

JULY 12, 2022 TWENTY-EIGHTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, July 12, 2022 at 4:30 p.m. Board members present were Ung, Radig, De Witt, Taylor, and Wright. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget and Finance Director, Joshua Widman, Assistant County Attorney, 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. There were no citizen concerns.

2. Motion by Radig second by De Witt to approve the agenda for July 12, 2022. Carried 5-0. Copy filed.

Motion by Radig second by Taylor to deny a claim in the amount of \$750.00 from the Klass Law Firm, LLP. Carried 4-1; De Witt opposed.

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

3. To approve minutes of the July 5, 2022 meeting. Copy filed.

4. To approve the claims totaling \$643,618.85. Copy filed.

5. To approve and authorize the Chairperson to sign a Resolution authorizing the execution of a Memorandum of Agreement with Siouxland Regional Transit System, and fixing a date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code.

RESOLUTION #13,477

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH SIOUXLAND REGIONAL TRANSIT SYSTEM, AND FIXING A DATE FOR A HEARING ON THE PROPOSED ISSUANCE OF REVENUE BONDS OR NOTES PURSUANT TO CHAPTER 419 OF THE IOWA CODE

WHEREAS, the County of Woodbury, State of Iowa (the "Issuer"), is a county and political subdivision of the State of Iowa authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the "Act"), to issue revenue bonds or notes for a project located within, or within eight miles of, the Issuer for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds issued pursuant to the Act and any existing indebtedness relating to such facilities and paying costs of issuance associated therewith; and

WHEREAS, the Issuer has been requested by Siouxland Regional Transit System or an affiliate thereof (the "Borrower"), a Tax Exempt Organization, to issue its revenue bonds or notes in an aggregate principal amount not to exceed \$2,100,000 (the "Bonds") for the purpose of providing funds to the Borrower (a) to finance a portion of the costs of constructing, equipping and furnishing a bus operation facility (the "Project") to be located at 6401 Gordon Drive, Sioux City, Iowa and (b) to pay costs of issuance of the Bonds; and

WHEREAS, it is proposed to finance the foregoing through the issuance of the Bonds and to loan the proceeds from the sale of the Bonds to the Borrower pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to provide for a portion of the financing the Project and paying for costs of issuance; and

WHEREAS, the Bonds, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to pursue proceedings necessary under the Act to issue the Bonds for such purpose and the Memorandum of Agreement does not legally commit the Issuer to issue the Bonds;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the Issuer, as follows:

Section 1. The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chair is hereby authorized to execute said Memorandum of Agreement and the County Auditor is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto.

Section 2. Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement. The final decision whether to issue the Bonds and the final amount of the Bonds shall be subject to further action by this Board of Supervisors.

Section 3. This Board shall meet on the 2 day of August, 2022, in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa, at 4:40 o'clock p.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Bonds referred to in the preamble hereof.

Section 4. The County Auditor is hereby directed to give notice of intention to issue the Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE REVENUE BONDS OR NOTES

The Board of Supervisors of Woodbury County, Iowa, (the "Issuer") will meet on the 2 day of August, 2022, at 4:40 o'clock p.m., in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa, 51101, for the purpose of conducting a public hearing on the proposal to issue revenue bonds or notes, of the Issuer in the aggregate principal amount not to exceed \$2,100,000 (the "Bonds") and to loan said amount to Siouxland Regional Transit System or an affiliate thereof (the "Borrower"), for the purpose of providing funds to the Borrower (a) to finance a portion of the costs of constructing, equipping and furnishing a bus operation facility (the "Project") to be located at 6401 Gordon Drive, Sioux City, Iowa, and (b) to pay costs of issuance of the Bonds. The Project will be owned by the Borrower.

The Bonds, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Bonds will be payable solely and only from amounts received by the Issuer pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds. Written comments may also be submitted to the Issuer at 620 Douglas Street, Sioux City, Iowa, 51101. Written comments must be received by the above hearing date.

By order of the Board of Supervisors of Woodbury County, Iowa.

County Auditor

Section 5. On the basis of representations of the Borrower, the Issuer declares (a) that the Borrower intends to undertake the Project; (b) that other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution (or other qualifying

reimbursement resolution), or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the Borrower and no expenditures will be made by the Borrower until after the date of this Resolution (or other qualifying reimbursement resolution); and (c) that the Borrower reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved July 12th, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6a. To receive the Commission of Veteran Affairs quarterly report ending December 31, 2021. Copy filed.
- 6b. To receive the Commission of Veteran Affairs quarterly report ending March 31, 2022. Copy filed.
- 7 To approve the reclassification of William Brooks, Deputy Sheriff, County Sheriff Dept., effective 07-11-22, \$32.87/hour, 6.5%=\$2.01/hour., Per CWA Deputy Sheriff Contract agreement, from Class 1 to Senior Class.; the reclassification of Ian Klemke, Maintenance Technician, Building Services Dept., effective 07-11-22, \$22.86/hour, 5%=\$1.15/hour., Per AFSCME Courthouse Contract agreement, from Grade 4/Step 3 to Grade 4/Step 4; the appointment of Jacob McCollum, Civilian Jailer, County Sheriff Dept., effective 07-18-22, \$21.60/hour., Job Vacancy Posted 5-25-22. Entry Level Salary: \$21.60/hour; the appointment of Michael Montino, Coordinator, Emergency Management Dept., effective 07-25-22, \$70,000/year. Job Vacancy Posted 5-18-22. Entry Level Salary: \$55,000-\$70,000/year.; the reclassification of Mary Feiler, Civilian Lieutenant, County Sheriff Dept., effective 07-11-22, \$93,119.61, 5%. Salary Increase.; and the reclassification of Randy Uhl, Civilian Lieutenant, County Sheriff Dept., effective 07-11-22, \$90,188.48, 5%. Salary Increase. Copy filed.
- 8. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date of parcel #894735332007, 1020 S. Glass St.

**RESOLUTION #13,478
NOTICE OF PROPERTY SALE**

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

**Lot Eleven (11) Block Fourteen (14) of Holman’s Addition to Sioux City in the County of Woodbury and State of Iowa
(1020 S. Glass St.)**

NOW THEREFORE,

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

- 1. That a public hearing on the aforesaid proposal shall be held on the **26th Day of July, 2022 at 4:35 o’clock p.m.** in the basement of the Woodbury County Courthouse.
- 2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **26th Day of July, 2022**, immediately following the closing of the public hearing.
- 3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$579.00** plus recording fees.

Dated this 12th Day of July, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 9. To approve the release of mortgage for county loan – Cyclone Operations (Sergeant Bluff Eyecare – Ben Uhl). Copy filed.

Carried 5-0.

- 10. A public hearing was held at 4:55 p.m. for the sale of parcel #894734152021, 715 ½ Cunningham Dr. The Chairperson called on anyone wishing to be heard.

Motion by Radig second by De Witt to close the public hearing. Carried 5-0.

Motion by Radig second by De Witt to approve and authorize the Chairperson to sign a Resolution for the sale of the real estate parcel #894734152021, 715 ½ Cunningham Dr., to K & S LLC, 2805 W 4th St., Sioux City, IA, for \$892.00 plus recording fees. Carried 5-0.

**RESOLUTION OF THE BOARD
OF SUPERVISORS OF WOODBURY COUNTY, IOWA
RESOLUTION #13,479**

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

By K & S LLC in the sum of **Eight Hundred Ninety-two 00/100 (\$892.00)**-----
-----dollars.

For the following described real estate, To Wit:

Parcel #894734152021

An irregular parcel being part of Block 40, part of vacated Dodge Avenue, and part of vacated Morgan Street described as beginning at the southwest corner of Lot 9 of The Yards Town Center Addition to the City of Sioux City; thence North 39°09'06" West a distance of 402.13 feet; thence South 29°25'41" East for a distance of 264.22 feet; thence South 00°16'56" East for a distance of 46.40 feet; thence North 89°43'04" East for a distance of 27.60 feet; thence South 26°08'54" East for a distance of 38.42 feet; thence South 68°33'08" East for a distance of 108.22 feet, thence North 39°09'06" West a distance of 43.52 feet to the Point of Beginning, containing 12,664 square feet, City of Sioux City, Woodbury County, Iowa (715 ½ Cunningham Dr.)

Now and included in and forming a part of the City of Sioux City, Iowa, the same is hereby accepted: said Amount being a sum LESS than the amount of the general taxes, interests, costs and penalties against the said Real Estate.

BE IT RESOLVED that payment is due by close of business on the day of passage of this resolution or this sale is null and void and this resolution shall be rescinded.

BE IT RESOLVED that per Code of Iowa Section 569.8(3 & 4), a parcel the County holds by tax deed shall not be assessed or taxed until transferred and upon transfer of a parcel so acquired gives the purchaser free title as to previously levied or set taxes. Therefore, the County Treasurer is requested to abate any taxes previously levied or set on this parcel(s).

BE IT FURTHER RESOLVED that the Chairman of this Board be and he is hereby authorized to execute a Quit Claim Deed for the said premises to the said purchaser.

SO DATED this 12th Day of July, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy file.

11. Motion by Radig second by Taylor to receive the Woodbury County's Certified Annual Financial Report for FY 2021. Carried 5-0. Copy filed.

12a. Bid letting was held for Pavement Markings for 2022. The bids are as follows:

Iowa Plains Signing, Slater, IA	\$239,640.00
Highway Signing, Inc., Council Bluffs, IA	\$254,800.00
Vogel Traffic Services, Orange City, IA	\$138,560.00

Motion by Radig second by De Witt to receive the bids for Pavement Markings for 2022. Carried 5-0. Copy filed.

12b. Motion by Radig second by De Witt to award the bid for Pavement Markings for 2022 to Vogel Traffic Services for \$138,560.00. Carried 5-0. Copy filed.

13. Reports on committee meetings were heard.

14. There were no citizen concerns.

15. Board concerns were heard.

The Board adjourned the regular meeting until July 19, 2022.

Meeting sign in sheet. Copy filed.