

**NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(OCTOBER 8) (WEEK 41 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 October 8, 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

4:30 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 October 1, 2024 meeting
3. Approval of claims
4. Building Services – Kenny Schmitz
Approval of items to be auctioned per Personal Property Disposition Policy
5. Board Administration – Karen James
 - a. Approval of resolution thanking and commending Jeff C. Davis for his years of service with Woodbury County
 - b. Approval of resolution thanking and commending Debra A. Leckband for her years of service with Woodbury County

6. Board of Supervisors – Daniel Bittinger & Mark Nelson
Approval of clerical amendments to the MOU passed on 10/01/24 at Board of Supervisors meeting
7. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Approval to move a custodian position from the Sheriff Office's budget to the Building Service's budget
 - c. Approval to add a lead custodian position to the Building Services Department
8. Secondary Roads – Mark Nahra
 - a. Approve the underground utility permit for Frontier Communications of Iowa, LLC to be buried in county right of way
 - b. Approval of permit to work in the county right of way for Mitch Parker

End Consent Agenda

9. Deputy County Auditor – Michelle Skaff
Approve and receive for signature the amended Fixed Asset Policy effective 7-1-23 Action
10. Sioux City Police Department – Captain Ryan Bertrand
Approval of FY 2024 Edward Byrne (JAG) Grant Interlocal Agreement, SCPD & WCSO Action
- 4:45 p.m.** 11. Planning/Zoning – Daniel Priestley Action
(Set time)
 - a. Receive final report-Zoning Commission recommendation from 9/23/24 to approve Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on a portion of Parcel #884726200002 for the Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) Action
 - b. Conduct first public hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE on a portion of Parcel #884726200002 Action
 - c. Approve the 1st Reading of the Zoning Ordinance Map Amendment (Rezone) Action
12. Board of Supervisors – Daniel Bittinger & Sky Ranch Behavioral Services – Anna Bertrand
Approval of opioid remediation settlement request and proposal from Sky Ranch Behavioral Services for 3 F.T.E. positions Action
13. Secondary Roads – Mark Nahra
 - a. Approval of a construction agreement addendum with the City of Hornick Action
 - b. Receive bids for project number L-B(K19)—73-97 and return them to the county engineer for review Action
 - c. Award the bid for project L-B (K19)—73-97 if clear low bidder is found Action
14. Reports on Committee Meetings Information
15. Citizen Concerns Information
16. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

- MON., OCT 7** 6:00 p.m. Board of Adjustment meeting, Courthouse Basement Boardroom
- WED., OCT 9** 7:30 a.m. SIMPCO Executive Finance Committee Meeting, 6401 Gordan Drive
8:05 a.m. Woodbury County Information Communication Commission, First Floor Boardroom
10:00 a.m. StarComm Board Meeting, The Security Institute, WIT Campus
12:00 p.m. District Board of Health Meeting, 1014 Nebraska St.
- THU., OCT 10** 12:00 p.m. SIMPCO Board of Directors, 6401 Gordon Drive.
4:00 p.m. Conservation Board Meeting, Brown's Lake – Bigelow Park
- WED., OCT 16** 10:30 a.m. Western Iowa Tourism Region Meeting, LaunchPad Museum, 623 Pearl St.
12:00 p.m. Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
1:30 p.m. Local Emergency Planning Committee Meeting, The Security Institute at WITCC
4:30 p.m. Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- WED., OCT 23** 2:30 p.m. Rolling Hills Community Services Region Governance Board Meeting
- MON., OCT 28** 6:00 p.m. Zoning Commission Meeting, Courthouse Basement Boardroom
- THU., OCT 24** 11:00 a.m. Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce St.
- MON., NOV 4** 6:00 p.m. Board of Adjustment meeting, Courthouse Basement Boardroom
- WED., NOV 6** 11:00 a.m. Loess Hills Alliance Stewardship Meeting, Pisgah, Iowa
1:00 p.m. Loess Hills Alliance Executive Meeting
4:45 p.m. Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- WED., NOV 13** 7:30 p.m. SIMPCO Executive-Finance Committee Meeting, 6401 Gordon 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., NOV 14** 12:00 p.m. SIMPCO Board of Directors, 6401 Gordon Drive.
4:00 p.m. Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park

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.

OCTOBER 1, 2024, FORTIETH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, October 1, 2024, at 4:30 p.m. Board members present were Ung, Radig, Taylor, Bittinger II, and Nelson. Staff members present were Heather Satterwhite-Van Sickle, Executive Secretary/Public Bidder, Melissa Thomas, Human Resources Director, and Patrick Gill, Auditor/Clerk to the Board.

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

1. Motion by Ung second by Taylor to approve the agenda for October 1, 2024. Carried 5-0. Copy filed.
Motion by Ung second by Radig to approve the following items by consent:
2. To approve minutes of the September 24, 2024, meeting. Copy filed.
3. To approve the claims totaling \$842,157.25. Copy filed.
- 4a. To approve the property tax refund request for Raymond Svendsen, parcel #894729184021, in the amount of \$318.00. Copy filed.
- 4b. To approve the property tax refund request for Closing Siouxland, parcel #894735167001, in the amount of \$648.00. Copy filed.
5. To approve request of Jeff Davis to remain on the county dental insurance. Copy filed.

Carried 5-0.

8. Motion by Taylor second by Ung to receive for signatures a Resolution for Proclamation for Domestic Violence Awareness Month. Carried 5-0.

**WOODBURY COUNTY, IOWA
RESOLUTION #13,802
PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, domestic violence is a serious crime affecting individuals and families in all Siouxland communities; all races, ages, income levels, lifestyles and genders; and in fact, is probably affecting someone you know; and every 9 seconds someone experiences the crime of domestic violence; and

WHEREAS, one in three women and one in nine men will be a victim of violence in their lifetime; domestic violence violates an individual's human rights by destroying dignity, security, and self-worth due to the systematic use of physical, emotional, sexual, psychological, and economic control or abuse; SafePlace works every day to help end these acts of violence and to help rebuild the lives of the survivors; and

WHEREAS, in Siouxland, SafePlace is available 24 hours a day every day of the year and last year responded to nearly 2000 victims fleeing domestic abuse and despite high census and a global pandemic, no one in an unsafe situation was turned away; and

WHEREAS, the impact of domestic violence affects all of the members of the community, and only a coordinated community response will put a stop to these atrocious crimes and assure funding is continuously available to provide these lifesaving services; and

NOW, THEREFORE, Woodbury County Board of Supervisors, do hereby proclaim the month of October, 2024 as

“DOMESTIC VIOLENCE AWARENESS MONTH”

in Woodbury County, Iowa and urge all citizens to actively participate in the scheduled events and programs and to think about the fact that it is someone you know.

BE IT SO RESOLVED this 1st day of October, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

6a. A public hearing was held at 4:35 p.m. for the sale of parcel #894726178006, 900 Cornelia St. 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 Taylor second by Ung to approve and authorize the Chairperson to sign a Resolution for the sale of parcel #894726178006, 900 Cornelia St., to Nikolas Noyes and Adam Wilcox, 201 W. Amherst St., Marcus, IA, 51035 for \$100.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,798**

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

By Nickolas R. Noyes and Adam Wilcox in the sum of **One Hundred and 00/100 (\$100.00)**-----dollars.

For the following described real estate, To Wit:

Parcel #894726178006
Lot Forty (40) Block Seven (7) Eden Park Addition, City of Sioux City, Woodbury County, Iowa
(900 Cornelia 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.

SO DATED this 1st Day of October, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 6b. A public hearing was held at 4:37 p.m. for the sale of parcel #894726177013, 931 Cornelia St. The Chairperson called on anyone wishing to be heard.

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

Motion by Taylor second by Ung to approve and authorize the Chairperson to sign a Resolution for the sale of parcel #894726177013, 931 Cornelia St., to Nickolas Noyes and Adam Wilcox, 201 W. Amherst St., Marcus, IA, 51035, for \$100.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,799**

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

By Nickolas R. Noyes and Adam Wilcox _____ in the sum of **One Hundred and 00/100 (\$100.00)**-----dollars.

For the following described real estate, To Wit:

Parcel #894726178006
Lot Fourteen (14) Block Six (6) Eden Park Addition, City of Sioux City, Woodbury County, Iowa
(931 Cornelia 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.

SO DATED this 1st Day of October, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6c. A public hearing was held at 4:39 p.m. for the sale of parcel #894726178011, 604 Glass St. The Chairperson called on anyone wishing to be heard.

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

Motion by Taylor second by Ung to approve and authorize the Chairperson to sign a Resolution for the sale of parcel #894726178011, 917 Glass St., to Nickolas Noyes and Adam Wilcox, 201 W. Amherst St., Marcus, IA 51035, for \$100.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,800**

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

By Nickolas R. Noyes and Adam Wilcox in the sum of **One Hundred and 00/100**
(\$100.00)-----dollars.

For the following described real estate, To Wit:

Parcel #894726178011
Lot Fourteen (14) Block Seven (7) Eden Park Addition, City of Sioux City, Woodbury County, Iowa
(917 Glass 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.

SO DATED this 1st Day of October, 2024.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

6d. A public hearing was held at 4:41 p.m. for the sale of parcel #894728102006, 208 14th St. The Chairperson called on anyone wishing to be heard.

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

Motion by Taylor second by Ung to approve and authorize the Chairperson to sign a Resolution for the sale of parcel #894728102006, 208 14th St., to Meg Andrews 2017 Revocable Trust, 259 Whitney St., San Fransisco, CA, 94131-2726 for \$4,000.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF WOODBURY COUNTY, IOWA
RESOLUTION #13,801**

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

By Meg Andrews 2017 Revocable Trust in the sum of **Four Thousand and 00/100**
(\$4,000.00)-----dollars.

For the following described real estate, To Wit:

Parcel #894728102006

The West Twenty-five feet (W 25') of the East Fifty feet (E 50') of Lot One (1) and the West Twenty-five feet (W 25') of the East Fifty feet (E 50') of the North Eighteen and one-half feet (N 18 ½') of Lot Two (2), Block Seventy-nine (79), Sioux City East Addition, City of Sioux City, Woodbury County, Iowa (208 14th 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.

SO DATED this 1st Day of October, 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS

Copy filed.

- 7a. A public hearing was held at 4:45 p.m. for the proposed revisions to Woodbury County Ordinance #56, including amending Sections 5.2.D, 6.1.A, 6.2, 7, and 7.1.C, which regulate Commercial Wind Energy Conversion Systems (C-WECS) in unincorporated Woodbury County. The amendments address changes to the C-WECS application process, submission requirements, siting and design standards, including setbacks, protected areas, setback waiver limitations, as well as updates to discontinuance and decommissioning plan requirements. The Chairperson called on anyone wishing to be heard.

Motion by Nelson second by Taylor to receive a letter from MidAmerican Energy Company regarding the proposed wind ordinance amendment. Carried 5-0. Copy Filed.

Motion by Nelson second by Taylor to receive a letter from Galen and Jill Moore, Ames, IA, regarding the proposed wind ordinance amendment. Carried 5-0. Copy Filed.

Lyle Fixel, Kingsley, Jeff Moss, Anthon, Brittini Vander Molen, Anthon, Kelsey Ballard, MidAmerican Energy, Daniel Hair, Hornick, Larry Filipi, Anthon, Steve Corey, Salix, Doyle Turner, Merville, and Kim Alexander, Smithland, offered comments during the public hearing.

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

- 7b. Motion by Ung second by Taylor to approve the 3rd and final reading of the ordinance amendments. Carried 5-0. Copy filed.

- 7c. Motion by Ung second by Taylor to adopt Ordinance #79, ordinance amendments to Ordinance #56. Carried 5-0.

- 9. Motion by Radig second by Nelson to approve the MOU with the Attorney's Union to incentivize new hires and retain existing employees.

Kenny Schmitz, Building Services Director, Tina Bertrand, County Treasurer, Todd Copley, AFCSME 61 President, Corey Davis, CWA 7103 President, Chad Sheehan, County Sheriff, Melissa Thomas, Human Resources Director,

Michelle Skaff, Deputy County Auditor, Athena Ladeas, Assistant County Attorney, and Dan Heissel, Conservation Director, addressed the Board with comments and questions in regard to a proposed memorandum of understanding addressing retention and recruitment in the county attorney's office.

Carried 4-1 on a roll call vote; Ung was opposed. Copy filed.

- 10a. Motion by Radig second by Taylor to approve the federal aid project agreement for projects #STP-S-C097(153)—5E-97. Carried 5-0. Copy filed.
- 10b. Motion by Radig second by Taylor to approve the plans for project #STP-S-C097(153)—5E-97. Carried 5-0. Copy filed.
- 10c. Motion by Taylor second by Ung to approve the federal aid project agreement for projects #BROS-C097(150)—8J-97. Carried 5-0. Copy filed.
- 10d. Motion by Radig second by Ung to approve the plans for project #BROS-C097(150)—8J-97. Carried 5-0. Copy filed.
11. Motion by Taylor second by Bittinger to approve \$100,000.00 as a group purchase threshold retroactive to 7-1-2023 and direct Deputy Skaff to amend the fixed asset policy and bring back for board approval. Carried 5-0. Copy filed.
- 12a. The Board discussed the future of Rolling Hills Services Region physical property. Copy filed.
- 12b. Motion by Taylor second by Nelson to postpone action to approve funding Sky Ranch Behavioral Services request in the amount of \$181,986. Carried 5-0. Copy filed.
13. Reports on committee meetings were heard.
14. Tina Bertrand, County Treasurer, Trevor Bass, Assistant County Attorney, Dan Heissel, Conservation Director, Pat Gill, County Auditor, and Athena Ladeas, Assistant County Attorney addressed the board.
15. There were no Board concerns.

The Board adjourned the regular meeting until October 8, 2024.

Meeting sign in sheet. Copy filed.

Woodbury County Personal Property Disposition Form



DATE:



NAME:



DEPARTMENT:

AUTHORIZED REPRESENTATIVE:



PHONE:

Fill in the fields below (* REQUIRED):

Item Description*	
Estimated Value*	
Current Location*	
County Asset Number	
Serial/VIN Number	
Year	
Make/Model	
Auction Reserve	
Notes	



For Office Use Only:

GovDeals ID #	
Sale Price	
Date	

WOODBURY COUNTY, IOWA

RESOLUTION NO. _____

A RESOLUTION THANKING AND COMMENDING

Jeff C. Davis

FOR HIS SERVICE TO WOODBURY COUNTY

WHEREAS, Jeff C. Davis has capably served Woodbury County as an employee of the Juvenile Detention Department for 40 years from July 3, 1984 to October 8, 2024.

WHEREAS, the service given by Jeff C. Davis as a Woodbury County employee, has been characterized by his dedication to the best interests of the citizens of Woodbury County; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA that the undersigned members of this Board thanks and commends Jeff C. Davis for his years of service to Woodbury County; and

BE IT FURTHER RESOLVED that it is the wish of all those signing below that the future hold only the best for this very deserving person, Jeff C. Davis.

BE IT SO RESOLVED this 8th day of October 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew A. Ung, Chairman

Jeremy J. Taylor, Member

Daniel A. Bittinger II, Member

Keith W. Radig, Member

Mark E. Nelson, Member

Attest:

Patrick F. Gill, Woodbury County Auditor

WOODBURY COUNTY, IOWA

RESOLUTION NO. _____

A RESOLUTION THANKING AND COMMENDING

Debra A. Leckband

FOR HER SERVICE TO WOODBURY COUNTY

WHEREAS, Debra A. Leckband has capably served Woodbury County as an employee of the Woodbury County Library for 28 years from August 19, 1996 to October 31, 2024

WHEREAS, the service given by Debra A. Leckband as a Woodbury County employee, has been characterized by her dedication to the best interests of the citizens of Woodbury County; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA that the undersigned members of this Board thanks and commends Debra A. Leckband for her years of service to Woodbury County; and

BE IT FURTHER RESOLVED that it is the wish of all those signing below that the future hold only the best for this very deserving person, Debra A. Leckband.

BE IT SO RESOLVED this 8th day of October 2024.

WOODBURY COUNTY BOARD OF SUPERVISORS

Matthew A. Ung, Chairman

Jeremy J. Taylor, Member

Daniel A. Bittinger II, Member

Keith W. Radig, Member

Mark E. Nelson, Member

Attest:

Patrick F. Gill, Woodbury County Auditor

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

Date: 10/03/2024

Weekly Agenda Date: 10/08/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Bittinger & Nelson

WORDING FOR AGENDA ITEM:

Clerical amendments to the MOU passed on 10/01/2024 at Board of Supervisors meeting.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors discussed the revised MOU for the county attorney's union on 10/01/2024. In the board meeting, clerical items needed to be changed and the majority of the board agreed to approve the changes as publicly discussed.

However, at the time to vote on the new revised MOU, the clerical amendments were not added to the original motion to be voted on.

This consent agenda item is to approve the clerical amendments per the majority of the Supervisor board.

The County Attorney's office was asked what would be the proper parliamentary procedure to approve the clerical changes that were not in the original agenda item motion and approved by a 4-1 vote. They stated that a cosent agenda item would be proper since the clerical amendments were not a substantial change to the MOU just clarifying phrases & dates.

BACKGROUND:

Please see the following attachments:

1: Revised Oct. 2024 MOU Proposal (This MOU has the clerical amendment changes that were discussed publicly and agreed upon by the majority of the Supervisor board at the 10/01/2024 meeting.)

The clerical amendments to the Revised Sept. 2024 MOU Proposal are as follow and reflected in the new Revised Oct. 2024 MOU Proposal:

- In the first paragraph at the top of page one:

- 1) All "September 2024" dates are changed to "October 2024" dates.
- 2) The former effective date of "September 25, 2024" is now "October 3, 2024"

-Under item 2.F

- 1) The phrase "as stated in the current 2024-2027 Union Contract" was removed.

- Under section 4:

- 1) The phrase "two (2) new attorneys" was changed to "one (1) new attorney" to reflect that only one new attorney has been hired.

FINANCIAL IMPACT:

N/A

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:

Motion to accept clerical amendments to the MOU as discussed by the Board of Supervisors and in the public record on 10/01/2024.

ACTION REQUIRED / PROPOSED MOTION:

Motion to accept clerical amendments to the MOU as discussed by the Board of Supervisors and in the public record on 10/01/2024.

October 2024 Memorandum of Understanding

This October 2024 Memorandum of Understanding ("October 2024 MOU") entered into by and between Woodbury County, Iowa ("Employer") and the American Federation of State, County and Municipal Employees, Council 61 Local 3462, Woodbury County Assistant County Attorneys and Victim Witness Coordinator ("Union"), effective October 03, 2024 ("Effective Date") and continuing until such time as the parties shall agree otherwise:

1. The current Master Contract between Employer and Union is effective July 1, 2024 through June 30, 2027 ("2024-2027 Union Contract").

2. Due to the continued shortage of personnel and to assist with recruitment and retention, Employer agrees as follows:

- a. As of the Effective Date, Appendix A of the 2024-2027 Union Contract shall be stricken in its entirety and the new Appendix A attached to this October 2024 MOU shall be inserted in its place.
- b. As of the Effective Date, Article VI, Section 2 Wage Schedule Placement and Advancement shall be amended to state as follows (changes from 2024-2027 Union Contract in highlighted text):

The Appendix A salary schedule for Assistant County Attorneys has ten (10) steps. Each step is designed to allow advancement after six (6) months. Advancement subject to the conditions in the next paragraph shall be done every six (6) months (based on the hire anniversary date) for the Assistant County Attorney.

Newly hired Assistant County Attorneys shall be placed on the Appendix A salary schedule in accordance with the terms of 2024-2027 Union Contract.

As of the Effective Date, all current Assistant County Attorneys shall be placed on the appropriate step according to this October 2024 MOU and be eligible for the other wage increases and benefits provided under this October 2024 MOU.

An Assistant County Attorney shall not be advanced if his/her evaluation is rated unsatisfactory overall. If an Assistant County Attorney is not advanced on step because his/her performance is rated unsatisfactory overall, the Assistant County Attorney shall be given recommendations to improve his/her performance and shall be re-evaluated within six (6) months following the date he/she was scheduled to advance. If upon re-evaluation the Assistant County Attorney performance is rated higher than unsatisfactory overall, the Assistant County Attorney shall be granted his/her step increase and shall be paid retroactive to the date he/she was scheduled to receive a step increase.

- c. As of the Effective Date, Article VI of the 2024-2027 Union Contract shall be amended to add a new Section 15 that states as follows:

Section 15 Attorney Days

As of the effective date of this MOU, each employee will receive five (5) attorney days. Thereafter, each employee will receive five (5) attorney days on July 1 of each contract year. The attorney days will be scheduled by mutual agreement between the employee and the County Attorney or his/her First Assistant Deputy. The attorney days shall not be carried over from contract year to contract year, nor shall they be granted, if unused, to any employee upon retirement, termination or discharge. No employee will be permitted to work his/her attorney day(s). Newly hired Assistant County Attorneys shall work six (6) months prior to being eligible to use their five (5) attorney days. These vacation days shall be taken in no less than half (1/2) day increments.

- d. As of the Effective Date and until the Employer reaches full staffing level of seventeen (17) attorneys or the end of the term of the 2024-2027 Union Contract, whichever is earlier, every six (6) months (based on the hire anniversary date), Assistant County Attorneys may elect to have any accrued but unused vacation hours exceeding his/her carryover limit be paid out in lieu of taking vacation time off.
- e. As of the Effective Date and until the end of the term of the 2024-2027 Union Contract, Assistant County Attorneys may work remotely one day per work week in the same practice currently being used by employees to schedule vacation time off. The County Attorney may require rescheduling of the remote work if in his/her judgment the scheduling of the remote work will adversely affect the efficient operation of the County Attorney's Office. Newly hired Assistant County Attorneys shall work one (1) year prior to being eligible to use the remote work option. The County Attorney may deny an employee's request to work from home based on that employee's performance issues. The County Attorney shall be required to submit such denial in writing with proper cause which shall be subject to the grievance procedures as stated in the current 2024-2027 Union Contract.
- f. As of the Effective Date, the Employer shall pay a retention bonus to each Assistant County Attorney of \$1,500.00 within the next pay period of the Effective Date and thereafter every six (6) months, unless prior to the pay period the Employer reaches full staffing level of seventeen (17) attorneys or the end of the term of the 2024-2027 Union Contract, whichever is earlier. Newly hired attorneys shall receive a \$3,000 bonus after completion of their first year of employment. Therefore, newly hired attorneys shall only become eligible for a retention bonus after completion of one year of employment.
- g. As of the Effective Date, the Employer will advance the negotiated raise of 3.0% for FY 25/26 and 3.0% for FY 26/27 at the rate of 1.5% increases every six (6) months as set out in Appendix A Salary Schedule beginning January 1, 2025 and continuing to the end of the term of the 2024-2027 Union Contract.

3. The Union is in agreement with these voluntary wage increases and fringe benefit offerings.
4. The Union is in agreement that the terms of this MOU shall be made retroactive to September 1, 2024 so as to be applicable to the one (1) new attorney recently hired by the Woodbury County Attorney's Office.
5. All other terms of the 2024-2027 Union Contract shall remain in effect through June 30, 2027. To the extent there is a conflict between this October 2024 MOU and the terms of the 2024-2027 Union Contract, this October 2024 MOU shall control.
6. The Union recognizes that these wage increases and benefits provided by this October 2024 MOU are voluntary by Employer and not required by the 2024-2027 Union Contract. Employer may determine at any time in its sole discretion, upon proper Human Resources and Board of Supervisor action, to eliminate these wage increases and benefits in its entirety. Union agrees that any decision by Employer to eliminate these wage increases and benefits in its entirety, so long as such eliminations do not result in providing less than what is required by the 2024- 2027 Union Contract, would not form the basis for a grievance or prohibited practice complaint.

IN WITNESS WHEREOF, the parties hereto have caused this October 2024 MOU to be executed by their duly authorized representatives effective as of the date above.

WOODBURY COUNTY, IOWA

AMERICAN FEDERATION OF STATE,
 COUNTY AND MUNICIPAL
 EMPLOYEES COUNCIL 61 LOCAL 3462
 WOODBURY COUNTY ASSISTANT
 COUNTY ATTORNEYS AND VICTIM
 WITNESS COORDINATOR

By: _____

By: _____

October _____, 2024

October _____, 2024

APPENDIX A
Wage and Salary Schedule

2024-2025

Assistant County Attorneys effective July 1, 2024 - 9.0%

Step 1	\$83,055
Step 2	\$87,048
Step 3	\$91,032
Step 4	\$95,024
Step 5	\$102,613
Step 6	\$106,602
Step 7	\$110,591
Step 8	\$114,584
Step 9	\$118,573
Step 10	\$126,597

Assistant County Attorneys will be advanced in steps in accordance with the language in Article VI.

APPENDIX A
Wage and Salary Schedule

2025-2026

Assistant County Attorneys effective January 1, 2025 - 1.5%

Step 1	\$84,301
Step 2	\$88,354
Step 3	\$92,397
Step 4	\$96,449
Step 5	\$104,152
Step 6	\$108,201
Step 7	\$112,250
Step 8	\$116,303
Step 9	\$120,352
Step 10	\$128,496

Assistant County Attorneys will be advanced in steps in accordance with the language in Article VI.

APPENDIX A
Wage and Salary Schedule

2025-2026

Assistant County Attorneys effective July 1, 2025- 1.5%

Step 1	\$85,566
Step 2	\$89,679
Step 3	\$93,783
Step 4	\$97,896
Step 5	\$105,714
Step 6	\$109,824
Step 7	\$113,934
Step 8	\$118,048
Step 9	\$122,157
Step 10	\$130,423

Assistant County Attorneys will be advanced in steps in accordance with the language in Article VI.

APPENDIX A
Wage and Salary Schedule

2026 - 2027

Assistant County Attorneys effective January 1, 2026- 1.5%

Step 1	\$86,849
Step 2	\$91,024
Step 3	\$95,190
Step 4	\$99,364
Step 5	\$107,300
Step 6	\$111,471
Step 7	\$115,643
Step 8	\$119,819
Step 9	\$123,989
Step 10	\$132,379

Assistant County Attorneys will be advanced in steps in accordance with the language in Article VI.

VI. APPENDIX A
Wage and Salary Schedule

2026 - 2027

Assistant County Attorneys effective July 1, 2026- 1.5%

Step 1	\$88,152
Step 2	\$92,389
Step 3	\$96,618
Step 4	\$100,854
Step 5	\$108,910
Step 6	\$113,143
Step 7	\$117,378
Step 8	\$121,616
Step 9	\$125,849
Step 10	\$134,366

Assistant County Attorneys will be advanced in steps in accordance with the language in Article VI.

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: October 8th, 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
Murray, Michael	Sheriff's Office	10-04-2024	Courthouse Security Officer			S	Separation
Gilreath, Jacob	Secondary Roads	10-14-2024	Civil Engineer Intern	\$87,500.00/year	9%=\$6,879.20/year	O	Salary Increase per County Engineer.
Feiler, Mary	Sheriff's Office	10-14-2024	Civilian Lieutenant	\$3,823.67/bi-weekly	3.25%=\$120.36/bi-weekly	R	3.25% 6 Year Wage Increase. Anniversary Date: 10-15-2024.
Metzgar, Matthew	Attorney's Office	10-14-2024	Assistant County Attorney	\$102,613.00/year	8%=\$7,589.00/year	R	Per AFSCME: From Step 6 to Step 7. Anniversary Date: 10-18-2024.
Lafave, Dawn	Sheriff's Office	10-28-2024	Civilian Jailer	\$33.24/hour	12%=\$3.46/hour	R	Per CWA: From Senior to Master Officer. Anniversary Date: 10-31-2024
Raymond, Patricia	Treasurer	06-24-2024	% Deputy - MV	\$83,698.71/year	5%=\$5,579.91/year	R	Increase from 70% to 75% Deputy.

APPROVED BY BOARD DATE: _____

MELISSA THOMAS, HR DIRECTOR: _____

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

Date: 10/02/2024 Weekly Agenda Date: 10/08/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Melissa Thomas HR Director

WORDING FOR AGENDA ITEM:

Approval to move a custodian position from the Sheriff Office's budget to the Building Service's budget.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

This agenda item would move the position from budget line 0001-05-1050-000-10007 to 0001-16-9103-000-10007.

BACKGROUND:

This position was originally part of the Building Services department and this request is to move it back to that budget.

FINANCIAL IMPACT:

0

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 motion

ACTION REQUIRED / PROPOSED MOTION:

Motion to deauthorize the Sheriff Office's Jail custodian position and authorize a Building Services custodian position, including transferring the remaining budget.

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

Date: 10/03/2024 Weekly Agenda Date: 10/08/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Melissa Thomas HR Director

WORDING FOR AGENDA ITEM:

Approval to add a lead custodian position to the Building Services department

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Staffing requirements have changed due to the opening of the new Law Enforcement Center, adding another lead custodian position is one of those changes.

BACKGROUND:

Once this position is filled the custodian position budgeted for will not be back filled and eventually deauthorized.

FINANCIAL IMPACT:

The financial impact would be \$2017.60, and this can be covered by the current budget.

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 motion

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve and authorize and hiring of Building Services lead custodian position.

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

Date: 10/03/2024 Weekly Agenda Date: 10/08/2024

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

WORDING FOR AGENDA ITEM:

Consideration of utility permit for telephone service drop to be buried in county ROW

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

Frontier Communications has applied for a permit to allow for a telephone service drop to be added on county road D12.

BACKGROUND:

Work in county ROW requires a permit approved by the Board of Supervisors per section 318.8 of the Code of Iowa. The county engineer has reviewed the plans and recommends that the work be allowed.

FINANCIAL IMPACT:

No financial impact to the county.

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:

Recommend approval of the permit for Frontier Communications of Iowa, LLC.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the underground utility permit for Frontier Communications of Iowa, LLC. and to direct the chair to sign the permit.

PERMIT FOR USE OF COUNTY ROAD/HIGHWAY RIGHT-OF-WAY FOR OVERHEAD AND/OR BURIED UTILITIES ACCOMMODATION

REQUEST BY APPLICANT:

Name FRONTIER COMMUNICATIONS OF IOWA

Highway D-12

Township RUTLAND TOWNSHIP

Address P.O. BOX 57 BLUFFS, IL 62621

City of _____

Office Phone 217-725-4656 Local Phone 217-725-4656

Section: 1/4 of 1/4 Sec 11,2

Type of Utility Installation TELEPHONE SERVICE DROP

T 89 N, R 11 W

Plans Prepared By CARRIE OLSEN

Copy Enclosed X Yes No

Map Showing Location Enclosed X Yes No

Utility Location is X cross right-of-way overhead

X parallel to right-of-way underground

Proposed Method of Installation

tunnel suspend on poles X cased
X bore suspend on towers trench
open cut X plow

Estimated Starting Date 10/10/24 Estimated Restoration Date 6/30/25

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions listed on the reverse side hereof, and special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof. Applicant is to complete in triplicate and send all copies including plans and maps to Woodbury County Engineer, 759 E. Frontage Road, Merville, IA 51039. One executed copy will be returned to the Applicant.

By CARRIE OLSEN (Signature of Authorized Utility Representative)

Title PERMIT AGENT

Date 10/2/24

PERMIT APPROVAL BY PERMITTING AUTHORITY

The forgoing application is hereby approved and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions stated herein and on the reverse side hereof and all attachments hereto.

By (Signature of Woodbury County Board Chairman)

Title

Date

By (Signature of Woodbury County Engineer)

Title

Date

Other Special Provisions:

Permit Provisions and Conditions of Issuance

- 1. The County and/or the County Board of Supervisors will not be charged with any responsibility for damages to the Applicant's property occasioned by any construction or maintenance operations on said county roads, including new or additional right-of-way acquired in connection therewith, subsequent to the building of the Applicant's facilities. The Board will endeavor to give the Applicant sufficient notice of any proposed construction or maintenance work, on either existing or newly acquired right-of-way that is likely to expose, cover up, or disturb any facilities belonging to the Applicant, in order that the Applicant may arrange to protect the facilities. The Board will inform contractors, and others working on the job of the location of the facilities so that reasonable care may be taken to avoid damaging the facilities, however the County and the Board of Supervisors will assume no responsibility for failure to give such notice.

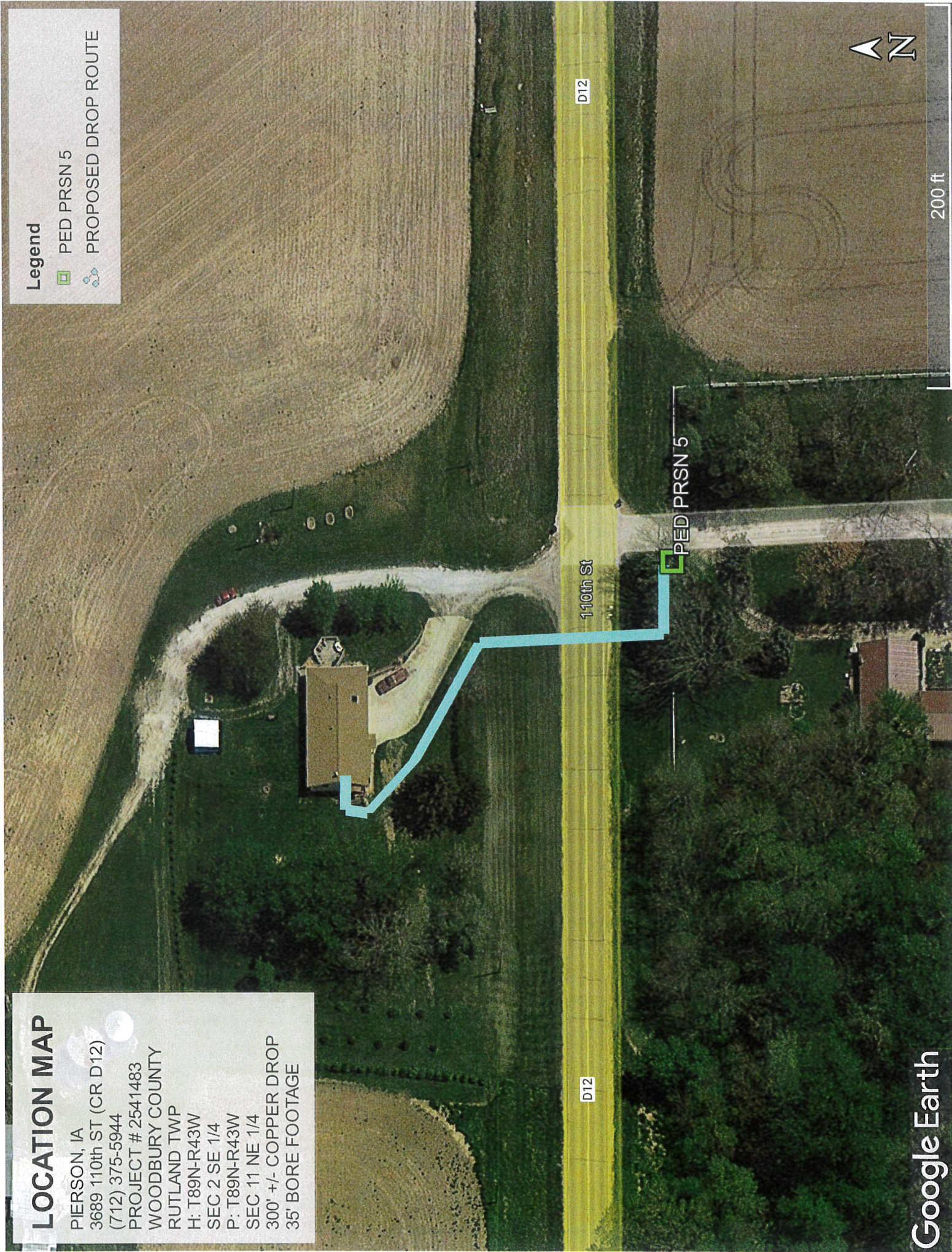
2. The Applicant shall take all reasonable precaution during the construction of said facilities to protect and safeguard the lives and property of the adjacent property owners and the traveling public and shall save the County and the Board of Supervisors harmless of any damages or losses that may be sustained by adjacent property owners and the traveling public on account of such construction operations.
3. Operations in the construction and maintenance of said facilities shall be carried on in such a way as to not interfere with, or interrupt traffic on said roads. However, should the performance of work called for in this permit in any way interfere with or obstruct traffic on said roads, the Applicant shall provide the necessary flagmen as required by the Statutes when one-way traffic is involved and/or otherwise mark said work so as to protect the traveling public.
4. The Applicant shall hold the County and the Board of Supervisors harmless from any damages that may result to said highway because of the construction or maintenance of said facilities and shall reimburse the County or the Board of Supervisors for any expenditures that the County or the Board of Supervisors may have to make on said roads on account of replacement of surfacing gravel and bridge and culvert repairs.
5. Applicant shall lay, construct, operate and maintain said facilities so as not to interfere with natural drainage of the road and so as not to interfere with the construction or maintenance of said roads. When buried cable or wire lines are to be placed lengthwise with the roadway, they shall be placed in the County road shoulder or ditch near the toe of the fore-slope and parallel to centerline of roadbed at a depth of three (3) to four (4) feet by using specially designed plows or by trenching, whichever is appropriate. Plow slots and trenches shall be repacked as necessary to restore the disturbed area to its original condition. For buried line crossings of roadways not paved, an open trench may be dug and the lines placed therein, and the trench back-filled over the lines. Buried line crossings on paved roadways, lines may be placed through the sub-grade by jacking, or by boring a hole just large enough to take the lines; or if the County Engineer approves, a tunnel may be dug through and the cable or wire lines placed therein. All backfill of tunnels and trenches shall be thoroughly compacted in layers of 6" or less in depth. Back-filling of trenches within the right-of-way by not under the traveled roadway shall be tamped sufficiently to avoid settlement. When crossing an existing roadway, all buried facilities shall be placed a minimum of three (3) to four (4) below the bottom of the existing adjacent ditches. Overhead lines, where practical, shall be placed adjacent to and with two (2) feet of the Road/Highway Right-of-Way Line.
6. The Applicant will at any time subsequent to placing the facilities, and at the Applicant's expense, relay, replace, alter, change, reconstruct, or relocate its overhead and/or buried facilities and appurtenances thereto as may become necessary to conform to new grades, alignment, or widening right-of-way, resulting from maintenance or construction operations by the County Board of Supervisors irrespective of whether or not additional right-of-way is acquired in connection with such road improvements. The Applicant agrees to do this within ninety (90) days written notice from the Board of Supervisors, and without cost to the County. If the Applicant is unable to comply within said ninety (90) days, the Board of Supervisors may cause the work to be done and the Applicant will pay the cost thereof upon receipt of statement.
7. All work shall be done in a workmanlike manner; the surrounding ground, slopes, and ditch bottoms shall be reshaped to conform to the area and left in a neat condition satisfactory to the County Engineer. All areas where sod has been damaged or destroyed shall be re-seeded.
8. The Applicant shall notify the County Board of Supervisors at least forty-eight (48) hours in advance of the Applicant's intention of starting work covered by this permit on the road right-of-way. Said notice shall be in writing to the County Engineer.
9. Applicant, its' successors, grantees and assigns shall and hereby agrees to assume all responsibility, risks and liabilities for all accidents and damages that may occur to persons and/or property on account of the work done under this permit, and to this end, indemnify and hold the County and all authorized representatives thereof harmless from any and all claims, damages, losses, and expense including judgements, costs and including attorney's fees, for personal injuries (including death) or property damage arising or resulting from the activities of the Applicant in connection herewith, now and at all times in the future.
10. It is understood that this permit is issued only insofar as Woodbury County has jurisdiction and does not presume to release the Applicant from fulfilling any existing statutes relating to the installation, construction and operation of said facilities.
11. It is further understood that the facilities covered by this permit shall be constructed or installed within one (1) year after the date of approval of this permit, unless otherwise extended in writing by Woodbury County.
12. Engagement in the operations as herein applied for by the Applicant shall be considered and constitute an acceptance of all the terms and conditions herein set forth.

LOCATION MAP

PIERSON, IA
3689 110th ST (CR D12)
(712) 375-5944
PROJECT # 2541483
WOODBURY COUNTY
RUTLAND TWP
H: T89N-R43W
SEC 2 SE 1/4
P: T89N-R43W
SEC 11 NE 1/4
300' +/- COPPER DROP
35' BORE FOOTAGE

Legend

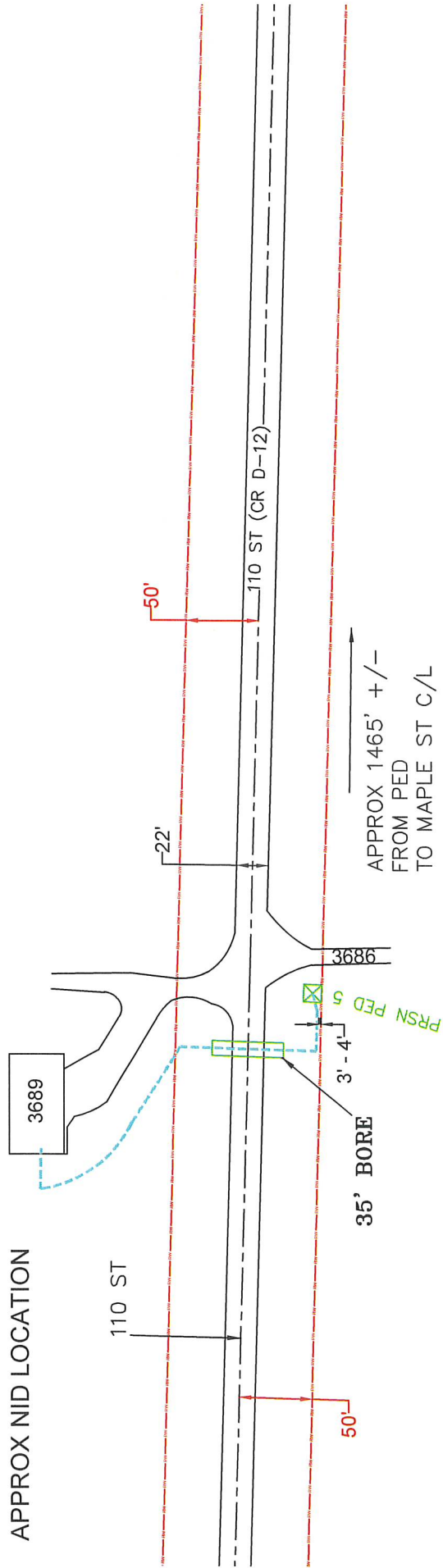
-  PED PRSN 5
-  PROPOSED DROP ROUTE



PIERSON, IA
3689 110TH ST
(712) 375-5944
PROJECT # 2541483

APPROX 300' COPPER DROP
35' BORE TOTAL

APPROX NID LOCATION



PIERSON, IA
WOODBURY COUNTY
RUTLAND TWP
H-T89N R43W
SEC 2 SE 1/4
P-T89N R43W
SEC 11 NE 1/4

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

Date: 10/03/2024 Weekly Agenda Date: 10/08/2024

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 Mitch Parker

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:

Mitch Parker has requested a permit to work in the right of way on behalf of landowners to improve county road ditch to handle field drainage along 340th St., Delaware Avenue, and Emmett Avenue.

BACKGROUND:

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa. I have reviewed both sites with the contractor 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 Mitch Parker and to direct the chair to sign the permit.



Woodbury County Secondary Roads Department

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

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

Name of Permittee: Mitch Parker Phone No.: 712-870-0298

Mailing Address: 915 Clairmont Circle, Sergeant Bluff, IA 51054

Township: Sloan Section: 34

Woodbury County, State of Iowa, and Mitch Parker for landowner (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:

Clean west ditch of Emmett Ave from 340th St. north to dry fill driveway.

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:

None

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the 31st day of December, 2024.

Entered into this 30th day of September, 2024.

Mitchell Rankin
Signature of Property Owner or Authorized Representative

Mark J. Volmer
Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Woodbury County Secondary Roads Department

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

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT

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

Name of Permittee: Mitch Parker Phone No.: 712-870-0298

Mailing Address: 915 Clairmont Circle, Sergeant Bluff, IA 51054

Township: Sloan Section: 32

Woodbury County, State of Iowa, and Mitch Parker (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:

Clean ditch from 340th and Delaware to south driveway of 3349 Delaware Avenue. West side only on Delaware. May also clean north ditch on 340th St.

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 31st day of December, 2024.

Entered into this 30th day of September, 2024.

Mitchell Parker
Signature of Property Owner or Authorized Representative

Mark J. Malina
Woodbury County Engineer

Chair, Woodbury County Board of Supervisors

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

Date: 10/3/2024 Weekly Agenda Date: 10/8/24

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Michelle Skaff - Deputy Auditor

WORDING FOR AGENDA ITEM:

Approve and Receive for Signature the Amended Fixed Asset Policy

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Fixed Asset Policy for approval includes amendments to include a group asset threshold and edits to include audited fixed asset procedures and processes.

BACKGROUND:

In 10-1-2024, the board gave direction to add a \$100,000 threshold for group purchases retroactive to 7-1-2023. In review of the fixed asset policy, other minor changes were made to conform to the audited procedures and processes.

FINANCIAL IMPACT:

na

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:

To approve and receive for signature the amended fixed asset policy effective 7-1-2023.

ACTION REQUIRED / PROPOSED MOTION:

Motion by second by to approve and receive for signature the amended fixed asset policy effective 7-1-2023.

FIXED ASSET INVENTORY POLICY

Board approved February 18, 1997
Policy Change – Board approved August 11, 1998
Policy Revision – Board approved February 5, 2013
Policy Revision – Board approved October 8, 2024
Retroactive effective date 7-1-2023

POLICY

It is the policy of Woodbury County to have a comprehensive fixed asset inventory system. The Woodbury County Auditor shall be responsible for developing, implementing, and maintaining the fixed asset inventory.

SCOPE

All property of Woodbury County, which is non-consumable, has a value exceeding the threshold per fixed asset classification defined below, and a life expectancy of more than one year, shall be included in the fixed asset inventory.

CLASSIFICATION/THRESHOLD

Fixed assets shall be classified in one of the five major groups of land, building, improvements other than buildings, machinery and equipment, and construction in progress. An asset will not be reported in the General Fixed Asset Account Group (GFAAG) unless the value of the asset is equal to or exceeds the following threshold by classification:

<u>Classification</u>	<u>Threshold</u>
Land	any land retained for County use
Buildings*	\$ 5,000
Improvements	\$50,000
Machinery and Equipment	\$ 5,000
- Equipment – Vehicles	
- Equipment – Computer	
- Equipment – Furniture	
- Equipment – Other	
Group Purchases	\$100,000
Infrastructure	\$5,000

*Improvements to buildings will only be capitalized if deemed a major improvement or addition.

REQUIRED DATA

At a minimum, the following data must be captured for each asset purchased from all funding sources; the department, class, location, description, serial number or other identification number (if applicable), Vendor Name and Number, date acquired, cost, Trade in asset (s) and trade/savage amount (if applicable).

VALUATION

Fixed assets purchased with governmental fund expenditures should be recorded at historical cost and reported in the GFAAG. The amount in GFAAG should equal the purchase price or construction costs plus other costs necessary to place the asset into intended use.

- Trade-ins* - If trade in has no value, the new asset cost is recorded as its purchase price.
 - If trade in amount is more than the trade in asset remaining value, then the value of the new asset is recorded as the purchase price plus the traded in asset remaining value.
 - If the trade in amount is less than the remaining value of the trade in asset, then the value of the new asset is recorded as the purchase price plus the trade in allowance.

- Gifts assets given to the County will be reported in GFAAG at fair market value (an amount determined mutually by the seller and purchaser).

*Invoices for trade-ins should indicate the purchase price and trade-in amount allowed.

PHYSICAL INVENTORY

Physical inventories will be taken at least, every two years of fixed assets purchased from all funding sources, and the results of the physical inventory reconciled to the County’s fixed asset records reported in the financial statements. The Board of Supervisors shall be responsible for completing the physical inventory for the county.

PURPOSE

The purpose of this policy is:

- A. To comply with Governmental Accounting, Auditing, and Financial Reporting (GAAFR).
- B. To have an inventory of Woodbury County property for the purpose of better management of County assets.
- C. To have inventory data available in the event of fire or other natural disaster.

Board Approved: 10/2/2024

Matthew Ung, Chairman

WOODBURY COUNTY BOARD OF SUPERVISORS

Dan Bittinger, II, Supervisor

Mark Nelson, Supervisor

Keith Radig, Supervisor

Jeremy Taylor, Supervisor

Attest:

Patrick F. Gill, County Auditor

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

Date: 9/12/2024 Weekly Agenda Date: 10/8/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Captain Ryan Bertrand

WORDING FOR AGENDA ITEM:

FY2024 EDWARD BYRNE (JAG) GRANT INTERLOCAL AGREEMENT, SCPD & WCSO

ACTION REQUIRED:

Approve Ordinance <input type="checkbox"/>	Approve Resolution <input type="checkbox"/>	Approve Motion <input checked="" type="checkbox"/>
Give Direction <input type="checkbox"/>	Other: Informational <input type="checkbox"/>	Attachments <input type="checkbox"/>

EXECUTIVE SUMMARY:

FY2024 Edward BYRNE (JAG) Grant Interlocal Agreement between SCPD (Grantee), WCSO (Sub-Award). \$51,178.00 total award. 50/50 Split.

BACKGROUND:

The SCPD and WCSO are listed as a disparate jurisdiction under DOJ guidelines. FY2024 award amount \$50,178.00 50/50 split between agencies.

FINANCIAL IMPACT:

None. WCSO will be awarded \$25,589.00 if grant is selected for an award from DOJ.

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:

APPLICATION NUMBER GRANT14250644

THE STATE OF IOWA

KNOWN ALL BY THE PRESENT

COUNTY OF WOODBURY

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF SIOUX CITY, IOWA AND THE COUNTY OF WOODBURY, IOWA**

2023 BYRNE JUSTICE ASSISTANCE GRANT (JAG) GRANT PROGRAM AWARD

This Agreement is made and enter into this (7th of October, 2024) by and between the CITY of Sioux City, acting by and through its governing body, the City Council, hereinafter referred to as CITY, and the COUNTY of Woodbury, acting by and through its governing body, the Board of Supervisors, hereinafter referred to as COUNTY, both of Woodbury County, State of Iowa, witnesseth:

WHEREAS, this Agreement is made under the authority of Iowa Code; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing part for the services or functions under this Agreement; and

WHEREAS, the CITY and COUNTY believe it to be in their best interest to reallocate the JAG funds.

NOW THEREFORE, the CITY and COUNTY agree as follows:

Section 1.

CITY agrees to pay COUNTY 50% of funds received under the federal award for a total of **\$25,589.00** in JAG funds.

Section 2.

CITY agrees to use \$25,589.00 for eligible activities under the JAG Program until 9.30.2027.
COUNTY agrees to use \$25,589.00 for eligible activities under the JAG Program until 9.30.2027.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Iowa Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Iowa Tort Claims Act.

Section 5.

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable any civil liability that may arise from the furnishing of the services by the other party.

APPLICATION NUMBER GRANT14250644

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations or express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not signatory hereto.

CITY of Sioux City

COUNTY of Woodbury County

Mayor, City of Sioux City, IA.

Chairman, Woodbury County, IA. Board of Supervisors

ATTEST

City Clerk

Woodbury County Auditor

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

Date: 10/2/24

Weekly Agenda Date: 10/8/24 4:45

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel J. Priestley

WORDING FOR AGENDA ITEM:

a. Receive final report-Zoning Commission recommendation from 9/23/24 to approve Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on a portion of Parcel #884726200002 for the Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners). b. Conduct 1st Public Hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE on a portion of Parcel #884726200002. c. Approve the 1st Reading of the Zoning Ordinance Map Amendment (Rezone)

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors will hold a public hearing at 4:45 PM to discuss a proposed Zoning Ordinance Map Amendment to rezone a 1.14-acre portion of the property owned by Jimmie L. and Renee T. Colyer located on Parcel #884726200002 in the NW ¼ of the NE ¼ of Section 26, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District.

Following the public hearing, the Board may defer consideration of the proposal; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the zoning district map.

A 60% majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20% of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing.

The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

BACKGROUND:

The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) have submitted an application for a zoning ordinance map amendment to rezone a portion of the property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. The applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process. A survey conducted by Al Fagan Land Surveying P.C. provides the legal description of the portion of land to be conveyed to the Sandra K. Baker Revocable Trust. This 1.14-acre triangular portion is not eligible for development as a standalone lot because it does not meet the requirements of the Zoning and Subdivision Ordinance. In the purchase agreement, Baker acknowledges that the property being acquired "is not a legal lot for building purposes and must be combined with their existing adjacent parcel, described as Lot One (1) of Baker's Acres." The rezoning is requested so that the new parcel's zoning matches that of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 12, 2024. The neighbors within 1000 FT have been duly notified via a September 9, 2024 letter about the September 23, 2024 Zoning Commission public hearing and have been requested to comment. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. The Zoning Commission voted 4-0 to recommend approval to the Board of Adjustment following their public hearing on September 23, 2024 with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision.

PROPERTY DETAILS:

Parcel(s): 884726200002
Township/Range: T88N R47W (Woodbury)
Section: 26
Quarter: NW ¼ of the NE ¼
Zoning District: Agricultural Preservation (AP)
Floodplain: Not in floodplain (Zone X)
Property Address: No address

FINANCIAL IMPACT:

0

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?

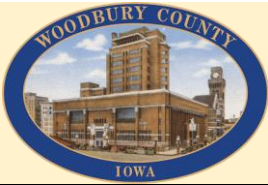
Yes No

RECOMMENDATION:

Receive final report and Zoning Commission recommendation from their 9/23/24 meeting.
Open and close the public hearing. (Set Time: 4:45 PM)
Conduct and approve the first reading of the Zoning Ordinance Map Amendment (Rezone).
The 2nd and 3rd public hearings and readings of the ordinance have been scheduled for Tuesday, 10/15/24 at 4:45 PM, and Tuesday, 10/22/24 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

- a. Receive final report-Zoning Commission recommendation from 9/23/24 to approve Zoning Ordinance Map Amendment (Rezone) from Agricultural Preservation (AP) to the Agricultural Estates (AE) Zoning District on a portion of Parcel #884726200002 for the Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners).
- b. Conduct 1st Public Hearing on the Zoning Ordinance Map Amendment (Rezone) from AP to AE on a portion of Parcel #884726200002.
- c. Approve the 1st Reading of the Zoning Ordinance Map Amendment (Rezone)



WOODBURY COUNTY PLANNING & ZONING

620 Douglas Street, Sixth Floor, Sioux City, Iowa 51101
712.279.6609 – 712.279.6530 (Fax)

Daniel J. Priestley, MPA – Zoning Coordinator
dpriestley@woodburycountyiowa.gov

Dawn Norton – Senior Clerk
dnorton@woodburycountyiowa.gov

REPORT – SEPTEMBER 24, 2024

ZONING ORDINANCE MAP AMENDMENT (REZONE) FROM AGRICULTURAL PRESERVATION (AP) TO AGRICULTURAL ESTATES (AE)

APPLICATION DETAILS	
Applicant(s)/Owner(s):	Sandra K. Baker Rev. Trust (Sandra K. Baker – Applicant) / Jimmie L. and Renee T. Colyer (Owner)
Application Type:	Zoning Ordinance Map Amendment (Rezone)
Current Zoning District:	Agricultural Preservation (AP)
Requested Zoning District:	Agricultural Estates (AE)
Current Use:	Bare Ground, Path to Field
Proposed Use:	To be added to Baker's Acres Lot 1
Average CSR Rating:	40.53
Engineer/Surveyor:	Alan Fagan, 712-539-1471
Attorney:	Joel D. Voss, 712-222-4105
Pre-application Meeting:	June 26, 2024
Application Date:	August 20, 2024
Stakeholder Notification:	September 3, 2024
Neighbors' Notification:	September 9, 2024
Legal Publication:	September 12, 2024
Zoning Commission Public Hearing:	September 23, 2024
Board of Supervisors Public Hearings:	October 8, 15, 22 all at 4:45 PM

PROPERTY DETAILS	
Parcel(s):	884726200002
Township/Range:	T88N R47W (Woodbury)
Section:	26
Quarter:	NW 1/4 of the NE 1/4
Zoning District:	Agricultural Preservation (AP)
Floodplain:	Not in floodplain (Zone X)
Property Address:	No address
Legal Description:	PART OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S. 0°00'19" E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N. 55°43'07" W. FOR 390.29 FEET; THENCE N. 0°00'19" W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W. 1/4 OF THE N.E. 1/4; THENCE N. 88°42'30" E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.
NOTE:	THE NORTH LINE OF SAID N.W. 1/4 OF THE N.E. 1/4 IS ASSUMED TO BEAR N. 88°42'30" E.

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Purchase Agreement	
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Proposed Ordinance Amendment	
Evaluation Criteria	
Legal Notification	
Public Comments	
Stakeholder Comments	
Supporting Documentation	

SUMMARY

The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) have submitted an application for a zoning ordinance map amendment to rezone a portion of the property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. The applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process. A survey conducted by Al Fagan Land Surveying P.C. provides the legal description of the portion of land to be conveyed to the Sandra K. Baker Revocable Trust. This 1.14-acre triangular portion is not eligible for development as a standalone lot because it does not meet the requirements of the Zoning and Subdivision Ordinance. In the purchase agreement, Baker acknowledges that the property being acquired "is not a legal lot for building purposes and must be combined with their existing adjacent parcel, described as Lot One (1) of Baker's Acres." The rezoning is requested so that the new parcel's zoning matches that of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 12, 2024. The neighbors within 1000 FT have been duly notified via a September 9, 2024 letter about the September 23, 2024 Zoning Commission public hearing and have been requested to comment. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No objections were received from the stakeholders. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. The Zoning Commission voted 4-0 to recommend approval to the Board of Adjustment following their public hearing on September 23, 2024 with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision.

AERIAL MAP



SURVEY EXCERPT



ZONING COMMISSION AND STAFF RECOMMENDATION

Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval of the conditional use request. It is the recommendation of staff to approve the proposal.

The Zoning Commission voted 4-0 to recommend approval to the Board of Adjustment following their public hearing on September 23, 2024 with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision



**WOODBURY COUNTY
ZONING COMMISSION**
WOODBURY COUNTY COURTHOUSE
620 DOUGLAS STREET
SIOUX CITY, IA 51101

Woodbury County Board of Supervisors
620 Douglas Street
Sioux City, Iowa 51101

RE: Zoning Commission Recommendation to the Board of Supervisors:

Zoning Ordinance Map Amendment (Rezone)

The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) have submitted an application for a zoning ordinance map amendment to rezone a portion of the property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. The applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process.

Parcel(s): 884726200002
Township/Range: T88N R47W (Woodbury)
Section: 26
Quarter: NW ¼ of the NE ¼
Zoning District: Agricultural Preservation (AP)
Floodplain: Not in floodplain (Zone X)
Property Address: No address

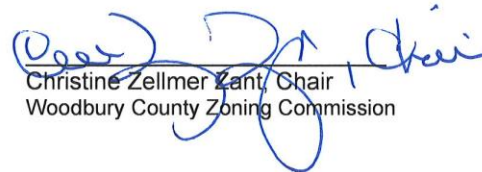
Dear Board of Supervisors:

This letter is to inform you that the Woodbury County Zoning Commission conducted a public hearing and have reviewed the Zoning Ordinance Map Amendment (Rezone) application submitted by Sandra K. Baker Rev. Trust (Sandra K. Baker – Applicant) / Jimmie L. and Renee T. Colyer (Owner).

The Commission voted 4-0 with the recommendation to approve the application.

Please refer to the draft copy of the Zoning Commission minutes for details about the Commission's recommendation.

Dated this 23 day of Sept, 2024


Christine Zellmer Kant, Chair
Woodbury County Zoning Commission

SEE ENCLOSED ZONING COMMISSION DRAFT MINUTES

Minutes - Woodbury County Zoning Commission – September 23, 2024

The Zoning Commission (ZC) meeting was held on September 23, 2024 at 5:00 PM in the Board of Supervisors' meeting room, located in the basement of the Woodbury County Courthouse at 620 Douglas Street, Sioux City, IA. The meeting was also accessible via teleconference.

Meeting Audio:

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission "Committee Page" on the Woodbury County website:

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/zoning_commission/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=1mQWufHt3x0>

ZC Members Present:

Corey Meister, Chris Zellmer Zant, Tom Bride, Jeff Hanson

County Staff Present:

Dan Priestley, Dawn Norton

Public Present:

Dan Bittinger, Andy Bobrytzke, Joel Vos, Elbert Baker, Kathy Tabke, Brad Tabke, Jimmie Colyer

CALL TO ORDER:

Chair Chris Zant called the meeting to order at 5:00 p.m. Barb Parker was absent.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

Priestley presented material about grain bins received from MidAmerican Energy. Bride made a motion to accept the material into the record, which Hanson seconded. The motion passed 4-0. See appendix.

APPROVAL OF MINUTES:

Bride and Hanson were absent at the previous meeting and abstained from the vote. Bride moved to defer the approval of the August 26, 2024 minutes, with Meister seconding. The motion passed 4-0.

PUBLIC HEARING (ACTION ITEM): ZONING MAP AMENDMENT (REZONE) FROM AGRICULTURAL PRESERVATION (AP) TO AGRICULTURAL ESTATES (AE) ZONING DISTRICT (PARCEL #884726200002):

Priestley read the staff report into the record. The Sandra K. Baker Revocable Trust (Applicant: Sandra K. Baker) and Jimmie L. and Renee T. Colyer (Owners) submitted an application to rezone a 1.14-acre portion of property (Parcel #884726200002) from the Agricultural Preservation (AP) District to the Agricultural Estates (AE) District. This portion will be combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process. A survey conducted by Al Fagan Land Surveying P.C. provides the legal description of the land to be conveyed to the Sandra K. Baker Revocable Trust. This triangular 1.14-acre portion is not eligible for development as a standalone lot, as it does not meet the requirements of the Zoning and Subdivision Ordinance. In the purchase agreement, Baker acknowledges that the property being acquired is "not a legal lot for building purposes" and must be combined with the adjacent parcel, Lot One (1) of Baker's Acres. The rezoning is requested to match the zoning of Lot 1, facilitating the combination into a single parcel for tax purposes. This proposal was properly noticed in the Sioux City Journal Legals Section on September 12, 2024. Neighbors within 1000 feet were notified via a September 9 letter about the public hearing on September 23, 2024, and stakeholders including government agencies, utilities, and organizations have been requested to comment. No objections were received. Staff recommends approval as the proposal meets the criteria for approval. Bride moved to close the public hearing, seconded by Hanson. The motion carried 4-0. Hanson then moved to approve the zoning ordinance map amendment from AP to AE, with the condition that the portion be combined with Lot 1 of Baker's Acres subdivision, seconded by Meister. The motion carried 4-0, and the application will be forwarded to the Board of Supervisors.

PUBLIC HEARING (ACTION ITEM): CONSIDERATION OF NUCLEAR ENERGY FACILITIES IN THE WOODBURY COUNTY ZONING ORDINANCE:

At the request of the Board of Supervisors, the Commission held a public hearing to discuss the potential incorporation of nuclear energy facilities into the zoning ordinance. No public comments were offered. This follows the Board's directive on July 2, 2024, to explore nuclear energy as a county option. No formal proposals have been submitted by companies, and few public comments have been received up to this point. Bride suggested seeking input from MidAmerican Energy regarding future power sources, and a town hall meeting after the harvest season was proposed to discuss nuclear energy with residents. Bride moved to revisit this topic next month, seconded by Hanson. The motion was approved 4-0.

REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): INSTALLATION OF THREE 100-FOOT WIND TURBINES (PARCEL #884420300005):

Priestley read the staff report into the record. L & K Tabke Holdings, LLC (Kathy Tabke) submitted a conditional use permit application to install three 100-foot wind turbines to reduce electrical costs on the farm. The proposed locations are approximately 5.2 miles southeast of Merville, on the south side of 195th Street and east of Jasper Avenue. The property is located in the Agricultural Preservation (AP) Zoning District, where "Electric wind generator (Private use)" is classified as a conditional use eligible for review by the Zoning Commission and consideration by the Board of Adjustment. This proposal was properly noticed in the Sioux City Journal's legal section on September 21, 2024. Neighbors within 500 feet were notified via a September 18, 2024 letter about the October 7, 2024 Board of Adjustment public hearing. Stakeholders have been requested to comment. Based on the information received and the requirements of the Zoning Ordinance, the proposal meets the criteria for approval. Bride emphasized that the turbines are for private use. Priestley discussed setback concerns from other structures on the premises per the zoning ordinance. The property owner assumes all risks for any malfunctions or tower collapses. Meister moved to close the public hearing, seconded by Bride. The motion carried 4-0. Based on the information provided and zoning criteria, Meister moved to recommend approval of the conditional use permit, seconded by Hanson. The motion carried 4-0, and the application will be forwarded to the Board of Adjustment.

REVIEW OF CONDITIONAL USE PERMIT APPLICATION (ACTION ITEM): INSTALLATION OF 250-FOOT WIRELESS COMMUNICATIONS TOWER (PARCEL #874720400004):

Priestley read the staff report into the record. Andrew Bobrytzke, on behalf of American Towers LLC and the Bradley J. Kobold Trust, has filed a conditional use permit application to construct a 250-foot self-support wireless communications tower to replace an existing tower on Parcel #874720400004. The proposed location is about half a mile west of Salix, on the north side of 260th Street and west of Barker Avenue. The parcel is located in the General Industrial (GI) Zoning District, where "telecommunication towers" are classified as conditional uses eligible for review by the Zoning Commission and for consideration by the Board of Adjustment. This proposal was noticed in the Sioux City Journal's legal section on September 21, 2024. Neighbors within one mile were notified via a September 18, 2024 letter about the October 7, 2024 Board of Adjustment public hearing. Appropriate stakeholders have been requested to comment. Based on the information received and zoning requirements, the proposal meets the criteria for approval. Staff recommends approval. Hanson moved to close the public hearing, seconded by Bride. Bride then moved to recommend approval of the tower construction and use on the specified parcel, seconded by Meister. The motion carried 4-0, and the application will be forwarded to the Board of Adjustment.

INFORMATION ITEM: CONSIDERATION OF DECOMMISSIONING REQUIREMENTS FOR CARBON PIPELINES:

Priestley provided an update on the Board of Supervisors' August 27, 2024, decision to direct county staff to explore decommissioning requirements for carbon pipelines as part of a new ordinance. While federal regulations govern pipeline decommissioning, staff are reviewing local regulations from other counties and states. The Zoning Commission and Board of Adjustment will be involved in researching and offering recommendations. Bride noted that pipeline easements remain in place even if a pipeline is no longer in use.

STAFF UPDATE:

Priestley updated the Commission on the proposed amendments to Ordinance 56, which regulates Commercial Wind Energy Conversion Systems. He discussed the three-step public hearing process and referenced safety information obtained from safety data sheets for a Nordex system submitted to the Ohio Public Utilities Commission.

PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA:

None.

COMMISSIONER COMMENT OR INQUIRY:

None.

ADJOURNMENT:

Meister moved to adjourn the meeting, seconded by Hanson. The meeting adjourned at 6:02 p.m.

APPENDIX:

Received from MidAmerican Energy (September 13, 2024)



MIDAMERICAN ENERGY COMPANY
P.O. Box 897
Des Moines, IA 50324-0897

September 13, 2024

WOODBURY COUNTY
PLANNING AND ZONING COMMISSION
620 DOUGLAS ST
SIoux CITY, IA 51101

Dear WOODBURY COUNTY:

MidAmerican Energy is committed to the safety of our customers and our partners working within our service territory. The enclosed brochure provides facts and useful information to consider when issuing permits or long-range planning involving grain storage, grain bin modification. This information is drawn from the Iowa Administrative Code, American National Standards Institute, and the National Electrical Safety Code. If you, or the residents of your city have additional questions, please contact us at 888-427-5632. More information about farming and working safely around electricity and natural gas lines is available online at MidAmericanEnergy.com/farm-safety.

Sincerely,

Shawn Emmert
General Manager, Electric Distribution Engineering
MidAmerican Energy

Attachment

YOUR SAFETY MATTERS GRAIN BIN CLEARANCE

MidAmerican Energy is committed to providing important information to help ensure your safety when working near electrical facilities. From your utility bill to your farm, grain bins, grain storage, and electrical lines are essential to your safety and the safety of your loved ones.

The Iowa Administrative Code (IAC) Section 199-25.22(3) requires that specific safety clearance be maintained between grain bins and electrical lines in accordance with American National Standards Institute (ANSI) C2 2017 National Electrical Safety Code (NESC). If you do not understand the minimum clearance envelope for electrical lines, it is also the best practice to consult with a professional electrician. Because these clearance requirements are critical to the safe operation of electrical facilities, it is important that you understand the minimum clearance envelope for electrical lines.

If you or your customer are planning a build or modify a grain bin, please contact our 888-427-5632 to discuss the specific location and to determine if MidAmerican can assist in any possible utility safety electrical facilities. Your assistance in attention and knowledge will help ensure that electrical lines are properly positioned and safe to operate. For more information about working safely around electricity and natural gas lines, visit MidAmericanEnergy.com/farm-safety.

Sincerely,



Shawn Emmert
General Manager, Electric Distribution Engineering
MidAmerican Energy Company



888-427-5632 | MidAmericanEnergy.com



INDEX LEGEND	
SURVEYOR:	ALAN L. FAGAN 712 539-1471
MAIL TO:	AL FAGAN LAND SURVEYING, P.C. P.O. BOX 858 - MERRILL, IA 51038
COUNTY:	WOODBURY
SECTION(S):	26 T. 88 N., R. 47 W.
ALIQUOT PART:	PART OF THE N.W.1/4 OF THE N.E.1/4
CITY:	
SUBDIVISION:	
BLOCK(S):	
LOT(S):	
PROPRIETOR(S):	JIMMIE L. COLYER AND RENEE T. COLYER, HUSBAND AND WIFE
REQUESTED BY:	JIMMIE L. COLYER

AL FAGAN LAND SURVEYING P.C.-P.O. BOX 858-MERRILL, IOWA 51038-PH. (712) 539-1471

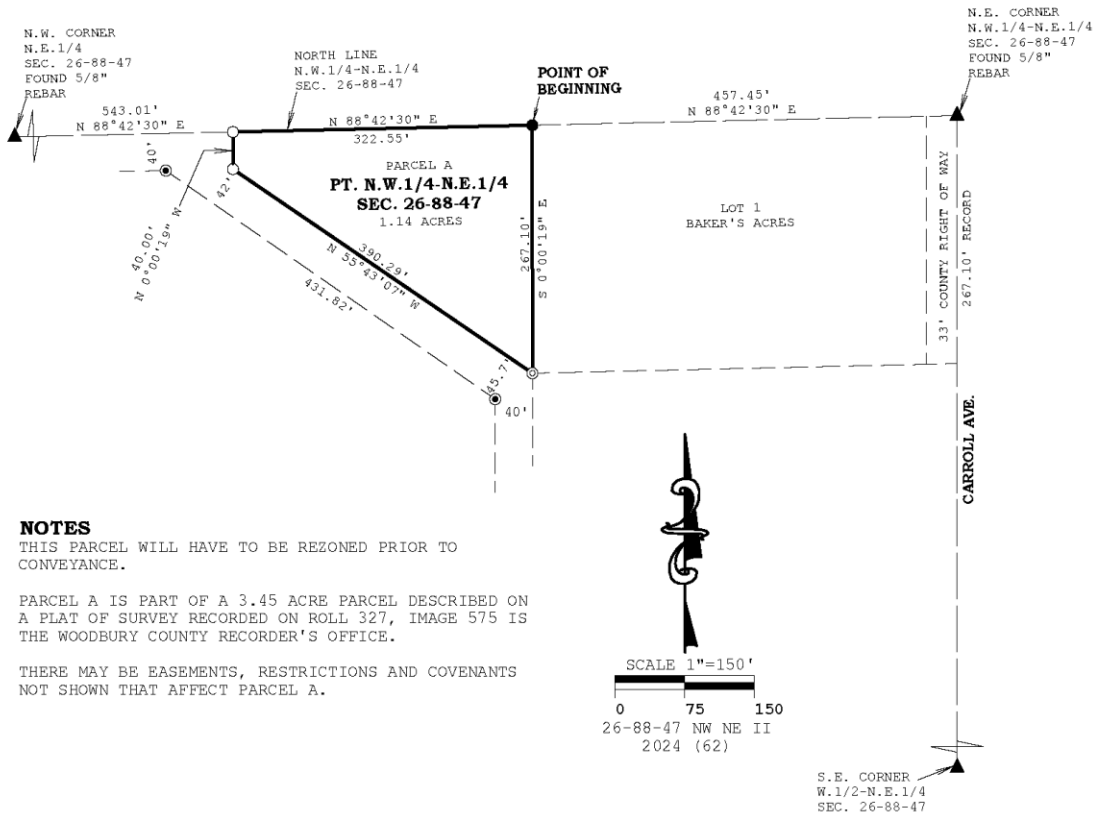
PLAT OF SURVEY

PLAT OF SURVEY SHOWING PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, T.88N., R.47W. OF THE 5TH P.M., WOODBURY COUNTY, IOWA.

