

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON MAY 15, 2012

- 12-05-15 1** The Board of Supervisors of Sioux County, Iowa, met on May 15, 2012, at 9:00 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Al Bloemendaal, John Degen, Arlyn Kleinwolterink, Mark Sybesma and Dennis Wright.
- 12-05-15 2** Minutes of the meeting held on May 1, 2012, were submitted and the Chairman declared them approved.
- 12-05-15 3** Coleman McAllister, Sioux County Attorney requested that the Board sign an easement agreement with Greg Lynott et al for property adjoining the Big Sioux Recreation Area. Motion by Degen and supported by Bloemendaal to approve the purchase of real estate for use by the Sioux County Conservation Board. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO. 2012-23

**APPROVING AND ENTERING INTO A REAL ESTATE EASEMENT
AGREEMENT WITH GREG LYNOTT ET AL.**

WHEREAS, Sioux County, acting through the Sioux County Conservation Board, has negotiated a real estate easement agreement with Gregory P. Lynott and Denise Lynott and Dwaine B. De Groot and Linda R. De Groot concerning the following legally described property:

The East Half of the Southwest Quarter, the Southwest Quarter of the Southwest Quarter, and a part of Government Lot Three (3) all in Section Three (3); and a part of Government Lots One (1) and Two (2) in Section Four (4); all in Township Ninety-Four (94) North, Range Forty-Eight (48) West of the 5th P.M., designated Parcel D as shown by Plat of Survey recorded in the 2011 File-Card No. 5592 EXCEPT the East 91.27 acres of said Parcel D (hereinafter referred to as DeGroot Property); and,

That part of Government lot Three (3) in Section Three (3); and that part of Government Lots One (1) and Two (2) in Section Four (4); all in Township Ninety-Four (94) North, Range Forty-Eight (48) West of the 5th P.M., designated Parcel E as shown by Plat of Survey recorded in the 2011 File-Card No. 5593, subject to public highway (hereinafter referred to as County Property); and,

The North Half of Section Nine Township ninety-Four (94) North, Range Forty-Eight (48) West of the 5th P.M. (hereinafter referred to as Lynott Property).

WHEREAS, Sioux County desires to enter into the easement agreement concerning the above legally described property in order to access the property for conservation purposes and for such other public purposes as otherwise contemplated by the Sioux County Conservation Board and the easement agreement; and to formalize the agreement with Gregory Lynott concerning his access to county owned property for purposes of accessing his property for agricultural purposes as more particularly set forth in the easement agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Sioux County that the proposed easement agreement is in the best interests of the citizens of Sioux County and all parties concerned; that the proposed easement contemplated by the real estate easement agreement therein as drafted, heard, and discussed be adopted; that Sioux County accept the conveyance of the above-described property from the parties listed above for easement purposes, and that the above-described property

conveyance as contemplated in the easement agreement be approved and authorized by the Board. The Board further agrees to accept the transfer of the easement to the real property described above to be managed and utilized by Sioux County for public purposes as more particularly set forth in the easement agreement. 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 acquiring an easement to the real property described above and to grant access to the Lynott Property for agricultural purposes as more particularly set forth in the easement agreement. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

PASSED AND APPROVED this 15th day of May, 2012.

/s/ Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/Lois Huitink, Sioux County Auditor

12-05-15 4 Dan Altena, Sioux County Sheriff

- Reported that he has given the rank of Major to Jason Bergsma and Jamie Van Voorst. Each of these officers oversees approximately half of the deputies in the Sheriff's Department. The salary of both employees is 85% of the Sheriff's salary. This report was received for information.
- Requested that the Board approve and that the Chairman sign Contract Law Agreements with the following cities in Sioux County: Boyden, \$73,692; Granville, \$21,422; Hospers, \$73,692; Hull, \$238,213; and Maurice, \$17,138. Chatsworth will no longer contract with Sioux County. Motion by Wright and supported by Kleinwolterink to approve Contract Law Agreements as submitted by Altena. Motion carried, unanimous in favor.
- Informed the Board that a recent inspection of the jail resulted in two issues being cited. Noted was the fact that hourly jail checks were not properly documented. The jail commander has notified employees of the necessity of proper documentation. The other issue was that there are cracks in the ceiling of the dayrooms. Upon investigation the Sheriff found that precast concrete seams are showing.

12-05-15 5 Shane Walter, Sioux County Zoning Administrator met with the Board to introduce two public hearings.

12-05-15 6 As this was the date and 9:30 a.m. the time set for a Public Hearing to consider a Planning and Zoning Commission recommendation to rezone parcel 12-23-476-001 from agricultural to light industrial, the Chairman opened said hearing. Scott Mulder was present for this discussion. Mulder stated that he would like to make the area in question more usable. Boat storage is one anticipated improvement. The Chairman closed the hearing. Motion by Kleinwolterink and supported by Wright to approve the recommendation of the Planning and Zoning Commission to rezone parcel 12-23-476-001. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO 2012 - 20

WHEREAS, a petition has been received from Scott Mulder, requesting an amendment to the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the Zoning Classification of a property, approximately three (3) acres in size, described herein, from an AG (Agricultural District) to an LI (Light Industrial District):

PROPERTY DESCRIPTION

That part of the Southeast Quarter of the Southeast Quarter of Section 08, of Nassau Township 94 North, Range 44 West, 5th Prime Meridian, currently recorded by deed in the 2004 File at Card 4266.

WHEREAS, said property is located in an area currently zoned for, and bordered by, Agricultural uses,

WHEREAS, the current primary usage of said property is for fuel storage, defined by the County Zoning Ordinance as a Light Industrial Use, and approved by the Zoning Board of Adjustment as a Special Exception, Permit 2004-19, and,

WHEREAS, said usage is not in major conflict with the Sioux County Land Use Plan, and,

WHEREAS, the Sioux County Planning and Zoning Commission has recommended approval of the proposed zoning classification change on the property described and shown on the area site plan attached to this petition.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property be changed from an Agricultural District to a Light Industrial District, and that said change shall be effective on publication of this resolution.

RESOLVED, this 15th day of May, 2012

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

12-05-15 7 As this was the date and 9:45 a.m. the time set for a Public Hearing to approve a Construction Permit for Kyle and Sylvan Byker to construct one 500 head deep pit cattle barn in Section 10 of Washington Township, said hearing was held according to law. Kyle Byker was present for this discussion. Walter told the Board that the matrix scored in excess of the number required for this facility and that a waiver of separation of distance was signed by a neighbor. The Chairman closed the hearing. Kleinwolterink made a recommendation for approval of this permit. Degen supported the motion. Motion carried, unanimous in favor. A waiver was requested contingent on the receipt of the approval draft from the DNR for this project. Motion by Degen and supported by Kleinwolterink to approve a resolution approving waiver of the 14 day waiting period to begin construction, contingent on the receipt of the draft approval from the DNR. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2012-24
Sioux County Board of Supervisors
May 15, 2012

**APPROVAL OF WAIVER OF SIOUX COUNTY'S RIGHT TO APPEAL
ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE
CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY
THE IOWA DEPARTMENT OF NATURAL RESOURCES**

BE IT RESOLVED by the Sioux County Board of Supervisors as follows:

Section 1. That the Sioux County Board of Supervisors anticipates receiving a notice from the Iowa DNR that Kyle and Sylvan Byker, DNR #64722 have been issued a draft permit.

Section 2. The Sioux County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on May 15, 2012.

Section 3. The Sioux County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

Section 4. The Sioux County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.

Section 5. The Sioux County Board of Supervisors authorized the Board Chairman to notify the Iowa DNR of this waiver.

Section 6. This resolution shall take effect immediately.

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

Attest: /s/ Lois Huitink, Sioux County Auditor

12-05-15 8 Shane Walter, Community Services Director requested that the Supervisors approve and that the Chairman sign a Community Mental Health Center Waiver Request so that mental health services may be provided by the Creative Living Center, PC. Motion by Wright and supported by Bloemendaal to approve a waiver request to utilize the services of Creative Living Center, PC. Motion carried, unanimous in favor

12-05-15 9 Motion by Bloemendaal and supported by Kleinwolterink to sign a contract with the Iowa Department of Human Service, Targeted Case Management for rent of approximately 1,050 square feet of office space located at 215 Central Avenue SE, Orange City, Iowa. Motion carried, unanimous in favor.

12-05-15 10 As this was the date and 10:00 a.m. the time set for a Public Hearing to approve refunding capital loan notes, Series 2012A, the Chairman opened said hearing. The Board then considered the proposed action and the extent of objections thereto. Whereupon, Board Member Kleinwolterink introduced and delivered to the Auditor the resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$3,750,000 GENERAL OBLIGATION REFUNDING CAPITAL LOAN NOTES, SERIES 2012A" and moved that the resolution be adopted. Board member Degen seconded the motion. The roll was called and the vote was: Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Whereupon the Chairman declared the measure duly adopted.

RESOLUTION 2012-21

**RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL
ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND
THE ISSUANCE OF NOT TO EXCEED \$3,750,000 GENERAL OBLIGATION
REFUNDING CAPITAL LOAN NOTES, SERIES 2012A**

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$3,750,000 General Obligation Refunding Capital Loan Notes, Series 2012A, for the purpose of paying costs of refunding existing general obligation indebtedness of the County, and has considered the extent of objections received from residents or property owners as to the proposal and, accordingly the following action is now considered to be in the best interest of the County and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY, STATE OF IOWA:

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization of a Loan Agreement and issuance in the manner required by law of not to exceed \$3,750,000 General Obligation Refunding Capital Loan Notes, Series 2012A, to evidence the obligation thereof for the foregoing purpose.

PASSED AND APPROVED this 15th day of May, 2012.

/s/ Mark Sybesma
Chairperson, Board of Supervisors

ATTEST: /s/ Lois Huitink, County Auditor

12-05-15 11 Jeff Heil and Dan Zommermand representatives of Northland Securities presented a refinancing proposal to the Board of Supervisors. Discussion on the amount of savings that can be realized was held. Heil informed the Board that a savings of \$182,099 could be realized by refinancing at this point in time. Motion by Bloemendaal and supported by Wright to direct the acceptance of a proposal to purchase \$3,695,000 General Obligation Refunding Capital Loan Notes, Series 2012A. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2012-22

**RESOLUTION DIRECTING THE ACCEPTANCE OF A
PROPOSAL TO PURCHASE \$3,695,000 (DOLLAR AMOUNT
SUBJECT TO CHANGE) GENERAL OBLIGATION
REFUNDING CAPITAL LOAN NOTES, SERIES 2012A**

WHEREAS, Sioux County, sometimes hereinafter referred to as the County, is a political subdivision duly incorporated, organized and existing under and by virtue of the Constitution and laws of the State of Iowa; and

WHEREAS, it is deemed necessary that the County should enter into a Loan Agreement and

borrow the amount of \$3,695,000 (dollar amount subject to change) as authorized by Sections 331.402, 331.441 and 331.443, Code of Iowa as amended; and

WHEREAS, a proposal has been received from Northland Securities, Inc. of Minneapolis, Minnesota; and

WHEREAS, it is the intention of this Board of Supervisors to enter into a Loan Agreement in accordance with said proposal dated May 15, 2012:

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY, STATE OF IOWA:

Section 1. That this Board of Supervisors does hereby accept the attached proposal of Northland Securities, Inc. of Minneapolis, Minnesota, and takes additional action to permit the entering into of a Loan Agreement.

Section 2. The Chairperson and County Auditor are authorized and directed to proceed on behalf of the County to enter into such Loan Agreement, to negotiate the final terms of a Loan Agreement to take all action necessary to permit the entering into of a Loan Agreement on a basis favorable to the County and acceptable to the Purchaser, and to proceed to meet the conditions of this accepted proposal.

PASSED AND APPROVED this 15th day of May, 2012.

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

ATTEST: /s/Lois Huitink, Sioux County Auditor

12-05-15 12 COMMITTEE REPORTS:

- **Wright** – a) attended a Yes Board meeting at which the 2012/2013 budget was approved – a negative ending balance is projected.
- **Kleinwolverink** – a) Attended a landfill meeting. b) Note from the Building Committee: a protective fence will need to be installed around the tanks on the southwest corner of the Courthouse in order to protect them from vandalism and inadvertent damage.
- **Degen** – a) Reported that the transition to narrow banding is complete. b) Progress with the South Pit Recreation area near Hawarden is progressing. They hope to have it completed by Labor Day. A handicapped pier has been put in Rock Valley. A handicapped pier will also be installed in the South Pit Area. A grant has also been received for the bridge for the South Pit campground.
- **Bloemendaal** – a) Attended the grand opening of the event center in Sioux Center. Dennis Dokter mentioned that the City appreciated the support of the Sioux County Board of Supervisors on this project.

12-05-15 13 Motion by Kleinwolverink and supported by Degen to authorize an additional 4 hours of vacation time for all employees in recognition of their outstanding participation in the wellness program this past year. The County received a 5% reduction in the cost of insurance for the upcoming fiscal year because 93% of its employees participated in a Blue Cross sponsored wellness program.

12-05-15 14 Doug Julius, Sioux County Engineer

- Requested approval of the following permit agreements –
 - a) **Southern Sioux Rural Water** – Install 1 ½ inch PVC service line bored under Hickory Avenue from Section 2 to Section 3 of Sherman Township.
 - b) **Premier Communication** – Run telephone cable from the intersection of 490th and Hickory Avenue going south 1/3 mile on the east shoulder of the road in Section 26 of Sherman Township.

Motion by Kleinwolverink and supported by Wright to approve the aforementioned permit agreements. Motion carried, unanimous in favor.

- Motion by Degen and supported by Bloemendaal to approve and authorize the Chairman to sign Contracts and Contractors Bonds for HMA resurfacing projects STP-SCO84(139)—5E-84, FM-CO84(140)—55-84 and FM-CO84(141)—55-84 with Tri-State Paving of Estherville, Iowa. Motion carried, unanimous in favor.
- Motion by Wright and supported by Kleinwolverink to approve and authorize the Chairman to sign a contract for concrete culvert extensions on various locations on L-14 from Boyden north 5 miles to Lyon County, with C. J. Moyna and Sons of Elkader, Iowa. Motion carried, unanimous in favor.
- Julius informed the Board that the PC Paving Project by Sioux Center is shouldered. That road will be seeded and painted in the near future. Pouring of L-14 north of Newkirk was completed about noon yesterday. Crews will start to put the shoulder on that road on Wednesday. Asphalt will be used to connect the intersections on L-14 next week. After completion of the intersections seeding and painting will be done.
- Updated the Board about gravel stockpiling at Keehn Pit and other road activity.
- 2012/2013 construction maps were distributed and discussed.
- Reported that he is looking at purchasing a utility vehicle to help with staking sites.

12-05-15 15 Claims as submitted by the Auditor were approved for payment.

12-05-15 16 The Chairman adjourned the meeting at 10:55 a.m. The next meeting will be held on May 22, 2012, beginning at 9:00 a.m.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor