



**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(SEPTEMBER 3) (WEEK 36 OF 2024)**

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

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Daniel A. Bittinger II
389-4405
dbittinger@woodburycountyiowa.gov

Mark E. Nelson
540-1259
mnelson@woodburycountyiowa.gov

Keith W. Radig
560-6542
kradig@woodburycountyiowa.gov

Jeremy J. Taylor
259-7910
jtaylor@woodburycountyiowa.gov

Matthew A. Ung
490-7852
matthewung@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held September 3, 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 J.S. {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 8 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 27, 2024 meeting
3. Approval of claims
4. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process

5. Planning & Zoning – Daniel Priestley
Approval to set Sept. 17th at 4:45 p.m., Sept. 24th at 4:45 p.m. and Oct. 1st at 4:45 p.m. for three public hearings for the consideration of proposed amendments/revisions to Woodbury County Ordinance #56: An ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County
6. Board of Supervisors – Daniel Bittinger
Approval of resolution for abatement of taxes for Rolling Hills Community Services Region
7. Secondary Roads – Mark Nahra
Approval of permit to work in the county right of way for Mark Godfredson
8. Board of Supervisors – Matthew Ung
Authorize the Chairman to sign consent and waiver with Ahlers & Cooney, P.C. regarding Joint Representation of Certain Counties for Purposes of Seeking Judicial Review of the Iowa Utilities Commission’s Decision Granting a Pipeline Permit to Summit Carbon Solutions

End Consent Agenda

- | | | |
|------------------|---|-------------|
| 4:35 p.m. | 9. Board Administration – Heather Van Sickle
(Set time) Public hearing and sale of property for Parcel #894729285006 (aka 512 – 14 Market St.) | Action |
| | 10. Reports on Committee Meetings | Information |
| | 11. Citizen Concerns | Information |
| | 12. Board Concerns | Information |

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- 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** **7:30 a.m.** SIMPCO Executive-Finance Committee Meeting, 6401 Gordan Drive
- 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
- WED., OCT 2** **4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- MON., OCT 7** **6:00 p.m.** Board of Adjustment meeting, Courthouse Basement Boardroom

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 27, 2024, THIRTY-FOURTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, August 27, 2024, at 4:00 p.m. Board members present were Ung (by phone), Radig, Taylor, and Bittinger II. Nelson 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 Radig second by Taylor to go into closed session per Iowa Code Section 21.5(1)(a). Carried 3-0 on a roll call vote (Ung was not present).

Motion by Radig second by Taylor to go out of closed session per Iowa Code Section 21.5(1)(a). Carried 3-0 on a roll call vote (Ung was not present).

Motion by Radig second by Taylor to approve \$400.00 of relief for the appellant. Carried 3-0.

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 Taylor to approve the agenda for August 27, 2024. Carried 4-0. Copy filed.

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

2. To approve minutes of the August 20, 2024, meeting. Copy filed.

3. To approve the claims totaling \$403,428.76. Copy filed.

4a. To approve the separation of Sean Green, Civilian Jailer, County Sheriff Dept., effective 08-20-2024. Resignation.; and the separation of Dennis Butler, Budget & Finance Director, Board of Supervisors Dept., effective 08-21-24. Copy filed.

4b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Civilian Jailer, County Sheriff Dept. CWA Civilian: \$24.57/hour; and Budget & Finance Director, Board of Supervisors Dept. Copy filed.

Carried 4-0.

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

The Supervisors meeting was called back to order.

6. Motion by Radig second by Taylor to approve the contract for Propane – FY 2025. Carried 4-0. Copy filed.

7. Motion by Bittinger second by Taylor to approve the 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. Carried 4-0. Copy filed.

8. Information was presented by Mark Nahra, County Engineer, regarding re-surfacing County Road D38 through the City Limits of Anthon. Copy filed.

9. Reports on committee meetings were heard.

10. Taylor Goodvin, Sioux City, recognized the passing of Dennis Butler, the county's budget and tax analyst.

11. Board concerns were heard.

The Board adjourned the regular meeting until September 3, 2024.

Meeting sign in sheet. Copy filed.

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: September 3, 2024

*** PERSONNEL ACTION CODE:**

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

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Thompson, Lexi	Sheriff's Office	09-16-2024	Civilian Jailer	\$24.57/hour		A	Job Vacancy Posted 05/21/2024. Entry Level Salary: \$24.57/hour
Ress, Melody	Sheriff's Office	09-16-2024	Civilian Jailer	\$24.57/hour		A	Job Vacancy Posted 05/21/2024. Entry Level Salary: \$24.57/hour
Anderson, Lisa	Human Resources	09-09-2024	Temp Secretary	\$28.72/hour		A	Job Vacancy Posted 08/20/2024. Entry Level Salary: \$28.72/hour
Trobaugh-Huynhle, Vy	Human Resources	9-16-2024	Senior Clerk	\$22.92/hour	16%/\$3.68	T	Transfer from Treasurer's Office to HR
Pollema, Brandon	Emergency Services	9-9-2024	Paramedic	\$25.23/hour		A	Job Vacancy Posted 05/13/2023 Salary: \$25.23
Kyle, Michelle	Emergency Services	08-28-2024	Paramedic			S	Separation

APPROVED BY BOARD DATE: _____

Melissa Thomas

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
Treasurer	Clerk II	AFSCME Courthouse \$19.24/hour		
Emergency Services	Paramedic	\$26.84		

Chairman, Board of Supervisors

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

Date: 8/29/24 Weekly Agenda Date: 9/3/24

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley

WORDING FOR AGENDA ITEM:

Motion for approval to set dates and times for 3 public hearings for the consideration of proposed amendments/ revisions to Woodbury County Ordinance #56: An Ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County. Proposed dates/times: 9/17/24 at 4:45 PM; 9/24/24 at 4:45 PM; 10/1/24 at 4:45 PM.

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:

Proposal to set public hearing dates/times for proposed revisions to Woodbury County Ordinance #56: An Ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County.

BACKGROUND:

SUMMARY OF PROPOSED REVISIONS TO WOODBURY COUNTY, IOWA ORDINANCE #56: AMENDMENTS TO MODIFY SECTION 5.2.D, SECTION 6.1.A, SECTION 6.2, SECTION 7, AND SECTION 7.1.C IN THE ORDINANCE REGULATING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN UNINCORPORATED WOODBURY COUNTY. THE AMENDMENTS TO THE REFERENCED SECTIONS INCLUDE MODIFICATIONS TO THE COMMERCIAL WIND ENERGY CONVERSION SYSTEMS SPECIAL USE...

FINANCIAL IMPACT:

conti. - PERMIT APPLICATION REVIEW AND APPROVAL PROCESS INCLUDING APPLICATION SUBMISSION REQUIREMENTS, SITING AND DESIGN STANDARDS INCLUDING SETBACKS, WIND TURBINES PROTECTED AREAS AND TURBINE SET BACK REQUIREMENTS AND SETBACK WAIVERS REQUIREMENTS, AND DISCONTINUANCE AND DECOMMISSIONING REQUIREMENTS.

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:

Set dates and times for 3 public hearings for the consideration of proposed amendments/revisions to Woodbury County Ordinance #56: An Ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County. Proposed dates/times: 9/17/24 at 4:45 PM; 9/24/24 at 4:45 PM; 10/1/24 at 4:45 PM.

ACTION REQUIRED / PROPOSED MOTION:

Motion for approval to set dates and times for 3 public hearings for the consideration of proposed amendments/revisions to Woodbury County Ordinance #56: An Ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County. Proposed dates/times: 9/17/24 at 4:45 PM; 9/24/24 at 4:45 PM; 10/1/24 at 4:45 PM.

WOODBURY COUNTY, IOWA

RESOLUTION #

RESOLUTION APPROVING ABATEMENT OF TAXES

WHEREAS, Rolling Hills Community Services Region is the titleholder of real estate Parcel #894710401001 located in Woodbury County, Iowa and legally described as follows:

Parcel #894710401001

LL-SC COMM 89-47 AN IRREG TCT BEG AT SW CORNER NW SE THEC N 634.78 FT THEC E 33 FT TO PT OF BEG: THEC CONT N 319.83 FT THEC NELY 67.83 FT THEC SELY 66.65 FT THEC CONT SELY 245.75 FT THEC S 146.76 FT TO N LINE PATRICIA A THOMPSON 3RD ADDN THEC W 180 FT TO PT OF BEG NW SE 10-89-47

WHEREAS, the above-stated property has an unpaid balance of taxes owing, and the parcel is owned by a political subdivision of the state; and

WHEREAS, the political subdivision, namely Rolling Hills Community Services Region, is failing to immediately pay the taxes due; and

WHEREAS, the Board of Supervisors sees that good cause exists for the abatement of these taxes and;

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 445.63 and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 3rd day of September 2024.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick Gill
Woodbury County Auditor/Recorder

Matthew Ung, Chairman

WOODBURY COUNTY TREASURER TINA BERTRAND

822 DOUGLAS ST, ROOM 102, SIOUX CITY, IA 51101

Phone: 712-279-6495 Pay Online at: www.iowatreasurers.org

ROLLING HILLS COMMUNITY SERVICES REGION
 605 CAYUGA ST
 PO BOX 253
 STORM LAKE, IA 50588-0253

Receipt # 016591	PARCEL 894710401001	TAX DUE 09/30/2024
PENALTY STARTS 10/01/2024	FULL YEAR \$23,730.00	September 2024 \$11,865.00



Tear here and return with September payment

RETURN SERVICE REQUESTED 63 1



24-13099
11766507.1
2418262

ROLLING HILLS COMMUNITY SERVICES REGION
 605 CAYUGA ST
 PO BOX 253
 STORM LAKE, IA 50588-0253



WOODBURY COUNTY TREASURER TINA BERTRAND

822 DOUGLAS ST, ROOM 102, SIOUX CITY, IA 51101

Phone: 712-279-6495 Pay Online at: www.iowatreasurers.org

Receipt # 016591	PARCEL 894710401001	TAX DUE 03/31/2025
PENALTY STARTS 04/01/2025	Scan & Pay 	March 2025 \$11,865.00



Tear here and return with March Payment

Woodbury County tax bill for September 2024 and March 2025. Please keep it in a safe place. Send the correct stubs along with your check for payment. If your taxes are paid by your Bank in Escrow, this is for your information only. SEE REVERSE SIDE. Based on January 1, 2023 valuations. Taxes for July 1, 2023 through June 30, 2024. Payable September 2024 and March 2025.

P
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Dist/Parcel: 0087 894710401001
 Receipt #: 016591 Type: 2023 CT
 Cont. No

District Name: SIOUX CITY LL SIOUX CITY COMM

Location: 4038 DIVISION ST

Deed: ROLLING HILLS COMMUNITY SERVICES REGION

Net Acres: 0.000 Ex. Acres: 0.00

TID: Class C

Mail: ROLLING HILLS COMMUNITY SERVICES REGION

Sec./Twp/Rng

Legal: LL-SC COMM 89-47 AN IRREG TCT BEG AT SW CORNER NW SE THEC N 634.78 FT THEC E 33 FT TO P T

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	2023 (This Year)		2022 (Last Year)	
	Assessed	Taxable	Assessed	Taxable
Land:	\$187,500.00	\$152,933.00	\$171,600.00	\$139,870.00
Buildings:	\$588,800.00	\$480,251.00	\$452,900.00	\$369,155.00
Dwelling:	\$0.00	\$0.00	\$0.00	\$0.00
Less Military Exemption:		\$0.00		\$0.00
Less 65+ Homestead Exemption		\$0.00		\$0.00
NET TAXABLE VALUE:		\$633,184.00		\$509,025.00
Value Times Levy Rate of:		37.4783500		36.7029100
EQUALS GROSS TAX OF:		\$23,730.69		\$18,682.70
Less Credits of: Homestead:		\$0.00		\$0.00
Low Income/Elderly Credit:		\$0.00		\$0.00
Ag Land Credit:		\$0.00		\$0.00
Family Farm Credit:		\$0.00		\$0.00
Prepaid Tax:		\$0.00		\$0.00
NET ANNUAL TAXES:		\$23,730.00		\$18,682.00
Ag Dwelling Tax:		\$0.00		\$0.00

Other taxes unpaid:	No
Special Assessments due:	No
Drainage due:	No
Tax sale certificate:	No

DEED: ROLLING HILLS COMMUNITY SERVICES REGION

Emergency Management Dollars \$212,849.00

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TAXING AUTHORITY	Distribution of YOUR current year taxes			Total property taxes levied by taxing authority		
	% OF TOTAL	FULL YEAR	LAST YEAR	FULL YEAR	LAST YEAR	PERCENT +/-
SIOUX CITY INC	44.14	\$10,473.06	\$8,024.42	\$58,054,905.00	\$52,522,024.00	10.53+
SIOUX CITY COMM	33.03	\$7,837.68	\$6,331.17	\$40,158,235.00	\$38,652,226.00	3.90+
COUNTY CITY	18.97	\$4,502.54	\$3,631.77	\$37,565,876.00	\$35,685,671.00	5.27+
WEST IA TECH	2.65	\$629.93	\$480.39	\$10,953,692.00	\$9,832,454.00	11.40+
CITY ASSESSOR	0.89	\$210.76	\$152.15	\$1,135,456.00	\$967,325.00	17.38+
COUNTY AG EXTENSION	0.32	\$74.89	\$61.18	\$617,103.00	\$593,650.00	3.95+
T.B. ERAD	0.00	\$1.14	\$0.92	\$10,376.00	\$9,782.00	6.07+
135 INDIAN HILLSC LL	0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00+
Taxing Authority Totals	100.00%	\$23,730.00	\$18,682.00	\$148,495,643.00	\$138,263,132.00	

YOU MAY PAY ONLINE AT: www.iowatreasurers.org

WOODBURY COUNTY TREASURER
TINA BERTRAND
 822 DOUGLAS ST, ROOM 102
 SIOUX CITY, IA 51101
 Phone: 712-279-6495

Receipt #
016591

September 2024
\$11,865.00

Date Paid: _____
CHECK#: _____

March 2025
\$11,865.00

Date Paid: _____
CHECK#: _____

Retain this lower portion for your records. Enter the date paid and your check number for your information. Keep in a safe place.

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

Date: 08/28/2024 Weekly Agenda Date: 09/3/2024

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

WORDING FOR AGENDA ITEM:

Consideration of permit to work in the county right of way for the Mark Godfredson

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 type="checkbox"/> | Attachments <input type="checkbox"/> |

EXECUTIVE SUMMARY:

Mark Godfredson has requested a permit to work in the right of way to install an outlet for an approved alternative septic system at 2221 Allison Avenue.

BACKGROUND:

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa. I have reviewed the site with the Siouxland District Health Department and recommend the work be permitted.

FINANCIAL IMPACT:

No impact at this time.

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?

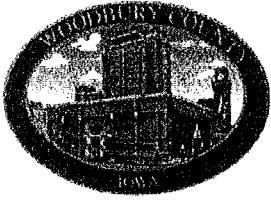
Yes No

RECOMMENDATION:

Approve the permit to work in the right of way.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the permit to work in the right of way for Mark Godfredson and to direct the chair to sign the permit.



Woodbury County Secondary Roads Department

X 759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nagra, P.E.
mnagra@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Mark Godfredson Phone No.: 712-251-4638 or ⁶⁰⁵ 760-4801
Mailing Address: 2359 Barker Av. Sgt Bluff Keith
Township: Liberty - West Section: 2

Woodbury County, State of Iowa, and Mark Godfredson (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Septic system outlet is 2221 Allison Avenue
Outlet approved by Siouxland District Health Place outlet sign near
outlet pipe

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

- A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.
- B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.
- C. In placing any drainage structure, no natural drainage course will be altered or blocked.
- D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.
- E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the 30th day of November, 2024.

Entered into this 22nd day of August, 2024.

Mark Hoffmann *crystal Ball Properties*
Signature of Property Owner or Authorized Representative

Mark J. Malina
Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Ahlers & Cooney, P.C.
Attorneys at Law

100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Phone: 515-243-7611

Fax: 515-243-2149

www.ahlerslaw.com

Timothy J. Whipple
515-246-0379
twhipple@ahlerslaw.com

August 28, 2024

Via Electronic Mail Only

Dean Kluss, Supervisor
Wright County Courthouse
115 N. Main Street
Clarion, Iowa 50525
dkluss@wrightco.iowa.gov

Steven Goodlow, County Attorney
Dickinson County Attorney's Office
1801 Hill Avenue, Suite 2509
Spirit Lake, Iowa 51360
sgoodlow@dickinsoncountyiowa.gov

Steve Kenkel, Supervisor
Shelby County Courthouse
612 Court Street
Harlan, Iowa 51537
nskenkel@fmctc.com

Kyle Stecker, Supervisor
Kossuth County Courthouse
114 W. State Street
Algona, Iowa 50511
kstecker@kossuthcounty.iowa.gov

Mark Kuhn, Supervisor
Floyd County Courthouse
101 S. Main Street
Charles City, Iowa 50616
mkuhn@floydcoia.org

Melanie Bauler, County Attorney
Emmet County Courthouse
609 1st Avenue North, Suite 1
Estherville, Iowa 51334
mbauler@emmetcountya.gov

Matthew Ung, Supervisor
Woodbury County Courthouse
620 Douglas Street
Sioux City, Iowa 51101
matthewung@woodburycountyiowa.gov

Darrell Meyer, County Attorney
Hardin County Office Building
1201 14th Avenue
Eldora, Iowa 50627
dmeyer@hardincountya.gov

Re: Joint Representation of Certain Counties for Purposes of Seeking Judicial Review of the Iowa Utilities Commission's Decision Granting a Pipeline Permit to Summit Carbon Solutions

Dear County Representative:

Your county expressed an interest in joining with other affected counties to seek judicial review of the Iowa Utilities Commission's ("IUC") final decision and order in IUC Docket No. HLP-2021-0001. This letter sets forth the terms and conditions on which Ahlers & Cooney (the "Firm") could represent your county and the other affected counties in a joint representation.

Concurrent (Joint) Representation and Conflict Waiver

This consent and waiver letter confirms that our Firm has been asked to represent one or more of the following counties: Shelby, Woodbury, Emmet, Kossuth, Dickinson, Hardin, Floyd, and Wright, all acting by and through their Boards of Supervisors (the "Counties"), in connection with certain litigation arising from the state and local regulation of hazardous liquid pipelines and, in particular, from a final decision and order in a contested case permit proceeding before the IUC granting a pipeline permit to Summit Carbon Solutions. Your county participated in the contested case proceeding and has the right to seek judicial review of the IUC's order granting the permit.

As you know, our Firm has an existing and long-standing client relationship with all of the Counties who participated in the contested case proceeding. Given the proposed concurrent representation of the Counties, we cannot undertake a representation where we will advocate or negotiate for one party against the others. However, our ethical rules allow us to undertake representation of all Counties in a specific matter, provided that we can competently and diligently represent each client, and each client provides informed consent in writing to the representation.

We believe that we can competently and diligently represent the Counties in the limited matter of a request for a judicial review of the IUC's granting a pipeline permit to Summit Carbon Solutions. In those proceedings, the legal issues involved are likely to impact either the zoning and home rule powers of each county within their jurisdiction or the zoning and home rule powers of counties generally. In the case of the former, there is no conflict because the jurisdiction of each county does not interfere with the other counties. In the case of the latter, the zoning and home rule powers of all counties are likely to be affected equally, in which case there is a high likelihood no party will be adverse to the others.

In short, as long as the Counties agree on the applicable law, substantive policy issues, and tactical and strategic implementation of their shared goals, we believe that we can competently and diligently continue to represent the Counties, and that representing the Counties would not pose a conflict with our representation of them in other matters.

In the event there are actual disagreements of substance between the Counties, we will attempt to resolve such disagreements or disputes amicably during the joint representation. However, if any county remains in dispute or disagreement after good faith attempts at resolution, then that county may withdraw from the joint representation and resume separate participation in the proceedings, or the Firm may decline to advise the other Counties with respect to such issue or withdraw from the joint representation in its entirety, if the withdrawing county notifies the other Counties that it considers continued representation in the matter to be adverse. Such withdrawal by a county or by the Firm would not, however, impact our ongoing representation of the Counties on any other matters not directly related to or arising from judicial review of the IUC proceedings that are the focus of this limited joint representation.

In the course of the joint representation of the Counties, we will not have communications with one county relevant to this matter that are confidential from the others. For matters relevant to this limited joint representation, we have a legal and ethical duty to share with all of you the information we receive and the comments that we give. In other words, your conversations with us with respect to this matter are not privileged as between the Counties and could not be claimed as privileged should any dispute arise between you. If you want independent advice concerning this matter or if you wish to be able to discuss matters in complete privacy, you will need to seek such advice from alternate counsel.

In deciding whether or not to consent to the joint representation, the Counties should consider how our limited representation as described above could or may affect them. For example, clients that are asked to consent to conflicts should consider whether there is any material risk that their attorney will be less diligent on their behalf due to the conflict. Similarly, clients should consider whether there is any material risk that their confidential information or other proprietary matters will be used adversely to them due to the conflict. We do not believe that our obligations of loyalty and confidentiality to any county will impair our ability to represent the Counties in this matter in the limited manner described herein, but, of course, you may ask me any questions you have regarding the contents of this letter and you should seek the independent advice of your County Attorney or other lawyer outside of our Firm regarding the contents of this letter.

Additional Terms of Representation

If all Counties approve and consent to this joint representation as described above, then we understand the Firm's representation in this matter to include the following responsibilities and additional terms:

- Attend regular and special meetings of each county's Board of Supervisors, other meetings with state officials or pipeline company representatives, as necessary, and, in each instance, as may be requested by the Counties.
- Advise the Counties on legal and regulatory matters related to state and federal pipeline regulations, state and federal permits, local ordinances and permits, and county home rule authority.
- Review, draft, file, and, if applicable, negotiate all pleadings, motions, testimony, briefs, and other filings necessary and convenient as part of the judicial review of the IUC's decision granting a pipeline permit to Summit Carbon Solutions.

We have discussed with you the fact that the complexity of local, state, and federal pipeline regulations, along with the magnitude of the proposed carbon capture pipeline projects, lead to the possibility that the Counties' ordinances might be challenged in court or that the IUC proceedings could result in further state or federal litigation resulting or arising from the IUC's decisions and orders during the permit proceedings. The scope of this representation is to assist

with the participation in judicial review of the IUC proceedings as described above, which could include appeals or further judicial review by various Counties that are parties to the proceeding. At this time, the scope does not include defending the Counties against various legal claims not arising from the IUC proceedings, including administrative claims and state and federal litigation not related to the IUC permit proceedings. Representation of the Counties in such matters, if they arise, is subject to the specifics of such claims, a review of actual or potential conflicts of interest, and a separate engagement letter. However, if that becomes necessary, the Firm is willing to consider changing the scope of representation to include such claims, subject to the afore-mentioned items.

In each instance, the firm will represent each County as and to the extent referred to us by the supervisors and agreed to in writing. Any additional legal services, except those services incidental to and necessarily included in connection with this representation, must be reflected in separate correspondence, including litigation matters and bond counsel services.

I will be chiefly responsible for providing the legal services in this matter. I may obtain the assistance of other attorneys or paralegals in the firm, including the attorneys listed below:

- Jason Craig, for litigation-related questions
- Other attorneys as required

Limited Scope of Representation: The scope of our representation does not include advice or services regarding accounting, tax, engineering, financial matters, business management, and related non-legal matters and advice. If you wish for us to consult with other professionals retained by you regarding this matter, we will communicate with you, in writing, to confirm the scope of such consultations prior to initiating the same.

Our services are billed hourly, at the rate in effect at the time services are performed. The firm periodically reviews and adjusts billing rates, usually on an annual basis, with increases effective January 1. At present, the billing rates for the above listed attorneys, effective as of January 1, 2024, are:

- Tim Whipple at \$370 per hour
- Jason Craig at \$355 per hour

These rates will increase on January 1, 2025. I may also call upon others in the firm to assist us from time to time. This may involve attorneys with specialized knowledge and skill, associate attorneys or paralegals. Work performed by other attorneys and paralegals will be billed at their hourly rates in effect at the time the services are performed.

You will be billed for *your proportionate share* of the total costs on a monthly basis for all services rendered and all expenses advanced. For this representation, the proportionate shares shall be equal, and shall be determined by dividing the fees and costs to be billed by the number

of Counties jointly represented. The firm will advance usual and necessary expenses incurred in connection with your representation if the individual amounts do not exceed \$250. If an expense exceeds that amount, the firm will forward the provider's statement directly to you for payment. Your monthly statement will contain an itemized list of the services performed and expenses incurred. If your County uses other services or has other open matters with the Firm, these expenses will be shown separately from those other costs. Should you have any questions about the statement, please call. The firm reserves the right to withdraw from your representation if each monthly statement is not paid within 60 days of issuance.

As you are aware, our firm represents many political subdivisions, including cities, counties, school districts, other companies, and individuals. It is possible that, during the time we are representing your County, one or more of our present or future clients will have transactions with the County or matters involving the IUC. It is also likely that we may be asked to represent, in an unrelated matter, our other clients. If that occurs, we do not believe such representation will adversely affect our ability to represent the County as provided in this letter, either because such matters will be sufficiently different from the County representation so as to make such representations not adverse, or because the potential for such adversity is remote or minor, and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of our County representation. We reserve the right (and the County, by accepting our representation on these terms, consents thereto) to continue to represent, or to represent in the future, other clients on matters where the County interests may be adverse, but that do not have a substantial relationship to any matter on which we are representing the County.

In addition, this representation involves participation in district court proceedings for the IUC's decision to grant a pipeline permit to Summit Carbon Solutions that crosses multiple counties and possibly additional appellate review. There is a possibility that other counties will also seek to participate in the same district court proceedings, and we may also be asked to represent them in the proceedings. We do not believe that such representation, if it occurs, will adversely affect our ability to represent the Counties with respect to the district court proceedings because actual disagreements among the counties is unlikely. In the event that other counties seek our representation in the district court proceedings, we may request that the applicable county grant a conflict waiver and/or enter into this or another similar agreement for joint representation. By entering into this joint representation, the Counties consent to the inclusion of additional counties in the joint representation without further action on their part, if such additional counties agree to the terms and conditions of this letter.

You acknowledge that we have informed you of our potential representation of other counties, as described herein, and we understand that you have determined to recommend to the Board of Supervisors that they seek our representation for the limited purposes described herein.

In the interest of facilitating our services to you, we may send documents, information or data electronically or via the Internet or store electronic documents or data via computer software applications hosted remotely or utilize cloud-based storage. Your confidential electronic

documents or data may be transmitted or stored using these methods. We may use third party service providers to store or transmit these documents or data. In using these electronic communication and storage methods, we employ reasonable efforts to keep such communications, documents, and data secure in accordance with our obligations under applicable laws, regulations, and professional standards; however, you recognize and accept that we have no control over the unauthorized interception or breach of any communications, documents or data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us or by our third party vendors. By your acceptance of this letter, you consent to our use of these electronic devices and applications and submission of confidential client information to or through third party service providers during this engagement.

If these arrangements are acceptable with you, please present this letter to the Board of Supervisors for approval, and then sign one copy of this letter and return it to me by email or by U.S. mail.

The Firm appreciates the opportunity to serve as your counsel in connection with this matter. We look forward to working with you.

Next Steps

If you agree with the contents of this letter, please present this letter to the Board of Supervisors for approval, and then sign and date the WAIVER AND CONSENT below and return it to me. If you disagree with or otherwise believe anything herein to be incorrect or mistaken in any way, then please let me know as soon as possible. We will only be able to represent the Counties in this matter if all Counties agree to this limited representation.

Finally, should you have any questions on this matter, please don't hesitate to contact me.

The firm appreciates the opportunity to serve as your counsel in connection with this matter. We look forward to working with you.

Very truly yours,

AHLERS & COONEY, P.C.

By

/s/ *Timothy J. Whipple*

Timothy J. Whipple

WAIVER AND CONSENT

Shelby, Woodbury, Emmet, Kossuth, Dickinson and Hardin Counties have had the opportunity to seek advice from independent counsel of their own choosing concerning the proposed concurrent representation and any conflict of interest associated therewith, and hereby knowingly and voluntarily waive and consent to any actual, potential, or perceived conflict of interest associated with Ahlers & Cooney, P.C.'s representation of Shelby, Woodbury, Emmet, Kossuth, Dickinson, Hardin, Floyd, and Wright Counties, and any additional counties which seek to join the joint representation on the same terms and conditions, as set forth herein.

Shelby County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Woodbury County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Emmet County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Kossuth County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Dickinson County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Hardin County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Floyd County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

Wright County*

Dated: _____, 2024 By _____

*Approved by action of the governing body on _____, 2024.

RESOLUTION

NOTICE OF PROPERTY SALE

Parcels #894729285006

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.

ATTEST:

WOODBURY COUNTY BOARD OF SUPERVISORS

Patrick F. Gill
Woodbury County Auditor
and Recorder

Matthew A. Ung, Chairman

REQUEST FOR MINIMUM BID

Name: Salvador Palmillas

Date: _____

Address: 518 Market St.

Phone: 10/30/23

Address or approximate address/location of property interested in:

512-14 Market St.

712-833-4472
712-927-8884

GIS PIN # 894729285006

**This portion to be completed by Board Administration **

Legal Description:

Lot 3 in Block 26. Sioux City Addition
in the County of Woodbury and State of Iowa

Tax Sale #/Date: 0739 - 6/20/2022

Parcel # 7125

Tax Deeded to Woodbury County on: 8/6/24

Current Assessed Value: Land \$8,000 Building 0 Total \$8,000

Approximate Delinquent Real Estate Taxes: \$41,258

Approximate Delinquent Special Assessment Taxes: \$1500

*Cost of Services: \$160

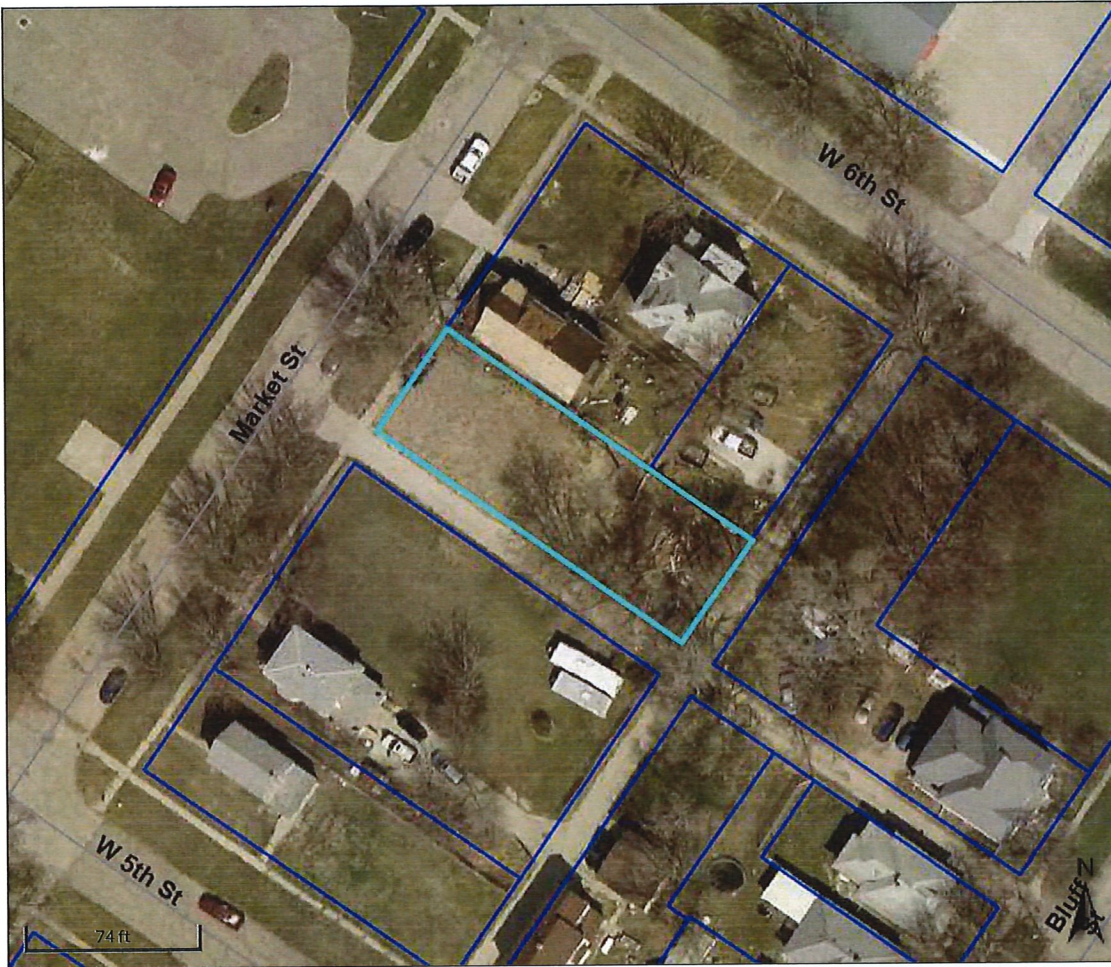
Inspection to: Matthew Ong

Date: 10/31/23

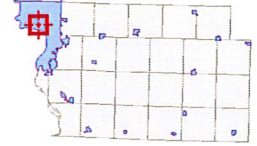
Minimum Bid Set by Supervisor: \$100 plus \$160 for cost of services Total \$260

Date and Time Set for Auction: Tuesday, September 3rd @ 4:35 p.m.

* Includes: Abstractors costs; Sheriff's costs; publishing costs; and mailing costs.



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

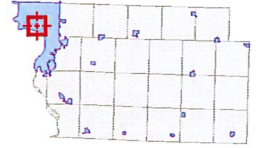
Parcel ID	894729285006	Alternate ID	7125	Owner Address	WOODBURY COUNTY IOWA
Sec/Twp/Rng	n/a	Class	R		620 DOUGLAS ST
Property Address	512-14 MARKET ST	Acreage	n/a		SIOUX CITY, IA 51101
	SIOUX CITY				
District	0087				
Brief Tax Description	SIOUX CITY ADDN LOT 3 BLK 26				
	(Note: Not to be used on legal documents)				

Date created: 8/15/2024
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Developed by  Schneider
 GEOSPATIAL



Overview



Legend

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District	0087				
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