

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON FEBRUARY 22, 2005

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Loren Bouma, Vernon Beernink, Mark Sybesma, John Degen and Stanley L. De Haan.

Minutes of Tuesday, February 15, 2005 were on motion and vote stand approved as submitted.

Committee reports were given this date.

Melissa O'Rourke, County Attorney, met with the Board this date to report on the following matters:

She reviewed a memorandum addressed to the County Board of Supervisors pertaining to how the Fair Labor Standards Act applies to certain pay issues involving exempt and non-exempt county deputy sheriffs in the County Sheriff's department. She also outlined the sequence of events pertaining to the Del Walinga, County Deputy Sheriff, payroll and rank matter.

In summary, she stated that Sheriff Dan Altena followed proper procedures in reassigning County Deputy Sheriff Del Walinga to a new position, and County Sheriff Dan Altena provided proper statutory notice to County Deputy Sheriff Del Walinga regarding the reasons for the reassignment. County Deputy Sheriff Del Walinga did not appeal to the Civil Service Commission as allowed by Iowa Code. She further stated that the Board sets the wages of sheriff's deputies via a collective bargaining agreement and that County Deputy Sheriff Del Walinga should be paid pursuant to that agreement.

She also reported on two District Court cases involving the sentencing of Nathan James Muth of Ireton and Warren Jager of Orange City to be held on February 28, 2005.

As this was the date and 9:45 o'clock a.m. the time set for hearing on an Iowa Department of Natural Resources feedlot operation and construction permit application submitted by Darwin Hoogendoorn of Rock Valley for Hoogendoorn Farms Ltd. - Pro Pig - for the construction of a swine confinement feeding operation that uses a formed manure storage structure located in the NE1/4NE1/4 of Section W 1 of Garfield

Township (3303 Cherry Avenue, Hudson, SD 57034), said hearing was held according to law.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator; and Darwin Hoogendoorn and Scott Tiedeman of Rock Valley, representatives for Hoogendoorn Farms Ltd. - Pro Pig reviewed the contents of the aforementioned Iowa Department of Natural Resources Construction Permit Application. The matrix score was 515.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, stated that he received no written or oral objections.

The Chairman closed the hearing.

Motion by Degen and supported by De Haan to forward a favorable letter of recommendation to the Iowa Department of Natural Resources for a construction permit application submitted by Darwin Hoogendoorn of Rock Valley for Hoogendoorn Farms Ltd. - Pro Pig for the construction of a swine confinement feeding operation that uses a formed manure storage structure located in the NE1/4NE1/4 of Section W 1 of Garfield Township (3303 Cherry Avenue, Hudson, SD 57034), subject to final approval by the Iowa Department of Natural Resources. Carried, unanimous in favor.

Del Walinga, County Deputy Sheriff, met with the Board this date to provide copies of statements from certain attorney general and Fair Labor Standards Act opinions regarding the following issues:

Status of unused compensation time and whether it qualified at that time.

Status of setting a salary which would be comparable to when he was earlier hired at the 80% range as a County Deputy Sheriff.

He further requested that some resolution be made with the Board, whether it involves a paid dollar amount or a directive to the County Sheriff that he be allowed to use up the

unused compensation time within a certain period of time and without any additional compensation time to be accumulated.

He also requested that the Board consider the aforementioned information and relay their decision to either himself or his attorney Loren Veldhuizen.

The following persons were present for the aforementioned unused compensation time and salary matter:

Loren Veldhuizen, attorney for Del Walinga, County Deputy Sheriff
Del Walinga, County Deputy Sheriff
Jackie Walinga, Alton
Pastor David Heilman, Orange City
Lois Huitink, County Deputy Auditor
Beth Vander Veen, Payroll/Accounting Clerk
Melissa O'Rourke, County Attorney
Coleman McAllister, Assistant County Attorney

Mark Sybesma, Chairman of Board, reported on a request for information from Eric Rankin from Sioux Center pertaining to submission of a County Fund Endowment application to request gambling monies from the State of Iowa to be put into an established foundation that may be used for various programs in Sioux County. He stated that the cities are facilitating the effort to obtain information to be included in the County Fund Endowment application.

Shane Walter, County Community Services Director, met with the Board this date request approval and a Chairman's signature on an Iowa Department of Public Health substance abuse program grant application in an approximate amount of \$6,779.00.

Motion by Bouma and supported by Beernink to approve and authorize the Chairman to sign an Iowa Department of Public Health substance abuse program grant application in an approximate amount of \$6,779.00. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date to request approval and a Chairman's signature on various documents.

Motion by Degen and supported by Bouma to approve and authorize the Chairman to sign a Grade Crossing Surface Repair Fund Agreement with D & I Railroad Company and the Iowa Department of Transportation to repair the at-grade crossing located at Birch Avenue in Sioux County. Carried, unanimous in favor.

Motion by Degen and supported by Bouma to approve and authorize the Chairman to sign the following documents:

Permit Agreement with MidAmerican Energy Company for road right-of-way crossings located in Sections 13 and 24 in Lynn Township.
 Permit Agreement with North West REC of Orange City for a road right-of-way crossing located in Section 31 of Sherman Township.

Carried, unanimous in favor.

Doug Julius, County Engineer, opened bids for the purchase of either one or two 4 wheel drive pickups as follows:

<u>Companies</u>	<u>Mouw Motor Company</u>		<u>Midland Ford</u>		<u>Ver Hoef Automotive</u>		<u>Punt, Inc.</u>	
	<u>Unit #1</u>	<u>Unit #2</u>	<u>Unit #1</u>	<u>Unit #2</u>	<u>Unit #1</u>	<u>Unit #2</u>	<u>Unit #1</u>	<u>Unit #2</u>
<u>Amounts</u>	\$20,659	20,659	\$21,285	21,285	23,495	23,495	22,335	23,944
							(1500)	(2500)

Motion by De Haan and supported by Degen to purchase one 4 wheel drive pickup from both Mouw Motor Company and Midland Ford in the amounts of \$20,659 and \$21,285, respectively. Roll Call on Vote: Bouma, No; Beernink, No; Sybesma, No; Degen, Yes; and De Haan, Yes. Motion failed.

Motion by Beernink and supported by Bouma to accept the low bid from Mouw Motor Company to purchase two 4 wheel drive pickups at a price of \$20,659.00 each. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Degen Yes; and De Haan, No. Motion carried.

The consensus of the Board pertaining to a not to exceed amount for the issue of General Obligation Capital Loan Notes, Series 2005 was an amount of \$5,000,000 for an

essential county purpose in order to pay costs of aiding in the planning, undertaking and carrying out of the Urban Renewal District 1 Project Area Project, including road improvements in the vicinity of the Center Fresh Egg Facility.

Chris Vadner, Mark Fredericks and Brenda Salisbury, sales representatives for Matt Parrott & Sons of Waterloo, met with the Board this date to demonstrate a Diebold Accu-Vote ES2000 Electronic Precinct Count voting system along with a direct recording Accu-Touch screen for handicapped voters.

The following persons were in attendance for the aforementioned electronic voting equipment demonstration:

Mark Sybesma, Chairman of Board of Supervisors
Loren Bouma, Member of Board of Supervisors
Vernon Beernink, Member of Board of Supervisors
John Degen, Member of Board of Supervisors
Stanley L. De Haan, Member of Board of Supervisors
Lois Huitink, Deputy Auditor
Lisa Rowenhorst, Elections/Accounting Clerk
Joan Schreier, Auditor's Office Clerk
Harley Kleinwolterink, Superintendent of Buildings and Grounds
John Lambert, Custodian

There were also various members of the news media present for the aforementioned electronic voting equipment demonstration.

The Board approved payment of claims as presented by the County Auditor from all departments this date.

The Chairman adjourned the meeting until Tuesday, March 1, 2005.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor