



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(AUGUST 27) (WEEK 35 OF 2024)**

Live streaming at:
<https://www.youtube.com/user/woodburycountyiowa>

Agenda and Minutes available at:
www.woodburycountyiowa.gov

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You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held August 27, 2024, at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. Members of the public wishing to speak on an item must follow the participation rules adopted by the Board of Supervisors.

1. Please silence cell phones and other devices while in the Boardroom.
2. The Chair may recognize speakers on agenda items after initial discussion by the Board.
3. Speakers will approach the microphone one at a time and give their name and address before their statement.
4. Speakers will limit their remarks to three minutes on any one item and address their remarks to the Board.
5. At the beginning of discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action. The Chair may also request delegates provide statements on behalf of multiple speakers.
6. Any concerns or questions which do not relate to a scheduled item on the agenda will be heard under the item "Citizen Concerns." Please note the Board is legally prohibited from taking action on or engaging in deliberation on concerns not listed on the agenda, and in such cases the Chair will request further discussion take place after properly noticed.
7. Public comment by electronic or telephonic means is prohibited except for a particular agenda item when approved by the Chair 24 hours before a meeting or by a majority of the board during a meeting for a subsequent meeting.

AGENDA

4:00 p.m. Closed Session General Relief Appeal Hearing for B.M. {Iowa Code Section 21.5(1)(a)}
First Floor Boardroom

4:30 p.m. Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence

1. Approval of the agenda Action

Consent Agenda

Items 2 through 4 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

2. Approval of the minutes of the August 20, 2024 meeting
3. Approval of claims
4. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process

End Consent Agenda

Recess Board of Supervisors Meeting

Convene Bennett McDonald Levee & Wolf Creek Drainage Districts Trustees meeting

5. Approval of the minutes of the August 20, 2024 meeting Action

Adjourn Bennett McDonald Levee & Wolf Creek Drainage Districts Trustees meeting

Continue Board of Supervisors meeting

6. Secondary Roads – Mark Nahra
Approval of contract for propane for heating county buildings for FY 2025 Action
7. Supervisors – Jeremy Taylor & Mark Nelson
Direction for Planning & Zoning Director to work with Planning & Zoning, the Board of Adjustment Commission, and legal counsel in order to make a recommendation contemplating decommissioning requirements as a part of a new ordinance regarding carbon pipelines Action
8. Supervisor – Mark Nelson
Information regarding re-surfacing County Road D38 through the city limits of Anthon Information
9. Reports on Committee Meetings Information
10. Citizen Concerns Information
11. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- MON., AUG 26 5:00 p.m.** Zoning Commission Meeting, First Floor Boardroom
- THU., AUG 29 1:30 p.m.** SIMPCO Community and Economic Development Meeting, 6401 Gordan Dr.
- WED., SEP 4 10:00 a.m.** Loess Hills Alliance Stewardship Meeting, Pisgah, Iowa
- 11:00 a.m.** Loess Hills Alliance Executive Meeting
- 1:00 p.m.** Loess Hills Alliance Full Board Meeting
- 4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- 6:00 p.m.** Board of Adjustment Meeting, Courthouse Basement Boardroom
- THU., SEP 5 12:00 p.m.** SIMPCO Regional Policy & Legislative Affairs Committee Meeting, 6401 Gordan Dr.
- FRI., SEP 6 9:00 a.m.** Hungry Canyons Alliance Fall Meeting, Loess Hills State Forest Visitor Center, Pisgah
- WED., SEP 11 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- 6:30 p.m.** 911 Service Board Meeting, Public Safety Center, Climbing Hill
- THU., SEP 12 12:00 p.m.** SIMPCO Board of Directors, 6401 Gordon Drive
- WED., SEP 18 12:00 p.m.** Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- THU., SEP 19 4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- FRI., SEP 20 12:00 p.m.** Siouxland Human Investment Partnership Board Meeting, 2540 Glenn Ave.
- MON., SEP 23 6:00 p.m.** Zoning Commission Meeting, Courthouse Basement Boardroom
- WED., SEP 24 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- THU., SEP 26 10:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 6401 Gordan
- 11:15 a.m.** Western Iowa Community Improvement Regional Housing Trust Fund Meeting, 6401 Gordan

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

AUGUST 20, 2024, THIRTY-FOURTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, August 20, 2024, at 3:30 p.m. Board members present were Ung, Nelson, Radig and Bittinger II; Taylor was absent. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, and Patrick Gill, Auditor/Clerk to the Board.

Motion by Ung second by Radig to go into closed session per Iowa Code Section 21.5(1)(c). Carried 4-0 on a roll call vote.

Motion by Ung second by Radig to go out of closed session per Iowa Code Section 21.5(1)(c). Carried 4-0 on a roll call vote.

Motion by Ung, second by Radig, to seek judicial review with Iowa district court in the docket regarding the permit for Summit Carbon Solutions, upon the advice and representation of Timothy Whipple with Ahlers & Cooney, P.C. Carried 4-0, Taylor was absent.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

1. Motion by Radig second by Ung to approve the agenda for August 20, 2024. Carried 4-0. Copy filed.

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

2. To approve minutes of the August 13, 2024, meeting. Copy filed.

3. To approve the claims totaling \$901,169.48. Copy filed.

4. To approve and authorize the chairperson to sign a Resolution setting the public hearing and sale date for parcel #894729285006, 512-14 Market St.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,789
RESOLUTION APPROVING NOTICE OF PROPERTY SALE**

WHEREAS Woodbury County, Iowa was the owner under a tax deed of a certain parcel of real estate described as:

**Lots Three (3) Block Twenty-Six (26) Sioux City Addition in the County of Woodbury and State of Iowa
(512 – 14 Market Street)**

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa as follows:

1. That a public hearing on the aforesaid proposal shall be held on
The **3rd Day of September, 2024 at 4:35 o'clock p.m.** in the basement of the
Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a
public auction to be held on the **3rd Day of September, 2024**, immediately
following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest
bidder at or above a **total minimum bid of \$260.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale"
and except for this subparagraph 4 be published as notice of the
aforesaid proposal, hearing and sale.

Dated this 20th Day of August , 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

5. Receive the appointments of Connie Westphal and Ruth Growth as council members for the City of Athon. Copy filed.
6. Receive amended Auditor's Quarterly Report to replace the approved report on July 3. Copy filed.
- 7a. To approve the appointment of Maria Mosqueda, Custodian, Building Services Department, effective 8-22-2024., Job Vacancy Posted 6/3/2024., Entry Level Salary: \$17.29/hour.; the promotion of Emily Greer, Jail Sergeant, Sheriff's Office, effective 8-19-2024, \$36.76/hour, 44%=\$11.19/hour., Promoted to Sergeant.; the resignation of Taryn Ham, Clerk II, Human Resources Department, effective 8-23-2024. Resignation., the transfer of Michael Lamoureux, Civilian Jailer, Sheriff's Office, effective 8-5-2024, \$33.24/hour., Transfer from Court Security Officer to Civilian Jailer.; the transfer of Clifford Moodie, Civilian Jailer, Sheriff's Office, effective 8-5-2024, \$33.24/hour. Transfer from Court Security Officer to Civilian Jailer.; the transfer of Jonathon Hatfield, Court Security Officer, Sheriff's Office, effective 8-5-2024, \$33.24/hour. Transfer from Civilian Jailer to Court Security Officer.; and the transfer for Ronald Vogt, Court Security Officer, Sheriff's Office, effective 8-5-2024, \$33.24/hour. Transfer from Civilian Jailer to Court Security Officer. Copy filed.
- 7b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Human Resources, Senior Clerk, AFSCME Courthouse: \$21.15/hour and Sheriff's Office, Jail Sergeant, CWA: \$36.76/hour. Copy filed.

Carried 4-0.
- 8a. Motion by Ung second by Radig to approve the creation of Human Resources Temporary Secretary position. Carried 4-0. Copy filed.
9. Motion by Nelson second by Bittinger to approve the Secondary Road Driveway and Entrance Policy. Carried 4-0. Copy filed.

The Board recessed for a meeting of the Bennett McDonald Levee & Wolf Creek Drainage Districts.

The Supervisors meeting was called back to order.

- 11a. Motion by Radig second by Nelson to approve to reallocate \$173,291 of unspent American Rescue Plan Act funds to expense category 3.4 in accordance with plan rules. Carried 4-0. Copy filed.
- 11b. Supervisor Ung discussed Woodbury County's July 12, 2024, motion to reconsider final decision and order with the Iowa Utilities Commission regarding Summit Carbon Solutions, LLC and their hazardous liquid pipeline permit including rights of eminent domain. Copy filed.
12. Reports on committee meetings were heard.
13. There were no citizen concerns.
14. Board concerns were heard.

The Board adjourned the regular meeting until August 27, 2024.

Meeting sign in sheet. Copy filed.

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: August 27th, 2024

*** PERSONNEL ACTION CODE:**

- A- Appointment
- T - Transfer
- P - Promotion
- D - Demotion
- R-Reclassification
- E- End of Probation
- S - Separation
- O – Other

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Green, Sean	Sheriff's Office	8-20-2024	Civilian Jailer			S	Resignation
Butler, Dennis	Board of Supervisors	8-21-2024	Budget & Finance Director			S	

APPROVED BY BOARD DATE: _____

MELISSA THOMAS, HR DIRECTOR: _____

**HUMAN RESOURCES DEPARTMENT
WOODBURY COUNTY, IOWA**

DATE: August 27, 2024

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
Sheriff's Office	Civilian Jailer	CWA Civilian: \$24.57/hour		
Board Of Supervisors	Budget & Finance Director			

Chairman, Board of Supervisors

AUGUST 20, 2024 — MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS AS TRUSTEES FOR THE BENNETT MCDONALD LEVEE & WOLF CREEK DRAINAGE DISTRICT IN WOODBURY COUNTY

The Board of Supervisors met on Tuesday, August 20, 2024, as Trustees for Wolf Creek Drainage District in Woodbury County. Board members present were Ung, Nelson, Radig, and Bittinger II; Taylor was absent. Staff members present were Karen James, Board Administrative Assistant, Melissa Thomas, Human Resources Director, and Patrick Gill, Auditor/Clerk to the Board.

The Chair called to order the Bennett McDonald Levee & Wolf Creek Drainage District Trustee meeting.

Information was presented By Caleb Rasmussen, ISG and Mark Nahra, Secondary Roads about flood damage, repair and response to Corps of Engineers. Copy filed.

The Bennett McDonald Levee & Wolf Creek Drainage District Trustee meeting was adjourned.

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

Date: 8/21/2024 Weekly Agenda Date: 8/27/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Approve contract for Propane for heating county buildings for FY 2025

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input type="checkbox"/> |

EXECUTIVE SUMMARY:

The county annually receives bids for propane supplied for heating for the Secondary Road Department, Emergency Services, the Sheriff's Department, Conservation, and the Little Courthouse at Anthon.

BACKGROUND:

The county received bids for 56,525 gallons of propane this year. The contract has been returned by the successful bidder for county board approval.

FINANCIAL IMPACT:

Propane is an annual budget item for the county departments.

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:

I recommend that the Board approve the contract for Propane - FY 2025.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the contract for Propane - FY 2025 and direct the chair to sign the contracts.

County Woodbury

SUPPLY CONTRACT

THIS AGREEMENT made entered into by and between Woodbury County, by its Board of Supervisors, consisting of the following members, Matthew A. Ung, Keith W. Radig, Daniel A. Bittinger II, Mark Nelson and Jeremy Taylor. Party of the first part, and Johnson Propane of Battle Creek, IA, party of the second part.

WITNESSETH: That the party of the second part, for and in consideration of \$1.06 per gallon payable as set forth in the specifications constituting a part of this contract, hereby agrees to furnish f. o. b. the locations as designated in the Instructions to bidders, and within the time specified propane as follows: Furnish and deliver approximately 56,525 gallons of propane fuel at the bid price of \$1.06/per gallon to the Woodbury County Secondary Roads Department, Conservation Department, Sheriff's Department, Emergency Services Department, Starcomm Communications Tower Sites and Treasurer's Office.

Deliveries to be made at locations as noted in the NOTICE/INSTRUCTIONS TO BIDDERS.

Deliveries to be made within forty-eight (48) hours of County order unless other delivery arrangements are agreed upon by both parties.

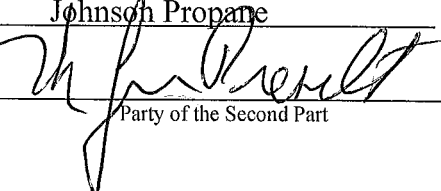
This contract is valid only for the period commencing September 1, 2024 through and including August 31, 2025.

Payment to vendor will be made from current funds upon receipt of invoices.

IN WITNESS WHEREOF, the parties hereto have set their hands for the purpose herein expressed, to this and three other instruments of like tenor, this _____ day of _____ 2024

Woodbury County, Iowa
Party of the First Part

By _____
Matthew Ung, Chairman

Johnson Propane
By  _____
Party of the Second Part

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

Date: 8/16/2024

Weekly Agenda Date: 8/27/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisors J. Taylor/M. Nelson

WORDING FOR AGENDA ITEM:

Direction for Planning and Zoning Director to Work with Planning and Zoning, the Board of Adjustment Commission, and Legal Counsel in Order to Make a Recommendation Contemplating Decommissioning Requirements as a Part of a New Ordinance Regarding Carbon Pipelines

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

When something as powerful as eminent domain is used and emplacement of a new carbon pipeline is completed, a key question must be asked: after these new technologies have reaped the benefit of federal tax credits and the subsidiary energy used, what is to become of the land? This something that we have engaged in dozens of times regarding the alternative energies of wind and solar. Woodbury County adopted at our urging an energy resolution and has urged officials to look at new technologies that do not degrade farmland for future generations, respect private property rights, and leave the land in the spirit of stewardship better than we found out.

If the Summit plan to expand carbon pipeline through 300 miles that were abandoned by Navigator's C02 pipeline maintains IUB commission approval by approvals in South and North Dakota and survives any lawsuit (if parties so file), then it is incumbent upon us to ask a key question: what decommissioning will be required to leave the land as outside companies found it?

While publicly elected officials to include seven other Iowa counties have appropriately focused mainly on setback distances and the use of eminent domain, this approach has an integral and reasonable, "If...then..." measure to protect our land for future generations.

BACKGROUND:

Decommissioning refers to the process of taking a line out of service safely and permanently. We are currently exploring changes to decommissioning with wind energy. Why? Because federal policy can dramatically change the viability of alternative energies. We realize the "shelf life" of such technologies may vacillate with financial viability. Afterwards with solar, wind, and carbon pipeline, there is a dramatic effect on the land with in the amount of concrete, pipe, metal over thousands of acres of land. Lest 100 years from now Iowa becomes a spotted terrain of a patchwork not just of corn and soybeans but of once lucrative abandoned energy projects, we must demand a fair process to restore the land to how it was found, a key principle of who we are as a people.

Decommissioning can include leaving piping in place or removal, disconnecting the line from systems and segmenting where necessary, cleaning the line, addressing stability and soil/slope disturbance, contracting or obligating the monitoring responsibility of the decommissioned line. A key consideration in the decommissioning process is to minimize disturbance to farmlands, roadways, wetlands, green spaces, livestock operations, and residences. This would also entail the responsibility for looking after the line by maintaining protection from corrosion, right of way monitoring and maintenance, signage and contact info, maintaining profile and survey information for "call before dig" areas. In some cases a bond or other financial obligation is required as part of a decommissioning process.

The hoped for agenda item asks the Planning and Zoning Director to work collaboratively with P&Z, the BoA, our county attorney's office, and even outside legal counsel that we have already engaged in order to make sure that this process is well-detailed, legal, reasonable, and fair.

While setbacks for safety and eminent domain for private property rights have understandably and in many ways (rightly) dominated the debate, we want to move the discussion to a process wherein we are asked as a county, "If we are to build pipeline through hundreds of miles of farmland, near neighborhoods, under right of way and roads, what do you all require us to do in order to make things right for future generations?" Should a carbon pipeline be implemented, our answer to that will not only be to the major corporations who seek to use the land but will be realized by our children and Iowans for generations to come.

FINANCIAL IMPACT:

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:

Direction for Planning and Zoning Director to Work with Planning and Zoning, the Board of Adjustment Commission, and Legal Counsel in Order to Make a Recommendation Contemplating Decommissioning Requirements as a Part of a New Ordinance Regarding Carbon Pipelines

ACTION REQUIRED / PROPOSED MOTION:

Direction for Planning and Zoning Director to Work with Planning and Zoning, the Board of Adjustment Commission, and Legal Counsel in Order to Make a Recommendation Contemplating Decommissioning Requirements as a Part of a New Ordinance Regarding Carbon Pipelines

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

Date: 8/21/2024 Weekly Agenda Date: 8/27/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Nelson

WORDING FOR AGENDA ITEM:

Information regarding re-surfacing County Road D38 through the City Limits of Anthon

ACTION REQUIRED:

- | | | |
|--|--|---|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input checked="" type="checkbox"/> | Attachments <input type="checkbox"/> |

EXECUTIVE SUMMARY:

Secondary Roads is set to resurface D38 in 2025. The city of Anthon would like to resurface 3/4 of a mile of D38 that goes through Anthon but would like financial assistance from the County.

BACKGROUND:

Iowa Code requires the county to take care of Farm-To-Market roads through towns less than 500 people with a portion of that city's road use funds going to the county to maintain it. D38 through Anthon is a very heavily traveled Farm-To-Market road however Anthon has a population of roughly ~530 so they are solely responsible for resurfacing. Total project cost would be ~\$210,00 to \$249,000

FINANCIAL IMPACT:

Secondary Roads has offered to cover mobilization, engineering, and inspections should Anthon choose to re-surface D38 through town. The City of Anthon is asking to split the cost of the work with the County, which would result in the county's share being ~\$105,000 to \$125,000

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:

ACTION REQUIRED / PROPOSED MOTION:

NA