

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON JUNE 16, 2009

09-06-16 1 The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Dennis Wright, Al Bloemendaal, Mark Sybesma, John Degen and Arlyn Kleinwolterink.

09-06-16 2 Minutes of the meeting held on June 2, 2009, were submitted and the Chairman declared them approved.

09-06-16 3 Coleman McAllister, County Attorney requested that the Board sign a resolution to set a time for a Public Hearing on the sale of County owned property. Motion by Degen and supported by Kleinwolterink to set June 30, 2009, at 10:00 a.m. as the time for a Public Hearing on the sale of County owned property. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO 18

**SETTING PUBLIC HEARING ON PROPOSED DISPOSITION OF SIOUX COUNTY'S
LEGAL INTERESTS IN CERTAIN REAL PROPERTY BY SALE**

WHEREAS, Sioux County has legal title or a legal property interest in five separate parcels of real property located in Sioux County, legally described as follows:

PARCEL #1

Lot Six (6) in Auditor's Subdivision of Block Six (6) in Schoep's Addition to North Sioux Center

PARCEL #2

Lot Nine (9) in Auditor's Subdivision of Block Six (6) in Schoep's Addition to North Sioux Center

PARCEL #3

Lots 1, 2, and 3 of Block 3, Calliope Addition to the City of Hawarden, Iowa

PARCEL #4

A portion of Block 2, Calliope Addition to the City of Hawarden, Iowa more particularly described as: Beginning at the southwest property corner of Block 2, Calliope, now a part of the Town of Hawarden; thence running north along the West property line of Block 2 for a distance of 190 feet; thence running in a Southeasterly direction (S18° 32' E) for a distance of 114.5 feet; thence running in a southeasterly direction on a curve with a radius of 117.8 feet to the south property line of said Block 2; thence west along the south property line of Block 2 back to the point of beginning.

PARCEL #5

A portion of Section 16, Township 96 North, Range 47 West of the 5th P.M. more particularly described as: Commencing at the Southeast corner of the Southwest Quarter (SW1/4) of Section 16, Garfield Township; thence running 244.8 feet west along the section line to the point of beginning; thence running west along the section line for 220 feet; thence deflecting 90 degrees to the right and

running north 198 feet; thence deflection 90 degrees right and running east 200 feet; thence deflection 90 degrees right and running south 198 feet to the point of beginning. Area included equals 1 acre.

WHEREAS, As concerning **Parcel #1**, Sioux County has negotiated and reduced to writing a proposed Purchase Agreement with Alberto Camarena and Maria Camarena, as joint tenants with full rights of survivorship, whereby Sioux County would dispose of its interest in the above legally described property by selling its interests in the property to Alberto Camarena and Maria Camarena for \$1.00,

WHEREAS, As concerning **Parcel #2**, Sioux County has negotiated and reduced to writing a proposed Purchase Agreement with Tyler and Cindy Brower, as joint tenants with full rights of survivorship, whereby Sioux County would dispose of its interest in the above legally described property by selling its interests in the property to Tyler and Cindy Brower for \$1.00,

WHEREAS, As concerning **Parcel #3**, Sioux County has negotiated and reduced to writing a proposed Purchase Agreement with the City of Hawarden, whereby Sioux County would dispose of its interest in the above legally described property by selling its interests in the property to the City of Hawarden for \$1.00,

WHEREAS, As concerning **Parcel #4**, Sioux County has negotiated and reduced to writing a proposed Purchase Agreement with Larry Bursell, whereby Sioux County would dispose of its interest in the above legally described property by selling its interests in the property to Larry Bursell for \$1.00,

WHEREAS, As concerning **Parcel #5**, Sioux County has negotiated and reduced to writing a proposed Purchase Agreement with Hulstein Land, L.L.C., whereby Sioux County would dispose of its interest in the above legally described property by selling its interests in the property to Hulstein Land, L.L.C. for \$500.00.

WHEREAS, as more particularly described above, the Board is desirous of describing and setting forth the proposed property disposition and sale prior to disposing of the County's interest in the five separate parcels of real property as required by Iowa Code Section 331.361; setting a public hearing on the proposed sale of Sioux County's legal interest in the five separate parcels of real property; publishing notice of the time and place of the public hearing on the proposed property sales; and soliciting public comment and input on the proposed property sales prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors will hold a public hearing to discuss the five separate proposed property sales, and to discuss whether or not to pass and approve the Purchase Agreements as described above. Such public hearing will be held on June 30, 2009, at 10:30 a.m. in the Sioux County Courthouse at 210 Central Avenue SW, Orange City, Iowa.

PASSED AND APPROVED this 16th day of June, 2009.

/s/Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/Lois Huitink
Sioux County Auditor

09-06-16 4 Motion by Wright and supported by Bloemendaal to approve the renewal of a liquor license for the Rock Valley Gun Club. Motion carried, unanimous in favor.

09-06-16 5 Motion by Bloemendaal and supported by Wright to approve an Appropriation Resolution for Fiscal Year 2009/2010. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma Yes. Motion carried, unanimous in favor.

RESOLUTION 2009-17

WHEREAS, it is desired to make appropriations for each of the different offices and departments for fiscal year 2010 in accordance with Section 331.434(6), Code of Iowa,

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Sioux County, Iowa as follows:

SECTION 1. The amounts itemized by fund and by department or office on the attached schedule are hereby appropriated at 50% of total expenditures for each department, as listed in the last column on the same line of the attached schedule.

SECTION 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized funds.

SECTION 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money for a purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4. If at any time during the fiscal year 2010 budget year the Auditor shall ascertain that the available resources of a department for that year will be less than said department total appropriations, he or she shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers monthly during fiscal year 2010 budget year.

SECTION 6. All appropriations authorized pursuant to this Resolution lapse at the close of business on June 30, 2010.

The above and foregoing resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on June 16, 2009.

/s/Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Lois Huitink
Sioux County Auditor

09-06-16 6 As this was the date and 9:30 a.m. the time set for a Public Hearing to approve a property exchange agreement with LG Everest regarding the Hawarden South Pit area, the Chairman opened said hearing. Coleman McAllister, County Attorney reported that the abstracts are being examined and that everything is in order for the County's approval of the agreement. Present for this discussion was Rob Klocke, Conservation Director, Lou Kingma, Mark Barinsky, Gordon Pottebaum and Dan Harskamp. A daily pass of \$5.00 to the new

area will be assessed. An annual pass will be \$20.00. The Chairman closed the public hearing. Motion by Degen and supported by Wright to approve the exchange of property with LG Everest. Roll Call on Vote: Wright, Yes; Bloemendaal Yes; Degen, Yes; Kleinwolterink, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

**RESOLUTION NO. 19
APPROVING AND ENTERING INTO AN EXCHANGE AGREEMENT WITH L.G.
EVERIST, INC., AN IOWA CORPORATION**

(South Pit Property)

WHEREAS, Sioux County, acting through the Sioux County Conservation Department, has acquired legal title to certain real property located in Hawarden, formerly owned by the City of Hawarden and formerly operated as the Hawarden Airport, legally described as follows:

A tract of Land in the Northeast Quarter (NE1/4) of Section Twenty-two (22), Township Ninety-five (95) North Range Forty-eight (48) West of the 5th P.M., Sioux County, Iowa, and more particularly described as follows: Commencing at the Southeast Corner of the Northeast Quarter (NE1/4), of Section Twenty-two (22), Township Ninety-five (95) North, Range Forty-eight (48) West of the 5th P.M.; thence S 88° 23'30" W along the South line of the Northeast Quarter (NE1/4) of said Section Twenty-two (22) for 60.02 Feet to the point of Beginning; thence continuing S 88° 23'30" W along the said South line of the Northeast Quarter (NE1/4) of Section Twenty-two (22) for 876.18 Feet; thence N 12 08' 10" WI along the Easterly line of the C.M.ST.P. and P. Railroad for 2687.16 Feet; thence N 88° 27' 35" E along the North line of the said Northeast Quarter (NE1/4) of Section Twenty-two, (22) for 467.98 Feet; thence S 12° 08' 10" E for 1848.36 Feet; thence N 88° 23' 30" for 584.62 Feet; thence S 00° 00' 00" E along the West line of State Highway No. 10 for 824.51 Feet to the Point of Beginning, containing 37.766 Acres more or less.

AND

That part of the East Half (E1/2) Northeast Quarter (NE1/4) of Section Twenty-Two (22), Township Ninety-Five (95) North, Range Forty-Eight (48) West of the 5th P.M., described as commencing at the Northeast corner of the Northeast Quarter (NE1/4) of said Section Twenty-Two (22), thence South 00 Degrees 00 Minutes 00 Seconds West, along the East line of said Northeast Quarter (NE1/4), 1232.51 feet, thence South 89 Degrees 24 Minutes 30 Seconds West, 60.00 feet to the point of beginning, said point also being on the West line of Iowa State Highway No. 10, thence South 00 Degrees 00 Minutes 00 Seconds West, along the West line of Iowa State Highway No. 10, 585.70 feet, thence South 88 Degrees 23 Minutes 30 Seconds West, 584.62 feet, thence North 12 Degrees 08 Minutes 10 Seconds West, 609.43 feet, thence North 89 Degrees 24 Minutes 30 Seconds East, 712.50 feet to the point of beginning, containing 8.82 acres, more or less.

WHEREAS, Sioux County has further negotiated and reduced to writing a proposed Exchange Agreement with L.G. Everist, Inc., an Iowa corporation, whereby Sioux County would dispose of its interest in the above legally described property by transferring ownership to L.G. Everist, Inc., in return for Sioux County receiving other real property located near Hawarden, Iowa, consisting of approximately 274 acres, commonly known as the South Pit Area, for use as a public park.

WHEREAS, the Board, by prior resolution (2009 – 15), as required by Iowa Code Section 331.361, described the proposed property exchange; set a public hearing on the proposed property

exchange; timely published notice of the time and place of the public hearing on the proposed property exchange; and the Board conducted a public hearing on June 16, 2009 to solicit public comment and input on the proposed property exchange prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Sioux County that the proposed property exchange with L.G. Everist and the City of Hawarden is in the best interests of the citizens of Sioux County and all parties concerned; that the proposed exchange agreement and property disposition contemplated by the Exchange Agreement therein as drafted, advertised, heard, and discussed be adopted; that Sioux County accept the conveyance of the above describe property from the City of Hawarden and that the above described property conveyance as contemplated in the exchange agreement with L.G. Everist, Inc., be approved and authorized by the Board. The Board further agrees to accept the transfer of L.G. Everist's legal title to approximately 274 acres of property near Hawarden to be managed and utilized by the Sioux County Conservation Board for public purposes. The Chairman of the Board of Supervisors is hereby authorized to execute and deliver documents and pay any related costs necessary to follow through with the approved transfer proposal in disposing of the above described property and in acquiring title to the approximately 274 acres of land currently owned by L.G. Everist, Inc. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

PASSED AND APPROVED this 16th day of June, 2009.

/s/Mark Sybesma
Chairman, Board of Supervisors

Attest: /s/Lois Huitink, Sioux County Auditor

09-06-16 7 Sherry Kooiker and Holly Dekkers arrived after the hearing was closed. Mrs. Dekkers expressed concern about the use of the property that LG Everest acquired in this transaction. County Attorney McAllister replied that the contract states that LG Everest would not excavate that area for 25 years following the exchange.

09-06-16 8 Committee Reports:

- Wright - attended a Compass Pointe meeting – the by-laws are being re-written.
- Degen – a functional (Vigilant guard) exercise will be conducted on Friday at 9:00. This is a practice session to determine the Counties' readiness in case of emergency.
- Sybesma – attended Regional Airport subcommittee meetings – talked with an attorney from the Federal Aviation Agency to discuss the purchase of property surrounding the airport.
- Kleinwolterink reported that he attended a landfill meeting.

09-06-16 9 As this was the date and 9:45 a.m. the time set for a Public Hearing to approve a service area amendment for Roadway Construction said hearing was opened by the Chairman. No public comments were received. The public hearing was closed. Motion by Wright and supported by Bloemendaal to approve the service area amendment as submitted. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes and Sybesma, Yes. Motion carried, unanimous in favor.

COUNTY NAME: SIOUX	RECORD OF HEARING AND DETERMINATION ON THE AMENDMENT TO COUNTY BUDGET	COUNTY NO: 84
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Date budget amendment was adopted: June 16, 2009	For Fiscal Year Ending: June 30, 2009
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The County Board of Supervisors met on the date specified immediately above to adopt an amendment to the current County budget as summarized below. The amendment was accepted after compliance with the public notice, public hearing, and public meeting provisions as required by law.

Iowa Department of Management Form 853 A-R Sheet 2 of 2 (revised 08/2005)	Total Budget as Certified or Last Amended	Adopted Current Amendment	Total Budget After Current Amendment
REVENUES & OTHER FINANCING SOURCES			
Taxes Levied on Property	1 6,834,757	0	6,834,757
Less: Uncollected Delinquent Taxes - Levy Year	2 0	0	0
Less: Credits to Taxpayers	3 343,500	0	343,500
Net Current Property Taxes	4 6,491,257	0	6,491,257
Delinquent Property Tax Revenue	5 0	0	0
Penalties, Interest & Costs on Taxes	6 10,000	0	10,000
Other County Taxes/TIF Tax Revenues	7 1,563,669	0	1,563,669
Intergovernmental	8 8,665,317	0	8,665,317
Licenses & Permits	9 4,500	0	4,500
Charges for Service	10 677,833	0	677,833
Use of Money & Property	11 468,000	0	468,000
Miscellaneous	12 213,430	0	213,430
Subtotal Revenues	13 18,294,008	0	18,294,008
Other Financing Sources:			
General Long-Term Debt Proceeds	14 50,000	0	50,000
Operating Transfers In	15 1,767,733	0	1,767,733
Proceeds of Fixed Asset Sales	16 1,500	0	1,500
Total Revenues & Other Sources	17 20,113,239	0	20,113,239
EXPENDITURES & OTHER FINANCING USES			
Operating:			
Public Safety & Legal Services	18 3,551,104	0	3,551,104
Physical Health & Social Services	19 2,117,515	0	2,117,515
Mental Health, MH & DD	20 2,734,182	0	2,734,182
County Environment & Education	21 861,280	0	861,280
Roads & Transportation	22 5,491,400	0	5,491,400
Government Services to Residents	23 757,531	0	757,531
Administration	24 1,946,749	0	1,946,749
Nonprogram Current	25 42,700	0	42,700
Debt Service	26 531,968	0	531,968
Capital Projects	27 4,179,075	2,100,000	6,279,075
Subtotal Expenditures	28 22,213,504	2,100,000	24,313,504
Other Financing Uses:			
Operating Transfers Out	29 1,767,733	0	1,767,733
Refunded Debt/Payments to Escrow	30 0	0	0
Total Expenditures & Other Uses	31 23,981,237	2,100,000	26,081,237
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	32 (3,867,999)	(2,100,000)	(5,967,999)
Beginning Fund Balance - July 1,	33 7,486,949	0	7,486,949
Increase (Decrease) in Reserves (GAMP Budgeting)	34 0	0	0
Fund Balance - Reserved	35 300,000	0	300,000
Fund Balance - Unreserved/Designated	36 0	0	0
Fund Balance - Unreserved/Undesignated	37 3,318,951	(2,100,000)	1,218,951
Total Ending Fund Balance - June 30,	38 3,618,951	(2,100,000)	1,518,951

Date original budget adopted: 03/11/08	Date(s) current budget was subsequently amended: 05/18/09
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The below-signed certify that proof of publication of the hearing notice and proposed amendment is on file for each official County newspaper, that all public hearing notices were published not less than 10, nor more than 20 days prior to the public hearing, and that adopted expenditures do not exceed published amounts for any of the 10 individual expenditure classes, or in total.

Board Chairperson (signature)

County Auditor (signature)

09-06-16 10 As this was the date and 10:00 a.m. the time set for the first Public Hearing to discuss an amendment to the County Zoning Ordinance, said hearing was opened by the Chairman according to law. An amendment to the County Zoning Ordinance would provide:

language for wind generator development, lot of record, and conditions and use. No comments were received from the public. The Chairman closed the hearing.

09-06-16 11 The Board discussed the cost of closing the Hope Haven Residential Training Center. Motion by Wright and supported by Degen to reimburse Hope Haven for a portion of the cost of closing the RTC in an amount of \$70,000. Motion carried unanimous in favor.

09-06-16 12 Shane Walter, Veteran's Affairs Administrator reported that a letter was received documenting the requirements of Sioux County's Veteran's Administration office. Walter reported that the County is in compliance with all regulations.

09-06-16 13 Shane Walter, County Zoning Administrator reported that a 90 day injunction is in effect for Sioux Pharm. The County Attorney is preparing documents citing Sioux Pharm for violations of the County Zoning Ordinance.

09-06-16 14 Shane Walter, Mental Health Administrator presented the Monthly MH/DD Expenditure Report. He reported that additional credits in the amount of approximately \$130,000 have been received from stimulus money.

09-06-16 15 Kim Westerholm, Community Health Partners Director presented a quarterly report for the Board's information. A request for approval of electrical work to facilitate installing a generator was made. The majority of the cost for this generator will be paid for with bioterrorism funding. Westerholm requested that the remainder of the cost of installing the generator come from County funding. Motion by Kleinwolterink and supported by Degen to authorize the purchase of a generator for the public health building.

09-06-16 16 Motion by Bloemendaal and supported by Wright to approve and authorize the Chairman to sign a contract with the Iowa Department of Public Health for 2009/2010. Motion carried, unanimous in favor.

09-06-16 17 The Sioux County Communications Commission Executive Committee met with the Board to discuss updating the County communications system. Members for the Communications Commission that were present for this discussion were: Duane Feekes, Nate Huizenga, Les Van Roekel, Dale Vander Berg, Jason Bergsma and Dan Altena. Duane Feekes acted as the spokesman for that group. A five year plan has been drawn up for updating communications equipment. \$180,000 is the amount estimated to be needed to upgrade aging equipment. Communication towers will need to be updated. \$114,000 is estimated for that phase of the project. BIU, which will enable the system to be digitally ready and, will cost approximately \$10,000. \$75,000 is needed for a voting unit. The total estimated cost for the project is approximately \$380,000. \$160,000 in additional funding would be needed to complete the entire project. Feekes requested that the Board of Supervisors consider lending the balance of funds to the Communications Board so the project can be expedited. Motion by Degen and supported by Kleinwolterink to approve a loan, not to exceed \$160,000 at an interest rate that is currently accepted, to be repaid by E-911 revenue, be made to the Communications Commission. Motion carried, unanimous in favor.

09-06-16 18 Doug Julius, County Engineer

- Motion by Wright and supported by Bloemendaal to approve and authorize the Chairman to sign the following permit agreements:

- Northwest REC – replace failing underground electrical cable in the bottom of the ditch on the north side of 300th Street in Sioux Township Sections 13, 14, 15, 16 & 17.
- Northwest REC – replace failing underground electrical cable in the toe of the fore slope of the ditch on the west side of Hickory Avenue and the south side of 370th Street in Sections 10, 15, 22, 27 & 28 of Welcome Township.
- Mid-American Energy – install 2 40’ poles in Sections 23 and 24 of Sheridan Township. Also install overhead across Kennedy Avenue.

Motion carried, unanimous in favor.

- Distributed a 2009 Construction map and updated the Board on the progress of scheduled projects.
- Informed the Board that a motor grader will be delivered next week.

09-06-16 19 Claims as submitted by the County Auditor were approved.

09-06-16 20 The Chairman adjourned the meeting at 11:30 a.m. until Tuesday, June 30, 2009, at 9:00 a.m.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor