

OCTOBER 16, 2018, FORTY-FIRST MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, October 16, 2018 at 3:30 p.m. Board members present were Ung, De Witt, Radig, Taylor, and Pottebaum. Staff members present were Dennis Butler, Budget/Tax Analyst, Karen James, Board Administrative Assistant, Joshua Widman, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

- 1. Motion by De Witt second by Taylor to go into closed session per Iowa Code Section 21.5(c). Carried 4-0 on a roll-call vote; Pottebaum was absent.

Motion by De Witt second by Taylor to go out of closed session per Iowa Code Section 21.5(c). Carried 4-0 on a roll-call vote; Pottebaum was absent.

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

- 2. There were no citizen concerns.

- 3. Motion by De Witt second by Taylor to approve the agenda for October 16, 2018. Carried 5-0. Copy filed.

Motion by Radig second by De Witt to approve the following items by consent:

- 4. To approve minutes of the October 9, 2018 meeting. Copy filed.
- 5. To approve the claims totaling \$701,810.75. Copy filed.
- 5. To receive Auditor’s Quarterly report for July 1, 2018 through September 30, 2018. Copy filed.
- 6a. To approve the reclassification of Ryan Chytka, Environmental, Project & Energy Management Supervisors, Building Services Dept., effective 10-08-18, \$67,732.80/year, 3%=\$1,972.80/yr. Per Wage Plan Matrix, 6 month Salary Increase.; and the promotion of Mary Feiler, Civilian Lieutenant, County Sheriff Dept., effective 10-15-18, \$70,835.00/year, 19%=\$11,388.60/yr. Promotion from Court Security Supervisors to Lieutenant. Copy filed.
- 6b. To rescind the Woodbury County Texting Policy adopted by the Board of Supervisors 07/06/10. Copy filed.
- 7. To approve and authorize the Chairperson to sign a Resolution approving abatement of taxes for New Life in Christ COGIC, parcels 894730151007, #894730151017, and #894730151019.

**WOODBURY COUNTY, IOWA
RESOLUTION #12,789
RESOLUTION APPROVING ABATEMENT OF TAXES**

WHEREAS, New Life in Christ COGIC is the titleholder of real estate Parcels #894730151007, #894730151017 and #894730151019 located in the City of Sioux City, Iowa and legally described as follows:

Parcel #894730151007

BRADSTREET LOTS 3-6 BLK 8

Parcel #894730151017

BRADSTREET S 1/2 LOT 1 & 2 BLK 8

Parcel #894730151019

BRADSTREET LOTS 7 & 8 BLK 8

WHEREAS, the above-stated property has taxes owing for the 2018/2019, tax year and the parcel is owned by New Life in Christ COGIC and

WHEREAS, the organization, namely New Life in Christ COGIC is failing to immediately pay the taxes due; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Woodbury County Board of Supervisors hereby abates the taxes owing on the above parcel according to Code of Iowa, 427.3 for the taxes owed for the 2018/2019 tax year and hereby directs the Woodbury County Treasurer to abate these aforementioned taxes from the tax records.

SO RESOLVED this 16th day of October 2018.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 8. To receive the County Recorder's report of fees collected for the period of 7/01/2018 through 9/30/2018. Copy filed.

Carried 5-0.

- 9. Presentation of award certificate to Kyle Gates. Copy filed.
- 10. Motion by Radig second by Pottebaum to receive for signatures a Resolution approving and consenting to the Frontage Road Urban Renewal Plan and Frontage Road Urban Renewal Area for the City of Merville. Carried 5-0.

WOODBURY COUNTY, IOWA
RESOLUTION #12,790
A RESOLUTION APPROVING AND CONSENTING TO THE FRONTAGE ROAD URBAN
RENEWAL PLAN AND FRONTAGE ROAD URBAN RENEWAL AREA FOR
THE CITY OF MOVILLE

WHEREAS, the City of Merville, is an incorporated city in Woodbury County, Iowa; and

WHEREAS, the City of Merville has filed with the Woodbury County Board of Supervisors an urban renewal plan (the "Frontage Road Urban Renewal Plan") which provides for the creation of an urban renewal area (the "Frontage Road Urban Renewal Area"), hereto included as Attachment A; and

WHEREAS, a portion of the aforesaid Frontage Road Urban Renewal Area is adjacent to and within two (2) miles of the corporate limits of the City of Merville; and

WHEREAS, Section 403.17(4) of the Code of Iowa authorizes the formation of a city urban renewal area if it is within two (2) miles of the corporate limits of the city, with the consent of the county; and

NOW, THEREFORE, BE IT RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS: Pursuant to the provisions of Section 403.17(4) of the Code of Iowa, Woodbury County hereby authorizes and consents to the formation of the proposed Frontage Road Urban Renewal Plan and Frontage Road Urban Renewal Area.

Dated this 16th day of October 2016.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 11a. Motion by Ung second by Radig to approve the plans for project #L-B(U51)—73-97. Carried 5-0. Copy filed.
- 11b. Motion by De Witt second by Radig to approve and authorize the Chairperson to sign the corrected resolution closing and vacating a portion of Woodbury-Plymouth County Line Road. Carried 5-0.

WOODBURY COUNTY, IOWA
A RESOLUTION CLOSING AND VACATING A ROAD RIGHT OF WAY
(CORRECTION TO RESOLUTION #12,742)

Whereas, this being the date and time set for Hearing on the proposed vacation and closure of the portion of Woodbury County secondary road right of way described as follows:

A parcel of land described as the South 33.00 feet of the South Half of the Southeast Quarter of Section 35, Township 90 North, Range 44 West of the 5th P.M., Plymouth County, Iowa.

EXCEPT: the East 33 feet thereof, (both measured at the Right Angle).

Contains 1.97 acres and is subservient to any and all Easements, be they of record or not.

For the purpose of this Survey the South line of the SE1/4 of said section 35 is assumed to bear N 89°40'03"W;
 AND

A parcel of land described as the East 33.00 feet of the South 33.00 feet, (both measured at a Right Angle) of the Southeast Quarter of the Southwest Quarter of Section 35, Township 90 North, Range 44 West of the 5th P.M., Plymouth County, Iowa. Contains 0.03 acres and is subservient to any and all Easement, be they of record or not.

For the purpose of this Survey the East line of the SW1/4 of said Section 35 is assumed to bear S 00°01'09"E;
 AND

A parcel of land described as the North Half of the Northeast Quarter of Section 2, Township 89 North, Range 44 West of the 5th P.M., Woodbury County, Iowa, further described as follows:

Commencing at the Southwest corner of the NW1/4 of the NE1/4 of said Section 2; thence N 01°45'31"E on the West line of the NW1/4 of the NE1/4 of said Section 2, a distance of 262.22 feet to the POINT OF BEGINNING; thence continuing N 01°45'31" E on said West line, a distance of 764.90 feet to the Northwest corner of the NE1/4 of said Section 2; then S 89°40'03" E on the North line of said NE1/4; a distance of 2606.77 feet, thence S 00°27'02"W, a distance of 33.00 feet to a point on the South Right of Way Line of 100th Street (the following two courses are common to said Right of Way Line); thence N 89°40'03"W, a distance of 2574.51 feet; thence S 01°45'31"W, a distance of 735.52 feet; thence N 83°22'33"W, a distance of 33.12 feet to the POINT OF BEGINNING; contains 2.53 acres and is subservient to any and all Easements, be they of record or not.

For the purpose of this Survey the West line of the NW1/4 of the NE1/4 of said Section 2 is assumed to bear N 01°45'31"E;

AND

A parcel of land described as the Northwest Quarter of the Northeast Quarter of Section 2, Township 89 North, Range 44 West of the 5th P.M.; Woodbury County, Iowa, further described as follows:

Commencing at the Southwest corner of the NW1/4 of the NE1/4 of said Section 2; thence N 01°45'31"E on the West line of the NW1/4 of the NE1/4 of said Section 2, a distance of 126.84 feet to the POINT OF BEGINNING; thence continuing N 01°45'31"E, a distance of 135.38 feet; thence S 83°22'33"E, a distance of 33.12 feet to a point on the East Right of way Line of 100th Street; then S 01°45'31"W on said Right of Way Line, a distance of 131.75 feet; thence N 89°40'03"W, a distance of 33.01 feet to the POINT OF BEGINNING; contains 0.10 acres and is subservient to any and all Easement, be they of record or not.

For the purpose of this Survey the West line of the NW1/4 of the NE1/4 of said Section 2 is assumed to bear N 01°45'31"E;

AND

A parcel of land described as the East 33.00 feet of the North 900.00 feet, (both measured at a Right Angle) of the Northeast Quarter of the Northwest Quarter of Section 2, Township 89 North, Range 44 West of the 5th P.M. Woodbury County, Iowa. Containing 0.68 acres and is subservient to any and all Easements, be they of record or not. For the purpose of this Survey the East line of the NE1/4 of the NW1/4 of said Section 2 is assumed to bear S 01°45'31"W.

WHEREAS, no objections have been received, either in writing or by persons present.

AND WHEREAS, this resolution is passed to correct the legal description for the third and fourth parcels of land where legal description errors were noted following recording of resolution number 12742. The resolution was recorded in the office of the Woodbury County Recorder on Roll 759, Image 4919-4921, Document 14,353.

NOW, THEREFORE IT IS RESOLVED, by the Woodbury County Board of Supervisors that the above-described portions of secondary road rights of way are hereby closed and vacated and that all interest in the subject section of road right of way, subject to utility easements of record for ingress and egress, and it is ordered that all interest in the above described parcels be transferred to the closest adjacent landowner.

Signed and dated this 16th day of October, 2018.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 11c. Motion by Taylor second by Ung to approve the corrected quit claim deeds that will transfer ownership of a portion of Woodbury-Plymouth County Line Road. Carried 5-0. Copy filed.
- 11d. Motion by Radig second by Taylor to approve the letter to the City Development Board in regard to the annexation of Frontage Road in Merville. Carried 5-0. Copy filed.
12. Motion by De Witt second by Radig to begin public hearings on October 30, 2018 at 4:40 p.m., the first reading of a potential three readings. Carried 5-0. Copy filed.
13. The Board heard reports on committee meetings.
14. There were no citizen concerns.
15. Board concerns.

The Board adjourned the regular meeting until October 23, 2018.

Meeting sign in sheet. Copy filed.