury County, Iowa, and to serve for the number of years appearing after the person’s name, respectively, from the 18th day of May, 2024 to the 18th day of May, 2027.

Name of Representative: Patrick F. Gill Number of years: 3

IN WITNESS WHEREOF, I have hereunto signed by name, as Chairman of the Board of Supervisors of Woodbury County, Iowa, and caused the official corporate seal of said Woodbury County, Iowa to be attached hereto this 30th day of April, 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

7. To approve the underground utility permit for Farr Technologies and Quick Current Broadband, LLC. Copy filed.

Carried 5-0.

9a. A public hearing was held at 4:35 p.m. for the sale of parcel #894735276004, 4103 Gordon Dr. The Chairperson called on anyone wishing to be heard.

Motion by Ung second by Taylor to close the public hearing. Carried 5-0.

Motion by Ung second by Nelson to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894735276004, 4103 Gordon Dr., to City of Sioux City, P.O. Box 447, Sioux City, IA, for \$398.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,717**

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

By City of Sioux City in the sum of **Three Hundred Ninety-Eight and 00/100 (\$398.00)**--
-----dollars.

For the following described real estate, To Wit:

Parcel #894735276004

All that part of former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's property, being a part of the SE ¼ NE ¼ and the NE ¼ SE ¼ of Section 35, Township 89 North, Range 47 West of the 5th P.M. in Woodbury County, Iowa described as follows: Commencing at a point on the east line of the SW ¼ NE ¼ said Section 35, distant 326.12 feet southerly of the NE corner said SW ¼ NE ¼; thence S0°50'08" W along said line 57.32 feet to a point 10.00 feet northeasterly of as measured at right angles to the centerline of the Railroad Company's former main track; thence S43°25'10" E, 396.84 feet; thence southeasterly 153.76 feet on a curve to the northwesterly line of Spalding Street as established by the City of Sioux City, said curve being concave southwesterly, having a radius of 2,437.42 feet and a chord of 153.76 feet bearing S41°36'43" E and said curve being 10.00 feet radially distant from the centerline of the former railroad track; thence N50°11'44" E along said northwesterly line of Spalding Street 40.00 feet to the northeasterly boundary line of the Railroad's property; thence northwesterly along said northeasterly boundary line 597', more or less, to the point of beginning (4103 Gordon Dr.)

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.

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By City of Sioux City in the sum of **Three Hundred Ninety-Eight and 00/100 (\$398.00)**--
-----dollars.

For the following described real estate, To Wit:

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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 30th Day of April, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

9b. A public hearing was held at 4:36 p.m. for the sale of parcel #894729440013, 204 ½ Kansas St. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Nelson to close the public hearing. Carried 5-0.

Motion by Ung second by Nelson to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894729440013, 204 ½ Kansas St., to Dennis & Crystal Benson, 134 Kansas St., Sioux City, IA, for \$100.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,718**

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

By Dennis D. Benson & Crystal K. Benson in the sum of **One Hundred and 00/100 (\$100.00)**-----dollars.

For the following described real estate, To Wit:

Parcel #894729440013
Except West One Hundred feet (W 100') South One-half (S ½) Lot Five (5) Block Forty-three (43) Sioux City Addition, City of Sioux City, Woodbury County, Iowa (204 ½ Kansas 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.

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SO DATED this 30th Day of April, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

8a. Bid letting was held for dump trucks. The bids as follows:

<u>Tandem Axle</u>	
Cornhusker International, Sioux City, IA	\$203,176.00
Istate Truck Center, Sioux City, IA	\$270,059.00
Istate Truck Center, Sioux City, IA	\$262,933.00
TEC Equipment, Omaha, NE	\$240,632.00
Boyer Truck, Sioux Falls, SD	\$278,756.00

SO DATED this 30th Day of April, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

9b. A public hearing was held at 4:36 p.m. for the sale of parcel #894729440013, 204 ½ Kansas St. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Nelson to close the public hearing. Carried 5-0.

Motion by Ung second by Nelson to approve and authorize the Chairperson to sign a Resolution for the sale of real estate parcel #894729440013, 204 ½ Kansas St., to Dennis & Crystal Benson, 134 Kansas St., Sioux City, IA, for \$100.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,718**

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

By Dennis D. Benson & Crystal K. Benson in the sum of **One Hundred and 00/100 (\$100.00)**-----dollars.

For the following described real estate, To Wit:

Parcel #894729440013
Except West One Hundred feet (W 100') South One-half (S ½) Lot Five (5) Block Forty-three (43) Sioux City Addition, City of Sioux City, Woodbury County, Iowa (204 ½ Kansas 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.

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Istate Truck Center, Sioux City, IA	\$262,933.00
TEC Equipment, Omaha, NE	\$240,632.00
Boyer Truck, Sioux Falls, SD	\$278,756.00

Single Axle

Cornhusker International, Sioux City, IA	\$203,176.00
Istate Truck Center, Sioux City, IA	\$209,126.00
Istate Truck Center, Sioux City, IA	\$216,061.00
TEC Equipment, Omaha, NE	\$192,467.00
Boyer Truck, Sioux Falls, SD	\$195,021.00

Motion by Radig second by Ung to receive the bids and return them back to the County Engineer for recommendation. Carried 5-0. Copy filed.

8b. Motion by Radig second by Ung to approve the letter of financial support for the federal aid grant application for the Southbridge Interchange project. Carried 5-0. Copy filed.

10c. A public hearing was held at 4:40 p.m. to consider zoning ordinance text amendments to the Floodplain Management Ordinance in the Zoning Ordinance Section 5.03. The Chairperson called on anyone wishing to be heard.

Motion by Taylor second by Ung to close the public hearing. Carried 5-0.

10d. Motion by Radig second by Ung to approve the 2nd Reading of the Ordinance. Carried 5-0. Copy filed.

10e. A public hearing was held at 4:42 p.m. for the consideration of the proposed Woodbury County Comprehensive Plan 2040. The Chairperson called on anyone wishing to be heard.

Motion by Ung second by Nelson to close the public hearing. Carried 5-0.

10f. Motion by Ung second by Nelson to approve the 2nd Reading of the Comprehensive Plan. Carried 5-0. Copy filed.

10a. Motion by Ung second by Taylor to receive the final staff report and Zoning Commission’s recommendation from their 4/22/24 meeting to approve the final plat of Yockey Farm Addition, a minor subdivision to Woodbury County, Iowa. Carried 5-0. Copy filed.

10b. Motion by Radig second by Ung to approve and authorize the Chairperson to sign a Resolution accepting and approving the final plat of Yockey Farm Addition, a minor subdivision to Woodbury County. Carried 5-0.

**BOARD OF SUPERVISORS
RESOLUTION #13,719
ACCEPTING AND APPROVING YOCKEY FARM ADDITION
A MINOR SUBDIVISION
WOODBURY COUNTY, IOWA**

WHEREAS, THE OWNER AND PROPRIETOR DID ON THE 22nd DAY OF

April, 2024, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS YOCKEY FARM ADDITION, A MINOR SUBDIVISION TO 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, YOCKEY FARM ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRPERSON AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNER AND PROPRIETOR A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS 30th DAY OF April, 2024
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 10g. A public hearing was held at 4:50 p.m. to consider Zoning Ordinance Text Amendments for Utility-Scale Energy Systems (US-SES) Conditional Use in the General Industrial (GI) Zoning District, including to add a new Section 5.08, amend the table of contents, and renumber the ordinance page numbers to accommodate the addition of the new section. The Chairperson called on anyone wishing to be heard.
- Motion by Ung second by Nelson to close the public hearing. Carried 5-0.
- 10h. Motion by Ung second by Nelson to approve the 2nd Reading of the Ordinance. Carried 5-0. Copy filed.
11. Motion by Taylor second by Ung to approve to spend WCICC-IT FY2025 CIP dollars. Carried 5-0. Copy filed.
- 12a. Motion by Radig second by Ung to approve FY2023 CIP in the amount of \$127,933.84. Carried 5-0. Copy filed.
- 12b. Motion by Radig second by Ung to approve Sioux City Engineering Co. change order #4, #5 and final contract pay application #13 in the amount of \$238,712.24. Carried 5-0. Copy filed.
13. Presentation of missing context related to Supervisor Taylor's follow items, and the harmful impact caused by a lack of patience causing incomplete information being conveyed to the public about the Law Enforcement Center's property insurance premium. Copy filed.
- 14a. There was no discussion about reallocation of \$170,000 from the county's over-and above contributions to repairs and maintenance not specified in the lease obligated as a "Maintenance Fund contribution" and \$7,000 in reserves to pay for the insurance premium. Copy filed.
- 14b. There was no discussion to dedicate \$177,000 in reserve funding to pay for the premium. Copy filed.
- 14c. There was no discussion to receive recommendations for changes to the Law Enforcement Center Authority Lease with the Woodbury County Board of Supervisors. Copy filed.
15. Reports on committee meetings were heard.
16. Doyle Turner, Merville, discussed wind turbines and pipelines.
17. Board concerns were heard.

The Board adjourned the regular meeting until May 7, 2024.

Meeting sign in sheet. Copy filed.