SURVEYOR'S DESCRIPTION:

PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N.88°42'30"E.



NOTES

THIS PARCEL WILL HAVE TO BE REZONED PRIOR TO CONVEYANCE.

PARCEL A IS PART OF A 3.45 ACRE PARCEL DESCRIBED ON A PLAT OF SURVEY RECORDED ON ROLL 327, IMAGE 575 IS THE WOODBURY COUNTY RECORDER'S OFFICE.

THERE MAY BE EASEMENTS, RESTRICTIONS AND COVENANTS NOT SHOWN THAT AFFECT PARCEL A.

DATE OF SURVEY: MAY 22, 2024

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

ALAN L. FAGAN DATE

LICENSE NUMBER 15082
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025
PAGES OR SHEETS COVERED BY THIS SEAL: ONE



MONUMENTS

- = 5/8" REBAR FOUND
- = 1/2" YELLOW CAPPED REBAR #5542 FOUND
- ⊙ = 1/2" YELLOW CAPPED REBAR #10570 FOUND
- = 1/2" YELLOW CAPPED REBAR #15082 SET



OFFER TO BUY REAL ESTATE AND ACCEPTANCE (NONRESIDENTIAL)

TO: Jimmie Lee Colyer and Renee T. Colyer (SELLERS)

The undersigned BUYERS hereby offer to buy and the undersigned SELLERS by their acceptance agree to sell the real property situated in Woodbury County, Iowa, legally described as:

Part of the NW ¼ of the NE ¼ of Section 26, Township 88 North, Range 47 West of the 5th Principal Meridian, Woodbury County, Iowa described as follows: Commencing at the N.E. corner of said NW ¼ of the NE ¼, thence S 88°42'30" W a distance of 457.45' to the point of beginning; thence S 0°00'19" E a distance of 267.10'; thence N 55°43'07" W a distance of 390.29'; thence N 0°00'19" W a distance of 40.00'; thence N 88°42'30" E distance of 322.55' to the point of beginning. Said parcel contains 1.14 acres, more or less.

(Said parcel description is based on a preliminary survey of Alan Fagan and remains subject to correction and finalization.)

together with any easements and appurtenant servient estates, but subject to any reasonable easements of record for public utilities or roads, any zoning restrictions customary restrictive covenants and mineral reservations of record, if any, herein referred to as the "Property," upon the following terms and conditions provided BUYERS, on possession, are permitted to use the Property for commercial.

1. PURCHASE PRICE. The Purchase Price shall be **\$64,500.00** and the method of payment shall be as follows: **\$500.00** with this offer, to be deposited upon acceptance of this offer and held in trust by Heidman Law Firm as earnest money, to be delivered to the SELLERS upon performance of SELLERS' obligations and satisfaction of BUYERS' contingencies, if any; and the balance of the Purchase Price, as follows: **\$64,000 to be paid in cash at time of closing.**
2. REAL ESTATE TAXES. The parcel being sold is part of an irregularly shaped tract of land which consists of 3.42 acres in total. Taxes for the 2022/2023 tax year, due and payable in September 2023 and March 2024, totaled \$68.00. Additionally, there is a drainage assessment in the amount of \$20.25 covering the same time period. Sellers will pay the 2023/24 taxes and drainage assessment on the 3.42 acre parcel, due and payable in September 2024 and March 2025. Buyers will pay all subsequent taxes and drainage assessments on the 1.14 acre parcel.
3. SPECIAL ASSESSMENTS.
 - A. SELLERS shall pay in full at time of closing all special assessments which are a lien on the Property as of the date of acceptance.

B. BUYERS shall pay all other special assessments or installments not payable by SELLERS.

4. RISK OF LOSS. The property is bare ground. SELLERS shall bear the risk of loss or damage to the Property prior to closing or possession, whichever first occurs.
5. POSSESSION AND CLOSING. If BUYERS timely perform all obligations, possession of the Property shall be delivered to Buyers 30 days after final zoning approval, and any adjustments of rent, insurance, interest and all charges attributable to the SELLERS' possession shall be made as of the date of possession. Closing shall occur after the approval of title by BUYERS and vacation of the Property by SELLERS, but prior to possession by BUYERS. If possession is given on a day other than closing, the parties shall make a separate agreement with adjustments as of the date of possession. This transaction shall be considered closed upon the delivery of the title transfer documents to BUYERS and receipt of all funds then due at closing from BUYERS under the Agreement.
6. CONDITION OF PROPERTY. The property as of the date of this Agreement, will be preserved by the SELLERS in its present condition until possession, ordinary wear and tear excepted. SELLERS make no warranties, expressed or implied, as to the condition of the property.
7. ABSTRACT AND TITLE. SELLERS, at their expense, shall promptly obtain an abstract of title to the Property continued through the date of acceptance of this Agreement, and deliver it to BUYERS' attorney for examination. It shall show marketable title in SELLERS in conformity with this Agreement, Iowa law, and title standards of the Iowa State Bar Association. The SELLERS shall make every reasonable effort to promptly perfect title. If closing is delayed due to SELLERS' inability to provide marketable title, this Agreement shall continue in force and effect until either party rescinds the Agreement after giving ten days written notice to the other party. The abstract shall become the property of BUYERS when the Purchase Price is paid in full. SELLERS shall pay the costs of any additional abstracting and title work due to any act or omission of SELLERS, including transfers by or the death of SELLERS or their assignees. Unless stricken, the abstract shall be obtained from an abstracter qualified by the Guaranty Division of the Iowa Housing Finance Authority.
8. SURVEY. If a survey is required under Iowa Code Chapter 354, or city or county ordinances, SELLERS shall pay the costs thereof. BUYERS may, at BUYERS' expense prior to closing, have the property surveyed and certified by a registered land surveyor.
9. ENVIRONMENTAL MATTERS.
 - A. SELLERS warrant to the best of their knowledge and belief that there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Property, the Property does not contain levels of radon gas, asbestos, or urea-formaldehyde foam insulation which require remediation under current governmental standards, and SELLERS have done

nothing to contaminate the Property with hazardous wastes or substances. SELLERS warrant that the property is not subject to any local, state, or federal judicial or administrative action, investigation or order, as the case may be, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks. SELLERS shall also provide BUYERS with a properly executed GROUNDWATER HAZARD STATEMENT showing no wells, private burial sites, solid waste disposal sites, private sewage disposal system, hazardous waste and underground storage tanks on the Property unless disclosed here: none.

10. DEED. Upon payment of the Purchase Price, SELLERS shall convey the Property to BUYERS by warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement. General warranties of the title shall extend to the time of delivery of the deed excepting liens and encumbrances suffered or permitted by BUYERS.
11. JOINT TENANCY IN PROCEEDS AND IN REAL ESTATE. If SELLERS, immediately preceding acceptance of the offer, hold title to the Property in joint tenancy with full rights of survivorship, and the joint tenancy is not later destroyed by operation of law or by acts of the SELLERS, then the proceeds of this sale, and any continuing or recaptured rights of SELLERS in the Property, shall belong to SELLERS as joint tenants with full rights of survivorship and not as tenants in common; and BUYERS in the event of death of any SELLER, agree to pay any balance of the price due SELLERS under this contract to the surviving SELLER and to accept a deed from the surviving SELLER consistent with Paragraph 14.
12. JOINDER BY SELLER'S SPOUSE. SELLER'S spouse, if not a title holder immediately preceding acceptance, executes this Agreement only for the purpose of relinquishing all rights of dower, homestead and distributive share or in compliance with Section 561.13 of the Code of Iowa and agrees to execute the deed or real estate contract for this purpose.
13. USE OF PURCHASE PRICE. At time of settlement, funds of the Purchase Price may be used to pay taxes and other liens and to acquire outstanding interests, if any, of others.
14. APPROVAL OF COURT. If the Property is an asset of an estate, trust or conservatorship, this Agreement is contingent upon Court approval unless Court approval is not required under Iowa law and title standards of the Iowa State Bar Association. If the sale of the Property is subject to Court approval, the fiduciary shall promptly submit this Agreement for such approval. If this Agreement is not so approved by _____ either party may declare this Agreement null and void, and all payments made hereunder shall be made to BUYERS.
15. REMEDIES OF THE PARTIES.
 - A. If BUYERS fail to timely perform this Agreement, SELLERS may forfeit it as provided in the Iowa Code (Chapter 656), and all payments made shall be

forfeited; or, at SELLERS' option, upon thirty days written notice of intention to accelerate the payment of the entire balance because of BUYERS' default (during which thirty days the default is not corrected), SELLERS may declare the entire balance immediately due and payable. Thereafter this Agreement may be foreclosed in equity and the Court may appoint a receiver.

B. If SELLERS fail to timely perform this Agreement, BUYERS have the right to have all payments made returned to them.

C. BUYERS and SELLERS are also entitled to utilize any and all other remedies or actions at law or in equity available to them, and the prevailing parties shall be entitled to obtain judgment for costs and attorney fees.

16. NOTICE. Any notice under this Agreement shall be in writing and be deemed served when it is delivered by personal delivery or mailed by certified mail, addressed to the parties at the addresses given below.

17. GENERAL PROVISIONS. In the performance of each part of this Agreement, time shall be of the essence. Failure to promptly assert rights herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default. This Agreement shall apply to and bind the successors in interest of the parties. This Agreement shall survive the closing. This Agreement contains the entire agreement of the parties and shall not be amended except by a written instrument duly signed by SELLERS and BUYERS. Paragraph headings are for convenience of reference and shall not limit or affect the meaning of this Agreement. Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine, neutral or other gender according to the context.

18. NO REAL ESTATE AGENT OR BROKER. Neither party has used the service of a real estate agent or broker in connection with this transaction.

19. CERTIFICATION. Buyers and Sellers each certify that they are not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Each party hereby agrees to defend, indemnify and hold harmless the other party from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to my breach of the foregoing certification.

20. INSPECTION OF PRIVATE SEWAGE DISPOSAL SYSTEM. Seller represents and warrants to Buyer that the Property is not served by a private sewage disposal system, and there are no known private sewage disposal systems on the property.

21. ADDITIONAL PROVISIONS.

A. BUYERS' obligation to purchase the property is contingent upon the property being rezoned from AP to AE. SELLERS will cooperate with BUYERS in the rezoning of the property. All expenses of the rezoning will be paid by BUYERS.

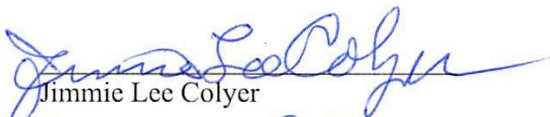
B. BUYERS acknowledge that the property they are purchasing is not a legal lot for building purposes and must be combined with their existing adjacent parcel of land, briefly described as Lot One (1) of Baker's Acres. BUYERS will undertake all necessary steps in order to apply for combination of this parcel into Lot One (1) of Baker's Acres.

C. In the event that Woodbury County requires filing of a minor subdivision plat, BUYERS will subdivide the property at their expense. SELLERS will cooperate with BUYERS in the subdividing of the property.

ACCEPTANCE. When accepted, this Agreement shall become a binding contract. If not accepted and delivered to BUYERS on or before _____, this Agreement shall be null and void and all payments made shall be returned immediately to BUYERS. If accepted by SELLERS at a later date and acceptance is satisfied in writing, then this contract shall be valid and binding.

Accepted _____
SELLERS

Dated _____
BUYERS
Sandra K. Baker Revocable Trust


Jimmie Lee Colyer

By: _____


Renee T. Colyer

1650 Old Highway 141
Sergeant Bluff, IA 51054
Telephone: _____

1997 Carroll Ave.
Sergeant Bluff, IA 51054
Telephone: _____

21. ADDITIONAL PROVISIONS.

A. BUYERS' obligation to purchase the property is contingent upon the property being rezoned from AP to AE. SELLERS will cooperate with BUYERS in the rezoning of the property. All expenses of the rezoning will be paid by BUYERS.

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ACCEPTANCE. When accepted, this Agreement shall become a binding contract. If not accepted and delivered to BUYERS on or before _____, this Agreement shall be null and void and all payments made shall be returned immediately to BUYERS. If accepted by SELLERS at a later date and acceptance is satisfied in writing, then this contract shall be valid and binding.

Accepted _____
SELLERS

Dated Sandra K. Baker
BUYERS
Sandra K. Baker Revocable Trust

Jimmie Lee Colyer

By: _____

Renee T. Colyer

1650 Old Highway 141
Sergeant Bluff, IA 51054
Telephone: _____

1997 Carroll Ave.
Sergeant Bluff, IA 51054
Telephone: _____

LEGAL DESCRIPTION

PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N.88°42'30"E.

ORDINANCE NO. ____

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

WHEREAS the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

WHEREAS the Woodbury County Board of Supervisors has received a report in respect to amending the said Ordinance from the Woodbury County Zoning Commission which held a public hearing on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

WHEREAS the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

WHEREAS the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

Dated this ____ day of _____, 2024.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Matthew Ung, Chairman

Daniel Bittinger II, Vice-Chairman

Mark Nelson

Attest:

Keith Radig

Patrick F. Gill, Woodbury County Auditor

Jeremy Taylor

Adoption Timeline:

Date of Public Hearing and First Reading _____

Date of Public Hearing and Second Reading _____

Date of Public Hearing and Third Reading _____

Date of Adoption _____

Published/Effective Date _____

ITEM ONE (1)

Property Owner(s): Jimmie Lee Colyer & Renee T. Colyer, 1650 Old Highway 141, Sergeant Bluff, IA 51054.

Petitioner Applicant(s): Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1997 Carroll Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee Colyer & Renee T. Colyer (Owners), 1650 Old Highway 141, Sergeant Bluff, IA 51054.

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on **September 23, 2024**, to review and make a recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for a 1.14-acre portion of the property located in the NW ¼ of the NE ¼ of Section 26, T88N R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884726200002 and is described as:

PART OF THE N.W.1/4 OF THE N.E.1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE N.W. CORNER OF LOT 1, BAKER'S ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA; THENCE S.0°00'19"E. ALONG THE WEST LINE OF SAID LOT 1 FOR 267.10 FEET TO THE S.W. CORNER OF SAID LOT 1; THENCE N.55°43'07"W. FOR 390.29 FEET; THENCE N.0°00'19"W. FOR 40.00 FEET TO THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4; THENCE N.88°42'30"E. ALONG SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING. CONTAINING 1.14 ACRES. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE NORTH LINE OF SAID N.W.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR N.88°42'30"E.

EVALUATION CRITERIA

The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

Conformance with the goals and objectives set forth in the approved general development plan for Woodbury County including the future land use map.

There does not appear to be any conflicts with the Woodbury County Comprehensive Plan 2040. (https://www.woodburycountyiowa.gov/files/community_economic_development/woodbury_county_comprehensive_plan_2040_89417.pdf). This area is designated as rural residential on the future land use map thereby illustrating that this request is compatible with future land use goals and objectives. This rezone is not expected to change any existing land use other than transferring ownership from one party to another.

Current Land Use

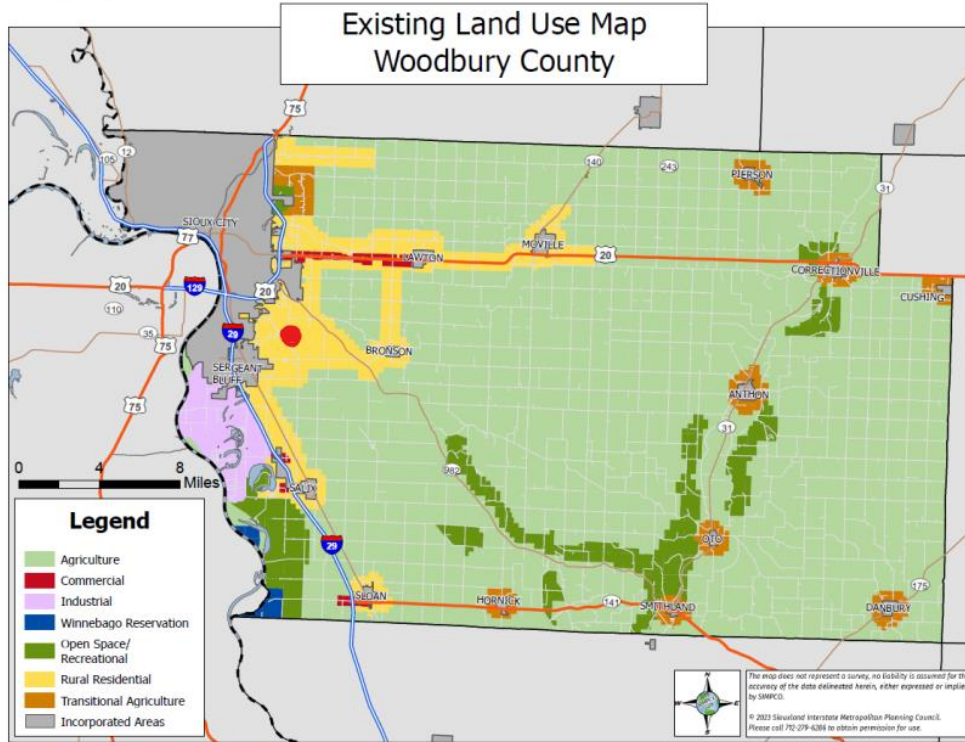
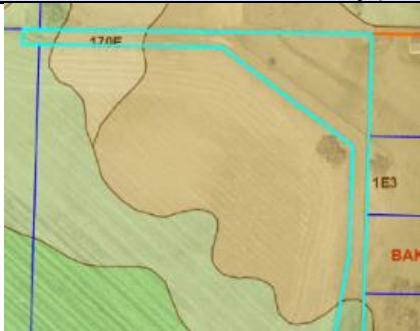


Figure 7.2. Existing Land Use Map, 2023.

Compatibility and conformance with the policies and plans of other agencies with respect to the subject property.

There does not appear to be any conflicts with the policies and plans of other agencies based on the information received.

Consideration of the Corn Suitability (CSR) of the property.



Summary

Parcel ID	884726200002		
Gross Acres	3.42		
ROW Acres	0.00		
Gross Taxable Acres	3.42		
Exempt Acres	0.00		
Net Taxable Acres	3.42		(Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	40.53		(138.6 CSR2 Points / 3.42 Gross Taxable Acres)

Agland Active Contig 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	3.42	40.53	138.60	138.60
Non-Crop	0.00	0.00	0.00	0.00
Total	3.42		138.60	138.60

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.58	51.62	51.62
100% Value	701	WILSEY SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODED	79.00	0.46	36.34	36.34
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.20	11.40	11.40
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	2.18	39.24	39.24
Total				3.42	138.60	138.60

	Compatibility with adjacent land uses.
	<p>The rezone to AE is compatible with the area residential uses. The AE Zoning District retains much of the land use characteristics that are offered in the AP Zoning District. The major difference between the two is that AE allows for more than two houses in a quarter-quarter section. Additional homes in the area should not be adversely impacted by this change in zoning designation as this portion will be rezoned to the same designation in which they reside.</p>
	Compatibility with other physical and economic factors affecting or affected by the proposed rezoning.
	<p>There does not appear to be any other additional compatibility issues with this location.</p>
	Any other relevant factors.
	<p>As noted in the summary, the applicants seek to rezone a 1.14-acre portion of this parcel, which will be split and combined with Lot 1 of the Baker Acres subdivision through the Woodbury County Assessor's combination process. A survey conducted by Al Fagan Land Surveying P.C. provides the legal description of the portion of land to be conveyed to the Sandra K. Baker Revocable Trust. This 1.14-acre triangular portion is not eligible for development as a standalone lot because it does not meet the requirements of the Zoning and Subdivision Ordinance.</p>

Sioux City Journal
AFFIDAVIT OF PUBLICATION

Sioux City Journal
2802 Castles Gate Drive
Sioux City 51106
(712) 293-4250

State of Florida, County of Orange, ss:

Kevin King, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Sioux City Journal, printed and published by Journal Communications, in Sioux City in Woodbury County and issued daily and Sunday and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:
Sep. 12, 2024

NOTICE ID: U1DJi9EI2Lg4DH520f4c
PUBLISHER ID: COL-IA-500805
NOTICE NAME: ZC_Nuclear_Rezone_9_23_2024
Publication Fee: \$74.81

Kevin King
(Signed)

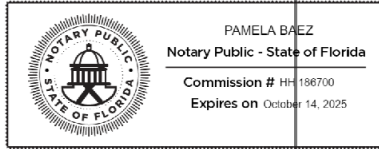
VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 09/13/2024

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.

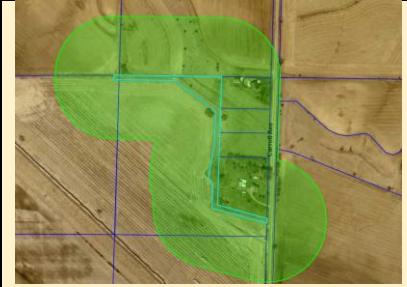


NOTICE OF PUBLIC HEARINGS BEFORE THE WOODBURY COUNTY ZONING COMMISSION
The Woodbury County Zoning Commission will have a public meeting and will hold public hearings on the following items hereafter described in detail on September 23, 2024, at 5:00 PM or as soon thereafter as the matters may be considered.
Public hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development, on the 9th Floor of said courthouse by any interested persons. All persons who wish to be heard in regard to these matters should appear at the aforesaid public hearings in person or call 712-654-1133 and enter the Conference ID 638 386 5574 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 9th Floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Emails should be sent to Doreen Miesley at dmiesley@woodburycountyiowa.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Wednesday, September 18, 2024.
Item One (1)
Nuclear Energy Facilities Zoning Ordinance Text Amendments
The Woodbury County Zoning Commission will hold a public hearing to consider Zoning Ordinance Text Amendments for the addition of nuclear energy as land use options in the Woodbury County Zoning Ordinance. The hearing will include topics of how to approach the permitting of nuclear energy. Possible options may include to amend the Land Use Summary Table of Allowed Uses (Section 3.3.2.4) by adding nuclear energy and/or nuclear energy facilities as permitted allowed uses or conditional uses in all or select Woodbury County zoning districts. Zoning Ordinance Text Amendments may also be discussed pertaining to the addition of non-schedule pertaining to nuclear energy, nuclear energy facilities, definitions, the renumbering and reorganization of certain titles that are not utilized.
Item Two (2)
Zoning Ordinance Map Amendment (Rezoning)
Pursuant to Section 935 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezoning) to the Woodbury County zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County, Iowa by Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1997 Carol Avenue, Sergeant Bluff, IA 51054, & Jimmie Lee Coyle & Renee T. Coyle (Owners), 1620 Old Highway 141, Sergeant Bluff, IA 51054.
The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for a 1.14-acre portion of the property located in the NW 1/4 of the NE 1/4 of Section 26, T88N R27W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as G/C Parcel #6847020002 and is described as:
PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 26, TOWNSHIP 88 NORTH, RANGE 27 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF LOT 1, RAKERS ACRES, AN ADDITION TO WOODBURY COUNTY, IOWA, THENCE 3,000 FEET ALONG THE WEST LINE OF SAID LOT 1 FOR 207.10 FEET TO THE S.W. CORNER OF SAID LOT 1, THENCE N55°43'07"W FOR 380.95 FEET, THENCE W10°15'50"W FOR 40.6 FEET TO THE NORTH LINE OF SAID NW 1/4 OF THE NE 1/4, THENCE N49°27'07" W 41 OWN SAID NORTH LINE FOR 322.55 FEET TO THE POINT OF BEGINNING, CONTAINING 1.14 ACRES, SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.
NOTE: THE NORTH LINE OF SAID NW 1/4 OF THE NE 1/4 IS ASSUMED TO BEAR N88°32'E.
Petitioner Applicant(s): Sandra K. Baker Revocable Trust (Sandra K. Baker - Applicant), 1997 Carol Avenue, Sergeant Bluff, IA 51054

& Jimmie Lee Colyer & Renee T. Colyer (Owners),
1650 Old Highway 141, Sergeant Bluff, IA 51054.
Petitioner Applicant(s): Sandra K. Baker Revocable
Trust (Sandra K. Baker - Applicant), 1997 Carroll
Avenue, Sergeant Bluff, IA 51054 & Jimmie Lee
Colyer & Renee T. Colyer (Owners), 1650 Old
Highway 141, Sergeant Bluff, IA 51054.
OC-IA-500805

PROPERTY OWNER(S) NOTIFICATION

Total Property Owners within 1000 FT via Certified Abstractor's Listing:	9
Notification Letter Date:	September 9, 2024
Public Hearing Board(s):	Zoning Commission & Board of Supervisors
Public Hearing Date:	September 23, 2024
Phone Inquiries:	0
Written Inquiries:	0
The names of the property owners are listed below.	
When more comments are received after the printing of this packet, they will be provided at the meeting.	



PROPERTY OWNER(S)	MAILING ADDRESS					COMMENTS
Jimmie Lee Colyer and Renee T. Colyer	1650 Old Hwy 141	Sgt. Bluff	IA	51054		No comments received.
James E. Waddell, Joseph F. Waddell, and Judith Scheer	3183 Tyler Court	Sioux Falls	SD	57103-6562		No comments received.
Bradley R. Jochum, Angela M. Jochum, Timothy Ryan McWilliams, and Stacey L. McWilliams	2498 Carroll Ave.	Salix	IA	51052		No comments received.
Trustees of the Sandra K. Baker Revocable Trust	1997 Carroll Ave.	Sgt. Bluff	IA	51054-8042		No comments received.
Alexis M. Moore and Dylan M. Moore	2616 So. Cornelia St.	Sioux City	IA	51106		No comments received.
Richard G. Speed and Cindy S. Speed	2009 Carroll Ave.	Sgt. Bluff	IA	51054-8042		No comments received.
Wendel Real Estate, LLC	26638 Wirt Plaza	Waterloo	NE	68069-5860		No comments received.
Iowa Natural Heritage Foundation	505 5th Ave., Ste. 444	Des Moines	IA	50309		No comments received.
Richardson Family Farms, LLC	421 E. Main St.	Lawton	IA	51030		No comments received.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments received.
CITY OF ANTHON:	No comments received.
FIBERCOMM:	No comments received.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments received.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments received.
LOESS HILLS NATIONAL SCENIC BYWAY:	No comments received.
LOESS HILLS PROGRAM:	No comments received.
LONGLINES:	No comments received.
LUMEN:	No comments received.
MAGELLAN PIPELINE:	No comments received.
MILLER TOWNSHIP:	No comments received.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the attached proposed rezoning application for MEC electric and we have; No conflicts. – Casey Meinen, 9/4/24.
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments received.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments received.
NORTHERN NATURAL GAS:	No comments received.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	Have reviewed this zoning request. NIPCO has no issues with this request. – Jeff Zettel, 9/10/24.
NUSTAR PIPELINE:	No comments received.
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments received.
WIATEL:	No comments received.
WINNEBAGO TRIBE:	Thank you for your Section 106 correspondence regarding this project. While it has been determined that this project will not impact any identified sites, it is situated on or near land historically inhabited or traversed by our ancestors. Should any findings arise, please reach out to THPO Sunshine Thomas-Bear at (402) 257-

	5587 or via e-mail at sunshine.bear@winnebago-tribe.com . Should you have any inquiries, do not hesitate to contact our office. – Gayla Whitewater, 9/3/24.
WOODBURY COUNTY ASSESSOR:	No comments received.
WOODBURY COUNTY CONSERVATION:	No issues here. – Daniel Heissel, 9/3/24.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments received.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments received.
WOODBURY COUNTY ENGINEER:	I have no concerns with the proposed zoning change. It would appear to be consistent with the adjacent land zoning and use. – Mark Nagra, 9/11/24.
WOODBURY COUNTY RECORDER:	No comments. Thank you. – Diane Swoboda Peterson, 9/3/24.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments received.
WOODBURY COUNTY SHERIFF:	No comments received.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposed rezoning request. 9/5/24.
WOODBURY COUNTY TREASURER:	No comments received.

Woodbury County, IA / Sioux City

Summary

Parcel ID 884726200002
 Alternate ID 826876
 Property Address N/A
 Sec/Twp/Rng 26-88-47
 Brief AN IRREG TCT BEG @ NW CORNER NWNE THEC E865.52' THEC S1088.06' THEC SELY469.25' THEC S40' THEC NE NE510.31' THEC N201.50' THEC NW69.64' THEC NELY279.94' THEC N289.21' THEC NW431.87' THEC W469.68' THEC N40' TO PT OF BEG: NENE & N40' E45' NENW 3.450 ACRES
 Tax Description (Note: Not to be used on legal documents)
 Deed Book/Page [702-854\(2/16/2009\)](#)
 Gross Acres 3.42
 Net Acres 3.42
 Adjusted CSR Pts 138.6
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0039 WOODBURY/SB/L
 School District SGT BLUFF LUTON
 Neighborhood N/A

Owner

Deed Holder
[COLYER JIMMIE LEE & RENEE T COLYER](#)
[1650 OLD HIGHWAY 141](#)
 SERGEANT BLUFF IA 51054
 Contract Holder
 Mailing Address
 COLYER JIMMIE LEE & RENEE T COLYER
 1650 OLD HIGHWAY 141
 SERGEANT BLUFF IA 51054

Land

Lot Area 3.42 Acres; 148,975 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
2/16/2009	COLYER MINNIE LORENA,% MINNIE LORENA COLYER ESTATE	COLYER JIMMIE LEE & RENEE T	702/854	Fulfillment of prior year contract	Deed		\$0.00
1/16/2009	COLYER EDWARD F SR & MINNIE L	COLYER JIMMIE LEE & RENEE T	701/6449	No consideration	Deed		\$0.00
6/24/2004	COLYER EDWARD F SR & MINNIE L	COLYER JIMMIE LEE & RENEE T	648/1147	NORMAL ARMS-LENGTH TRANSACTION	Contract		\$200,000.00

Show There are other parcels involved in one or more of the above sales:

Valuation

	2024	2023	2022	2021	2020
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$4,510	\$4,510	\$3,500	\$3,500	\$3,310
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$4,510	\$4,510	\$3,500	\$3,500	\$3,310
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$4,510	\$4,510	\$3,500	\$3,500	\$3,310

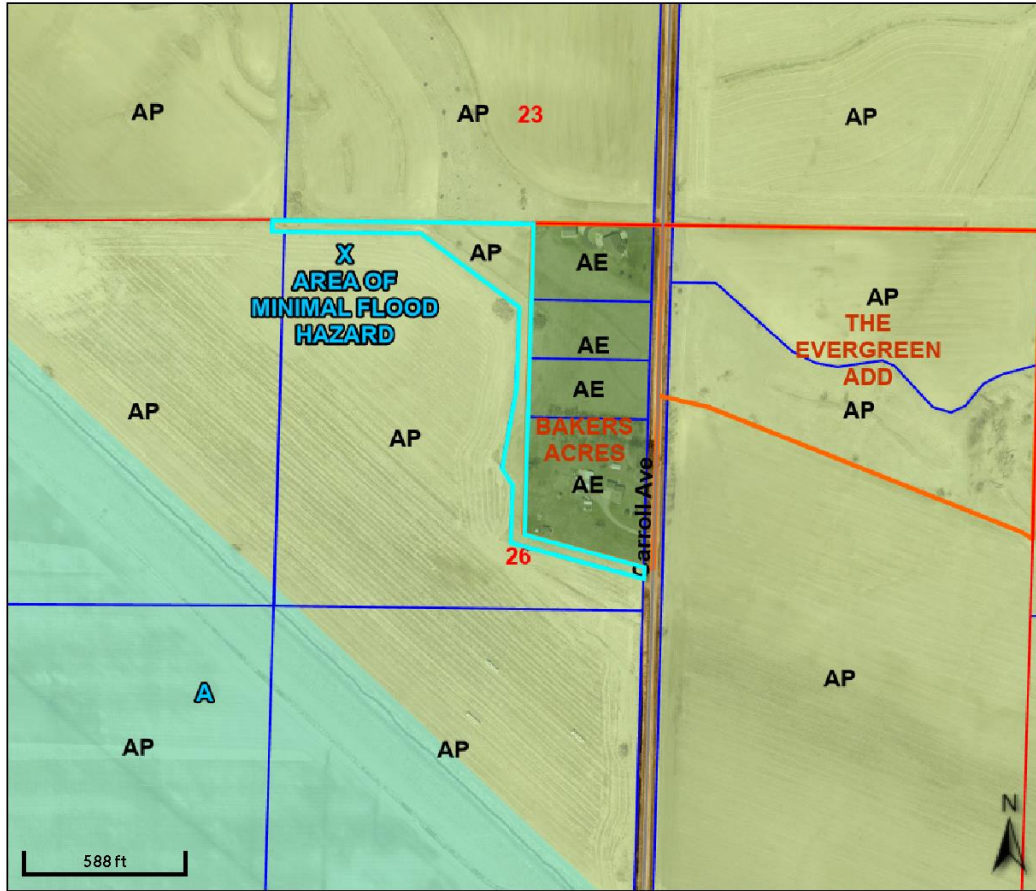
Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

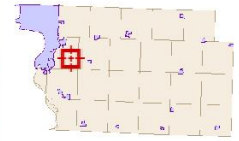
Woodbury County Tax Credit Applications

Apply for Homestead, Military or Business Property Tax Credits

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos, Sketches.



Overview



Legend

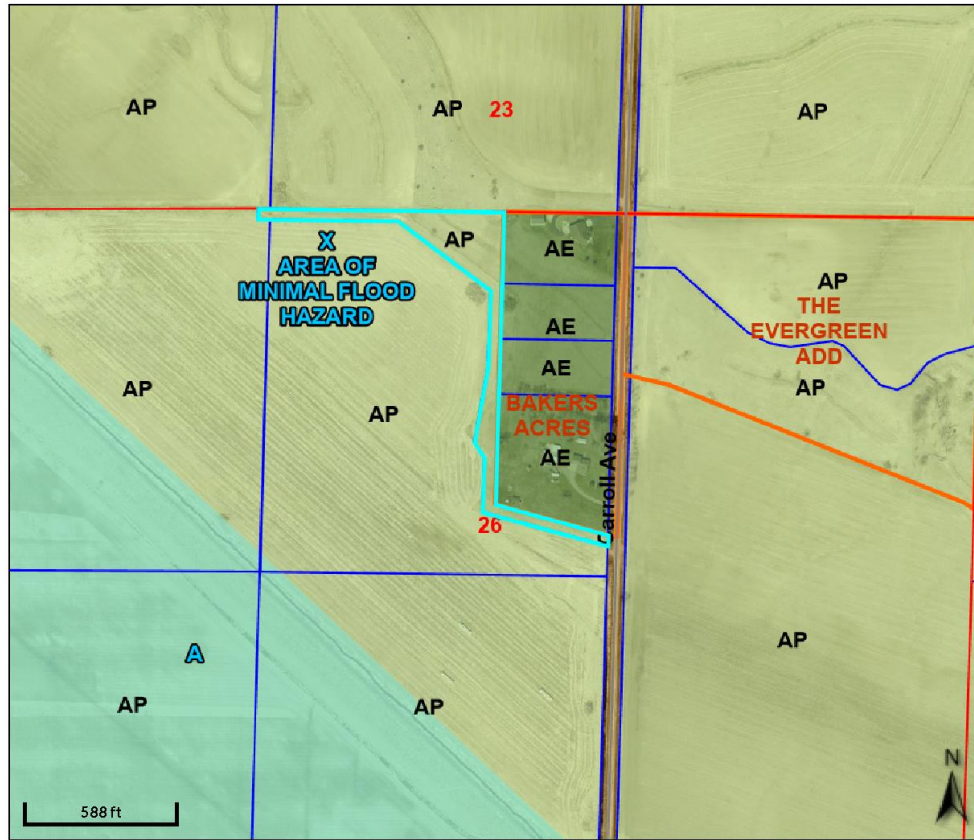
- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Subdivisions
- ▭ Parcels
- County Zoning**
- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

Parcel ID	884726200002	Alternate ID	826876	Owner Address	COLYER JIMMIE LEE & RENEE T COLYER
Sec/Twp/Rng	26-88-47	Class	A		1650 OLD HIGHWAY 141
Property Address		Acreage	3.42		SERGEANT BLUFF, IA 51054
District	0039				
Brief Tax Description	AN IRREG TCT BEG @ NW CORNER NWNE THEC E865 .52' THEC S1088.06' THEC SELY469.25' THEC S40' THEC NE NE510.31' THEC N201.50' THEC NW69.64' THEC NELY279.94' THEC N289.21' THEC NW431.87' THEC W469.68' THEC N40' TO PT OF BEG: NENE & N40' E45' NENW 3.450 ACRES				
	<i>(Note: Not to be used on legal documents)</i>				

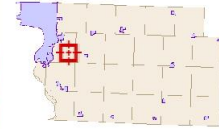
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Developed by Schneider GEOSPATIAL

SPECIAL FLOOD HAZARD AREA (SFHA) MAP



Overview



Legend

- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Subdivisions
- ▭ Parcels
- County Zoning**
- AE
- AP
- GC
- GC-PD
- GI
- LI
- LI-PD
- SR
- WR

Parcel ID	884726200002	Alternate ID	826876	Owner Address	COLYER JIMMIE LEE & RENEET COLYER
Sec/Twp/Rng	26-88-47	Class	A		1650 OLD HIGHWAY 141
Property Address		Acreage	3.42		SERGEANT BLUFF, IA 51054
District	0039				
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	<i>(Note: Not to be used on legal documents)</i>				

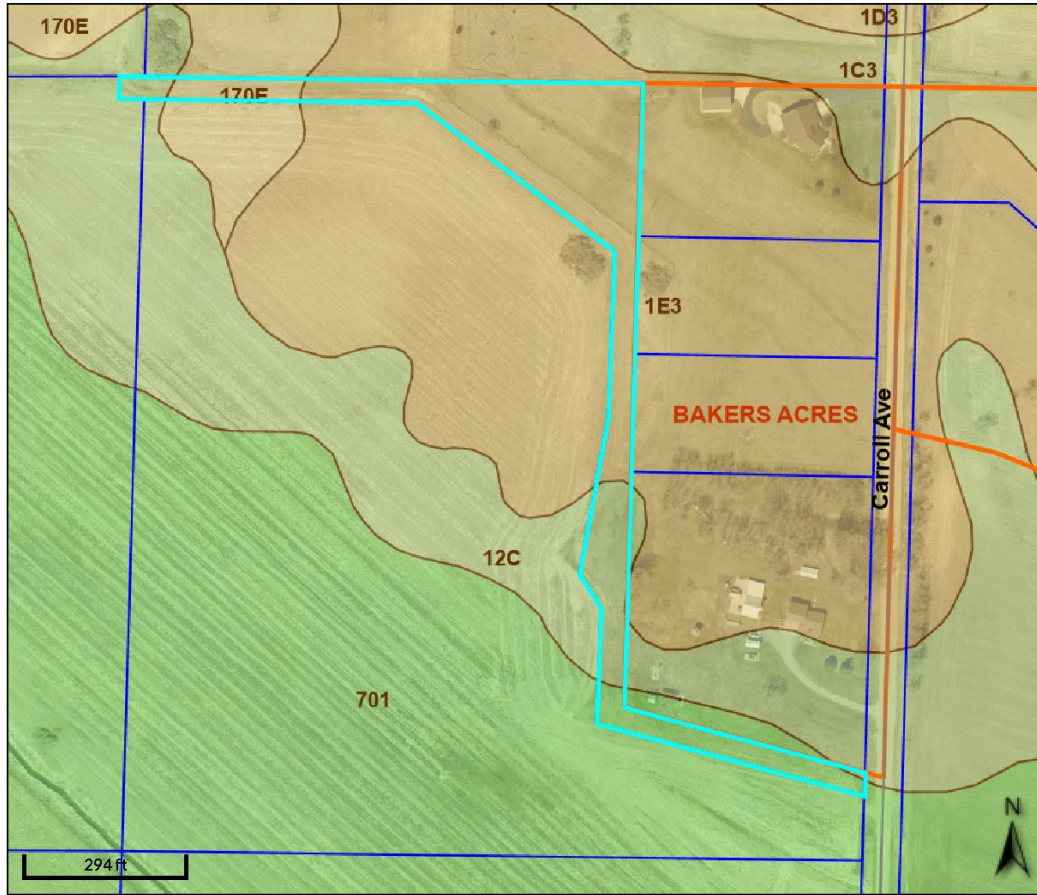
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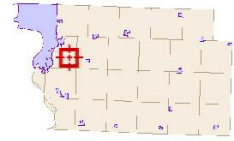
BASE FLOOD ELEVATION DATA

Not in floodplain. No data to report.

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Soils**
- 0.000000 - 5.000000
- 5.000001 - 20.000000
- 20.000001 - 30.000000
- 30.000001 - 40.000000
- 40.000001 - 50.000000
- 50.000001 - 60.000000
- 60.000001 - 70.000000
- 70.000001 - 80.000000
- 80.000001 - 90.000000
- 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Subdivisions
- Parcels

Parcel ID	884726200002	Alternate ID	826876	Owner Address	COLYER JIMMIE LEE & RENEE T COLYER
Sec/Twp/Rng	26-88-47	Class	A		1650 OLD HIGHWAY 141
Property Address		Acres	3.42		SERGEANT BLUFF, IA 51054
District	0039				
Brief Tax Description	AN IRREG TCT BEG @ NW CORNER NWNE THEC E865.52' THEC S1088.06' THEC SELY469.25' THEC S40' THEC NE NE510.31' THEC N201.50' THEC NW69.64' THEC NELY279.94' THEC N289.21' THEC NW431.87' THEC W469.68' THEC N40' TO PT OF BEG: NENE & N40' E45' NENW 3.450 ACRES				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/30/2024
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 GEOSPATIAL

SOIL REPORT(S)

Woodbury County, IA / Sioux City

Summary

Parcel ID	884726200002		
Gross Acres	3.42		
ROW Acres	0.00		
Gross Taxable Acres	3.42		
Exempt Acres	0.00		
Net Taxable Acres	3.42	<i>(Gross Taxable Acres - Exempt Land)</i>	
Average Unadjusted CSR2	40.53	<i>(138.6 CSR2 Points / 3.42 Gross Taxable Acres)</i>	

Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	3.42	40.53	138.60	138.60
Non-Crop	0.00	0.00	0.00	0.00
Total	3.42		138.60	138.60

Soil Summary

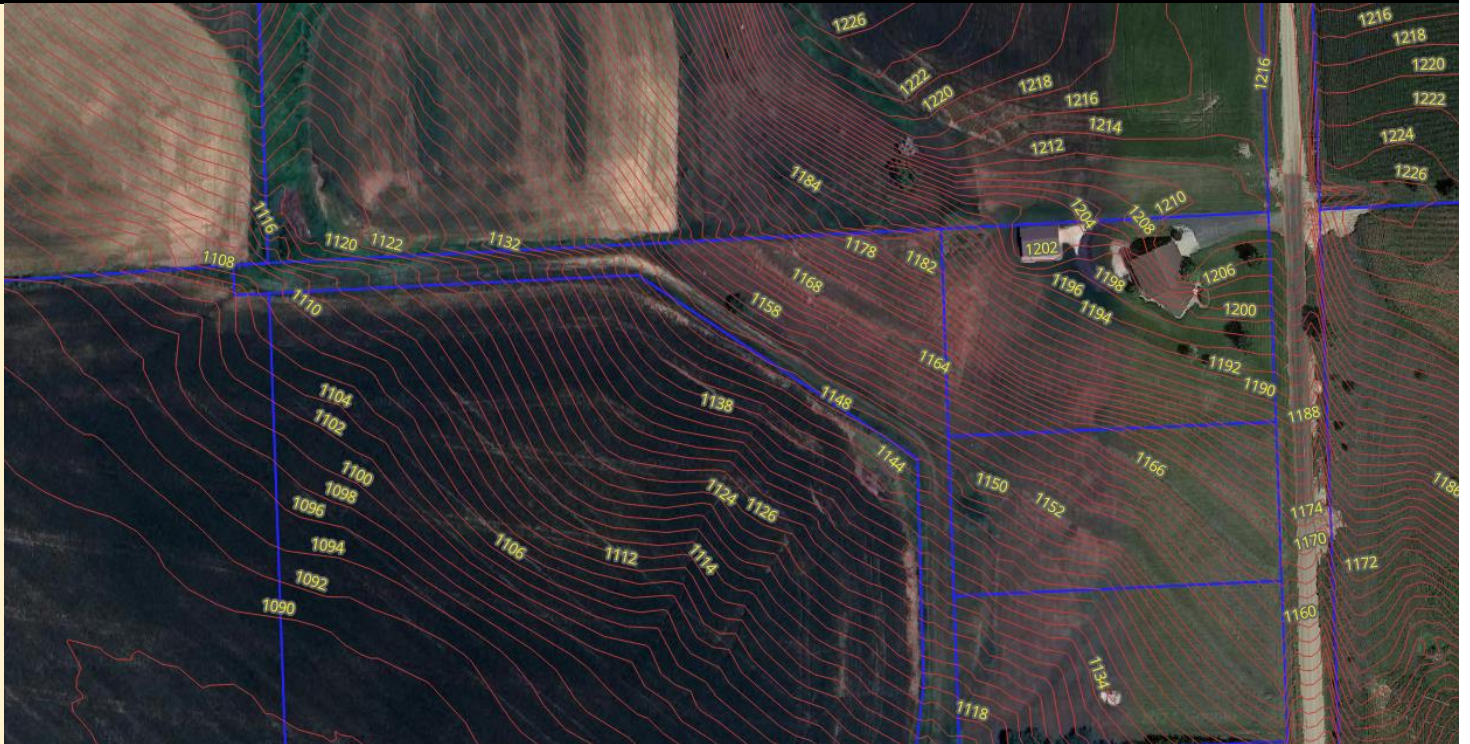
Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	0.58	51.62	51.62
100% Value	701	WILSEY SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOODED	79.00	0.46	36.34	36.34
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.20	11.40	11.40
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	2.18	39.24	39.24
Total				3.42	138.60	138.60

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Contact Us



ELEVATION MAP



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

Date: 10/03/2024

Weekly Agenda Date: 10/08/2024

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervsr. Bittinger/Anna Bertrand

WORDING FOR AGENDA ITEM:

Opioid Remediation Settlement Request and Proposal from Sky Ranch Behavioral Services for 3 F.T.E. positions.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

On February 13, 2024, Anna Bertrand presented that Sky Ranch Behavioral Services (SRBS) is requesting two years of funding in the amount of \$242,648 per year (\$485,296 over a two-year period) to fund 3 F.T.E. positions in alignment with the recommended Opioid Remediation Settlement approved uses guidelines.

Today's agenda item is to determine the exact amount of funding for the proposal from Sky Ranch Behavioral Services.

BACKGROUND:

Sky Ranch Behavioral Services (SRBS) is requesting two years of funding in the amount of \$242,648 per year (\$485,296 over a two-year period). SRBS is requesting funding to support and address two key needs and priorities in the Siouxland area. 1. Connecting Individuals to Care and Addressing the Needs of Criminal Justice Involved Persons, and 2. Supporting People in Treatment and Recovery with Peer Recovery Services. Both areas of focus are highlighted priorities in the Opioid Remediation Funding Guidance in Part I Treatment, Items B, C, and D.

Sky Ranch Behavioral Services (SRBS) will implement access and connections to care for the general community of Woodbury County and for individuals (youth and adults) who are Criminal Justice Involved. This is a critical need for Woodbury County based on current substance use trends and the increasing crisis in mental health for youth and adults.

See backup materials.

FINANCIAL IMPACT:

Sky Ranch Behavioral Services (SRBS) is requesting two years of funding in the amount of \$242,648 per year (\$485,296 over a two-year period) to fund 3 positions per year, program materials, certifications, technology needs, etc.

The Opioid Remediation Settlement Fund has approximately \$1,000,549.88 at this moment(09/24/2024). If the full two-year amount is awarded, the new balance would be approximately \$515,253.88

See backup materials for a detailed breakdown of funding needs.

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:

Fund 75% of one year of the request. This would result in \$181,986 of funding.

ACTION REQUIRED / PROPOSED MOTION:

Approve funding Sky Ranch Behavioral Services request in the amount of \$181,986.



Woodbury County Board of Supervisors

Request for Funding- Opioid Remediation Settlement Funding

Creating Access/Connections to Care and Peer Recovery Support Services

Proposed by Sky Ranch Behavioral Services (SRBS)

Draft Revised: 2/1/2024

Proposal Narrative

Sky Ranch Behavioral Services (SRBS) is requesting two years of funding in the amount of \$242,648 per year (\$485,296 over a two-year period). SRBS is requesting funding to support and address two key needs and priorities in the Siouxland area. 1. Connecting Individuals to Care and Addressing the Needs of Criminal Justice Involved Persons, and 2. Supporting People in Treatment and Recovery with Peer Recovery Services. Both areas of focus are highlighted priorities in the in the Opioid Remediation Funding Guidance in Part I Treatment, Items B, C, and D.

- 1. Connections to Care and/or Addressing the Needs to Criminal Justice Involved Persons with Opioid Use Disorder, Substance Use Disorder, Co-Occurring Disorder.** (Opioid Remediation Priority Part 1 Treatment Items C & D)

Sky Ranch Behavioral Services (SRBS) will implement access and connections to care for the general community of Woodbury County and for individuals (youth and adults) who are Criminal Justice Involved. This is a critical need for Woodbury County based on current substance use trends and the increasing crisis in mental health for youth and adults. Many youth and adults do not receive access to substance use disorder and/or mental health care due to one or more of the following reasons:

- Lack of knowledge about how to access care.
- Challenges navigating the current substance use disorder and/or mental health system of care due to barriers related to insurance, shortage of addiction and mental health professionals, youth struggling to get parental resources to support care, and overall stigma about addressing substance use or mental health issues.
- Crisis- when individuals are faced with crisis in substance use or mental health, it is often difficult to navigate the complex system of care.
- Limited options to access help or resources after school and/or in the evenings.

SRBS will launch an open access, walk in access and navigation service for a minimum of 15 hours per week, including at least one evening and/or weekend access day for connecting youth, adults, and/or families to SUD care. Proposed open access hours include: Mondays and Wednesdays from 2 until 6 PM, Thursdays from 3 PM until 8 PM, and/or Saturdays from 10 AM until 12 PM. In addition, SRBS will provide phone-based support for individuals needing resources and/or questions answered regarding



accessing substance use and/or mental health care. In addition, SRBS will provide both open access and scheduled SUD assessment services for individuals wanting to access care. Within six months of implementation, SRBS will also offer open access and scheduled mental health assessment services for individuals wanting to access care.

Open access, phone, and scheduled navigation services will include:

- Answering questions and providing general information about substance use and/or mental health issues.
- Education about how to respond in an opioid crisis, substance use crisis, and mental health crisis
- General screening for safety, substance use, and mental health.
- Assistance and support with navigating the steps to access substance use and/or mental health care for youth, adults, and/or family members.
- Assistance with understanding the steps and navigating substance use and/or mental health commitments.
- Providing connections to community-based and culturally responsive resources to support individuals with substance use and/or mental health issues.
- Provision of both online and community-based resources, including referral and warm-handoff.
- Delivering walk in and scheduled substance use disorder assessments. Mental health assessments to be added within six months.

Connections to Care via access and navigation services will be provided by a full time Substance Use and Mental Health Access Navigator who will be a Certified Alcohol and Drug Counselor (CADC) with expertise in substance use and co-occurring mental health issues. They will allocate their time between open access/ walk in services, phone consultation, and individual navigation and assessment services. This person will provide phone, in-person, and community-based access and navigation support.

2. Support People in Treatment and Recovery with Peer Recovery Services (Opioid Remediation Priority Part 1 Treatment Items C & D)

SRBS will launch peer recovery services in two specific populations:

- Peer Recovery Support Specialist to serve youth up to 17 years of age; and,
- Peer Recovery Support Specialist to serve adults identified in the Woodbury Family Treatment Court.

SRBS will recruit and hire (2.0 FTE) peer recovery support specialists who will provide outreach and engagement in the community, homes, and schools. The identified populations are those experiencing substance use, mental health, and/or co-occurring issues and symptoms. The role of the peer recovery support specialists will be to provide advocacy, support in navigating and/or accessing the resources and options within the recovery community, and to help address basic needs in order to enhance their overall wellness. “When one rises, we all rise,” which serves as the motto of the former National Association of Drug Court Professionals (NADCP), now All Rise. The value of increasing the



number of peer recovery supports in our community has demonstrated a reduction in hospital admission rates and longer community tenure (Chinman, Weingarten, Stayner, & Davidson, 2001; Davidson, et al., 2012; Forchuk, Martin, Chan, & Jenson, 2005; Min, Whitecraft, Rothbard, Salzer, 2007), as well as decreased symptoms of psychosis, depression, and substance use (Davidson, et al., 2012). The benefit of Peer Recovery Support for our community is vast.

Sky Ranch Behavioral Services (SRBS) is uniquely qualified to support the supervision of the Peer Recovery Supports, as the agency has expertise in an outpatient, community-based substance use and mental health services provider setting. While SRBS serves youth, adults, and families, specialized outreach and services are focused on school aged youth in area schools and that are justice-involved youth.

According to SAMHSA, “peer support workers are people who have been successful in the recovery process and who help others experiencing similar situations. Through shared understanding, respect, and mutual empowerment, peer support workers help people become and stay engaged in the recovery process and reduce the likelihood of relapse”. <https://www.samhsa.gov/brss-tacs/recovery-support-tools/peers#:~:text=Peer%20support%20workers%20are%20people,reduce%20the%20likelihood%20of%20relapse>

The goal will be offering support for the identified population to engage in recommended treatment services, in community-based substance use, mental health, and/or co-occurring disorders services. Individuals who are impacted by opioid use will be prioritized; however, any person with any substance use and/or mental health symptoms will be served. In addition to outreach, education, screening and engagement, peer recovery support specialists will provide recovery support services to individuals who are engaged in outpatient and/or inpatient substance use disorder treatment, mental health therapy, and/or co-occurring services. With this in mind, some additional goals/tasks of recovery coaches are to help improve participation and engagement in treatment interventions through peer recovery coaching, help with transportation to services, provide outreach, and to facilitate engagement in recovery support activities in the community.

Eligibility for the Peer Recovery Support Specialist positions would be individuals who are an adult (18 or older) who have been free from substance use for a minimum of 12 months and have lived recovery experience in substance use and/or mental health recovery.

“Peer Support Specialists bring their own personal knowledge of what it is like to live and thrive with mental health conditions and substance use disorders. They support people’s progress towards recovery and self-determined lives by sharing vital experiential information and real examples of the power of recovery. The sense of mutuality created through thoughtful sharing of experience is influential in modeling recovery and offering hope (Davidson, Bellamy, Guy, & Miller, 2012).

SRBS proposes to outreach to a minimum of 120 individuals per 12-month calendar year and a minimum of 90 individuals per year will be formally enrolled in peer recovery support services.



Sustainability will be achieved within two years through certification as an outpatient mental health and/or substance use peer recovery support provider through IHHS with certification from the Iowa Board of Certification or other designated entity. SRBS is well positioned to do this based on being an established IHHS licensed substance-use disorder provider and certified outpatient mental health services provider.

About Sky Ranch Behavioral Services (SRBS)

Sky Ranch Behavioral Services opened in 1987 as Sky Ranch for Boys to provide aftercare services to juveniles reentering the Siouxland community from their treatment facility. Since the physical ranch’s closure in 2011, the agency rebranded as SRBS and continues to provide behavioral health services. In 2019, SRBS added Substance Use and Problem Gambling Disorders Outpatient Treatment for adolescents and adults. In 2023, SRBS achieved certification as an Outpatient Mental Health Services provider. The current focus is on helping youth improve their lives with expansive and new community-based programs of education classes, prevention/diversion, groups, individual and family counseling. Outcomes focus on reduced substance use and enhanced mental health, coping skills, functioning, and overall well-being. SRBS is led by executive director Anna Bertrand. Siouxland Human Investment Partnership (SHIP) serves as the employer of record and fiscal agent for SRBS.

Budget

Two Year Budget Proposal

Line Items	Year 1	Year 2
Peer Recovery Specialist (2.0 FTE) \$17 per hour at = \$35,360 @ 2 years = \$70,720		
Supervisor, TBA Individual and Group Supervision .25 FTE of \$56,000 = \$14,000		
Substance Use and Mental Health Access Navigator 1.0 FTE @ \$48,000		
Total Personnel	\$132,720	\$132,720
Fringe Benefits and Employer of Record 45% of total Salaries = \$64,369		
Total Fringe Benefits	\$64,369	\$64,369
Office Space for 3.0 FTE and Open Access Hub for a minimum of 15 hours per week (\$600 @ 12 months)		
Total Office Space	\$7,200	\$7,200
Office Supplies \$500 per year		
Technology \$1000 per year @ 3.0 = \$3,000		
Total Supplies & Technology	\$3,500	\$3,500
Transportation and Parking -Parking and Mileage for staff transporting participants to recovery support \$5,000		
Total Transportation	\$5,000	\$5,000



Training, Continuing Education, Certification for Peer Recovery Sustainability \$3,000		
Total Training & Sustainability	\$3,000	\$3,000
Basic and Emergent Needs for Participants (food, emergency needs, school supplies, recovery support tools) \$2,400		
Resources to Support Navigation and Access (filing fees, transportation, emergency co-pays) \$2,400		
Total Program Supplies/ Basic Needs	\$4,800	\$4,800
Total Expenses	\$220,589	\$220,589
Indirect/ Administration – Fiscal Agent Services provided by Siouxland Human Investment Partnership (SHIP) (de minimus rate which equals 10% of total expenses \$220,589)		
Total Indirect	\$22,059	\$22,059
Total	\$242,648	\$242,648

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

Date: 10/03/2024 Weekly Agenda Date: 10/08/2024

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

WORDING FOR AGENDA ITEM:

Consider approval of a construction agreement addendum with the City of Hornick

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 checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

A construction agreement amendment with the city of Hornick is presented for reimbursement to the county for work done within the city limits as part of the PCC pavement replacement project.

BACKGROUND:

County project STB-SWAP-C097(142) replaced the K64 pavement from IA Hwy 141 to Old Hwy 141. The county and Hornick have a construction agreement for this project. Additional work was done under the project within the city and the addendum redefines the repayment terms for the city.

FINANCIAL IMPACT:

The city will reimburse the county for work performed over 6 years with no interest during the repayment period. The city reimbursing the county for ADA compliance work, replacement of paved parking areas, and sidewalk improvements adjacent to the mainline paving.

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 construction agreement addendum with the city of Hornick.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the construction agreement addendum with the city of Hornick.

AMENDMENT TO AGREEMENT
BETWEEN WOODBURY COUNTY AND THE CITY OF HORNICK, IOWA

This Agreement is entered into on this _____ day of _____, 2024 by and between Woodbury County, Iowa, hereafter referred to as "County", and the City of Hornick, Iowa, hereafter referred to as "City", pursuant to Section 331.429(2) of the Code of Iowa.

The parties agree as follows to this amended agreement as provided in section 13 of the original Project Agreement:

1. Woodbury County and the City of Hornick signed to a project agreement dated May 17, 2022 for a project designated as STBG-SWAP-CO97(142)—FG-97 hereafter referred to as the "Project".
2. The City of Hornick agreed to make financial contribution to Project for the cost of the work within the corporate limits, outside of the center 22' paved roadway. The preconstruction estimated total cost for all work within the City was \$115,451.00, less the federal aid substitution funding share of \$54,205.94 leaving an estimated \$61,245.06 to be repaid to the County. The final amount due the County was to be based on field measurements and actual quantities incorporated in the project.
3. The City requested extra work on the to improve curb and gutter, sidewalks, and other areas within the project corridor at City expense. Said work totaled \$238,829.46, less \$106,571.92 in federal aid substitution funding share, for a total of \$132,257.53 owed to Woodbury County for project work.
4. The City had agreed to make a payment of 1/10th of the actual cost upon completion of the Project and acceptance by the County with a reimbursement period of 10 years. The City is requesting, and the County hereby agrees, that the City makes a payment of \$72,257.53 by November 1, 2024 with a reimbursement period of up to 6 years.
5. The City hereby agrees to pay the remaining amount due of \$60,000.00 in six (6) equal annual installments of \$10,000.00 beginning January 1, 2025, and then on January 1 every year thereafter, with a final payment due January 1, 2030. There will be no interest charged by the County on the outstanding balance. The City may pay back the balance early at the City's option.
6. The terms of this agreement shall be in perpetuity or until such time as the obligations contained in this Agreement are fully complied with.
7. The County does not waive any right or remedy which may be available to recover money due under this agreement. Upon material breach of the terms of this Agreement by the City, the County may declare the entire balance to be immediately due, and after giving the City reasonable notice and opportunity to cure the breach, the County may initiate any action or procedure to protect its interests.
8. The Agreement may be amended from time to time by written agreement of both parties.

WOODBURY COUNTY

Matthew Ung, Chairperson, Board of Supervisors

Date

I hereby certify that the above and foregoing agreement was duly and legally passed by the Board of Supervisors of Woodbury County, Iowa, and properly included in the minutes of the meeting on the _____ day of _____, 2024.

Patrick Gill, County Auditor

Date

CITY OF HORNICK

Mayor, City of Hornick

Date

I, _____, certify that I am the Clerk of the CITY, and that _____

Who signed said Agreement for and on behalf of the CITY was authorized to execute the same by virtue of a formal Resolution passed and adopted by the CITY, on the _____ day of _____, 2024.

City Clerk of Hornick

Date

Original
Agreement

AGREEMENT BETWEEN WOODBURY COUNTY AND THE CITY OF
HORNICK, IOWA

This Agreement is entered into on this 17th day of May, 2022 by and between Woodbury County, Iowa, hereafter referred to as "County", and the City of Hornick, Iowa, hereafter referred to as "City", pursuant to Section 331.429(2) of the Code of Iowa.

The parties to this Agreement hereby agree as follows:

1. Woodbury County has completed plans for a project designated as STBG-SWAP-CO97(142)—FG-97 hereafter referred to as the "Project". This Project involves the replacement of Portland Cement Concrete Pavement on county route K-64, Main Street within Hornick, Merville Blacktop in the rural area, from the Iowa Highway 141 intersection north to 300th Street then east to County Route D-25, or Old Highway 141, in Woodbury County, Iowa. This is a federal aid substitution project with partial funding provided by SRTPA, the regional planning affiliation. The county is the lead agency for the federal aid substitution project development. The county is receiving \$1,200,000 in federal aid toward the total project costs contracted at \$2,555,830.77.
2. The County will be the administrating and contracting authority for this Project. All rights of the County under the construction contract within the corporate limits of the City shall inure to the benefit of the City as if it was also the contracting authority, except for any penalty that may be assessed the Contractor due to late performance of the contract work.
3. The office of the Woodbury County Engineer shall be responsible for all office and field engineering services in connection with Project. The Project shall be constructed in accordance with the standards of the Iowa Department of Transportation. The County shall inspect for compliance of said standards and requirements.
4. The City agrees to hold harmless the County, its governing body, and all of its officials and employees from any and all claims, demands, actions, and judgments for damages arising out of or in connection with the construction of the Project. The City further agrees to indemnify the County, its officials and employees for any resulting damages which are attributable to the City that are assessed against the County or its officials and employees, and for any resulting costs which the county or any of its officials or employees become liable to pay third parties, other than the amount due the Contractor under the construction contract.
5. The County shall be responsible for procuring all permits and approvals that are necessary to construct this project.
6. The County shall be responsible for signing within the limits of this Project and shall properly place all necessary advance warning signs.
7. At the time that construction of the Project is completed and upon written notice of completion by the County, the City shall conduct its own inspection and report any perceived problems to the Woodbury County Engineer within ten (10) days of receiving

CITY OF HORNICK

Scott Mitchell
Mayor, City of Hornick

05-09-2022

Date

I, Lori J Teel, certify that I am the Clerk of the CITY, and that Scott Mitchell

Who signed said Agreement for and on behalf of the CITY was authorized to execute the same by virtue of a formal Resolution passed and adopted by the CITY, on the 9th day of May, 2022.

Lori J Teel
City Clerk of Hornick

05-09-22

Date

WOODBURY COUNTY -

IDOT PROJECT # STBG-SWAP-C097(142)--FG-97

PROJECT CONTRACT COSTS BASED ON PLAN QUANTITY

ITEM NO.	ITEM CODE	ITEM	UNIT	Div 1	Div 2	TOTAL	COST/UNIT	CONTRACT COST
1	2102-2710070	EXCAVATION CLASS 10 ROADWAY AND BORROW	CY	12,145.00	2,576.00	14,721.00	\$9.75	\$143,529.75
2	2115-0100200	MODIFIED SUBBASE, PLACE ONLY	CY	7,439.00	1,565.00	9,004.00	\$6.25	\$56,293.75
3	2121-7425020	GRANULAR SHOULDERS, TYPE B	TON	6,696.00	1,488.00	8,184.00	\$38.00	\$307,192.00
4	2301-1033080	STANDARD OR SLIP-FORM PORTLAND CEMENT CONCRETE PAVEMENT, CLASS C, CLASS 3 DURABILITY, 8" - CITY	SY			2,826.00	\$30.50	\$86,193.00
5	2301-1033080	STANDARD OR SLIP-FORM PORTLAND CEMENT CONCRETE PAVEMENT, CLASS C, CLASS 3 DURABILITY, 8" - COUNTY	SY	42,323.00	8,806.00	51,129.00	\$30.50	\$1,539,434.50
6	2510-6750501	RUMBLE STRIP PANEL (FCC SURFACE)	EACH		4	4	\$250.00	\$1,000.00
7	2510-6750501	REMOVAL AND CRUSHING OF PAVEMENT - CITY	SY			2,826.00	\$4.00	\$11,304.00
8	2510-6750501	REMOVAL AND CRUSHING OF PAVEMENT - COUNTY	SY	42,325.00	8,834.00	51,159.00	\$4.00	\$204,636.00
9	2511-6745900	REMOVAL OF SIDEWALK	SY	112.00		112.00	\$12.00	\$1,344.00
10	2511-7526004	SIDEWALK, P.C. CONCRETE, 4 IN.	SY	148.00		148.00	\$64.00	\$9,472.00
11	2511-7528101	DETECTABLE WARNINGS	SF	128.00		128.00	\$30.00	\$3,840.00
12	2512-1725206	CURB AND GUTTER, P.C. CONCRETE, 2.0 FT.	L.F.	82.45		82.45	\$40.00	\$3,298.00
13	2527-9263109	PAINTED PAVEMENT MARKING, WATERBORNE OR SOLVENT-BASED	STA	353.40	95.29	448.69	\$18.50	\$8,299.63
14	2518-6910000	SAFETY CLOSURE	EACH	2.00	1	3.00	\$1,025.00	\$3,075.00
15	2528-8445110	TRAFFIC CONTROL	LS	0.70	0.30	1.00	\$8,500.00	\$8,500.00
16	2528-8445113	FLAGGERS	EACH	4.00	2	6.00	\$915.00	\$5,490.00
17	2533-4980005	MOBILIZATION	LS	0.70	0.30	1.00	\$150,000.00	\$150,000.00
18	2599-9999016	FILLET CONSTRUCTION	SY	1,231.00		1,231.00	\$75.00	\$92,325.00
								\$2,565,930.77

City	Costs broken by jurisdiction	
	County Participating	County Local
	\$ 118,413.75	\$ 25,116.00
	\$ 46,493.75	\$ 9,600.00
	\$ 250,648.00	\$ 56,544.00
	\$ 86,193.00	\$ -
	\$ 1,204,668.50	\$ 288,583.00
	\$ 500.00	\$ 1,000.00
	\$ 11,304.00	\$ -
	\$ 157,996.00	\$ 35,336.00
	\$ 1,344.00	\$ -
	\$ 9,472.00	\$ -
	\$ 3,840.00	\$ -
	\$ 3,298.00	\$ -
	\$ 6,537.80	\$ 1,762.87
	\$ 2,090.00	\$ 1,025.00
	\$ 5,950.00	\$ 2,550.00
	\$ 2,060.00	\$ 1,030.00
	\$ 105,000.00	\$ 45,000.00
	\$ 92,325.00	\$ -
	\$ 1,992,632.90	\$ 447,746.87

SWAP Share per Iowa DOT agreement \$1,200,000 maximum toward construction cost

47%

HORNICK TOTAL
Hornick SWAP share
Repay due to County from Hornick

\$ 115,451.00
\$ 54,205.84
\$ 61,245.06

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

Date: 10/03/2024 Weekly Agenda Date: 10/08/2024

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

WORDING FOR AGENDA ITEM:

Receive bids for project number L-B(K19)--73-97

ACTION REQUIRED:

Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

Plans have been completed for a bridge replacement project on Michigan Ave., between County Road D22 and Hwy 31. Bids are due at the Board meeting on 10/08/2024

BACKGROUND:

The project will replace a bridge with a 60' Preab Steel Beam bridge. The existing bridge is currently closed.

FINANCIAL IMPACT:

The projects are paid for with Woodbury County secondary road funds .

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 receive the bids for project L-B(K19)--73-97 and return them to the county engineer for review.

ACTION REQUIRED / PROPOSED MOTION:

- 1.) Motion to receive bids for project number L-B(K19)--73-97 and return them to the county engineer for review.
- 2.) If Clear low bidder is found, motion to the board to award the bid for project L-B(K19)--73-97.