

## **MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**

### **MEETING HELD ON MAY 26, 1998**

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock A.M. with Chairman Loren Bouma presiding. Members present were William Vander Maten, Vernon Beernink, Loren Bouma, Bernard L. Smith and Hubert Schuller.

The minutes of May 12, 1998, were read and on motion and vote stand approved as read. Committee reports were given this date.

Ben Van Engelenhoven, Orange City, met with the Board this date to introduce himself as a candidate for State Representative Fifth District.

Mark Schouten, County Attorney, met with the Board this date to review the contents of the final draft of Road Embargo Resolution No. 98-13.

Loren Bouma, Chairman of Board, reported that the cost to upgrade the IBM AS400 computer with 4.19 GB would be an approximate amount of \$2,000.00. The consensus of the Board was to proceed with said upgrade.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, met with the Board this date to report that the County Planning and Zoning Commission has re-approved the proposed Hollander Subdivision and that it will be presented to the Board of Supervisors for final approval at the appropriate time.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, also reported that Sioux County intends to participate in the compilation of a hazard mitigation plan. Sioux County's cost would be an amount of \$500.00.

Dennis Lange, County Auditor, reported that a proposal for the creation of an agricultural area was filed on May 21, 1998, and contains property located in Section 5 in Capel Township and Sections 32 and 33 in Sheridan Township.

Motion by Beernink and supported by Vander Maten to acknowledge receipt of the

aforementioned proposal for the creation of an agricultural area that was filed on May 21, 1998, and to schedule a public hearing for 10:00 o'clock A.M. on June 23, 1998. Carried, unanimous in favor.

Shane Walter, County Central Point of Coordination Administrator, met with the Board this date to explain the rationale behind requesting an additional amount of \$70,000.00 for the Mental Health Department for fiscal year 1998.

As this was the date and 10:00 o'clock A.M. the time set hearing on the proposed drawings and specifications and form of contract for proposed Exterior Court House Restoration Project, said hearing was held after the Board was informed that notice had been published according to law.

No comments against the proposed Exterior Court House Restoration Project were received in writing or presented orally.

The Chairman declared the hearing closed.

Motion by Smith and supported by Beernink to approve the proposed drawings and specifications and form of contract for the proposed Exterior Court House Restoration Project and to proceed with the opening of the bids. Carried, unanimous in favor.

Terry Glade, architect for Ruble, Mamura, Moss, Brygger Architects, opened the bids as follows:

<u>Company</u>	<u>Base Bid</u>	<u>Cost/s.f. over 3/16"</u>	<u>Cost/s.f. under 3/16"</u>
Mid-Continental Restoration Co., Inc., Fort Scott, Kansas	\$45,545.00	\$75.00	\$30.00
Stewart Construction Inc., Rock Rapids	31,500.00	30.00	20.00

Motion by Beernink and supported by Smith to accept the base bid submitted by Mid-Continental Restoration Co., Inc., Fort Scott, Kansas, in an amount of \$45,545.00 for the Exterior Court House Restoration Project, subject to final review of the letting procedure law for counties by Mark Schouten, County Attorney. Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

The reasons for not accepting the low bid from Stewart Construction Inc., Rock Rapids, are as follows:

The main contractor, Heinemann Restoration Company, Dell Rapids, who bid through Stewart Construction Inc., Dell Rapids, did not obtain a bid bond in the State of Iowa. Heinemann Restoration Company, Dell Rapids, is not a current licensed applicator for the material Jahn M70 Stone Patching Mortar. That may result in inexperienced workmanship. Allowing additional time for Heinemann Restoration Company, Dell Rapids, to become a licensed applicator for the material Jahn M70 Stone Patching Mortar, may delay the project to an undesirable time of the year.

Be it remembered on this 26th day of May, 1998, that the Board of Supervisors of Sioux County, Iowa, met in session for the purpose of amending the current operating budget adopted on March 11, 1997. There was present a quorum as required by law. Thereupon, the Board of Supervisors found that a notice of time and place of hearing had been published during the week of May 11, 1998, and that affidavits of publication thereupon were on file with the County Auditor according to law. Thereafter and on said day, the amendment was taken up and considered and taxpayers heard for and against said amendment as follows:

On one appeared at this public hearing to object to the proposed service area amendments and no statements were received in writing.

Thereafter and after hearing all taxpayers to be heard, the Board took up the amendment to the budget for final consideration.

The Chairman closed the hearing.

Motion by Schuller and supported by Vander Maten to approve the following Service Area Amendments to the fiscal year 1998 County Budget:

(EXHIBIT)

I hereby certify the above to be a true and correct copy of the proceedings of the Sioux County Board of Supervisors relating to the consideration of amendments to the budget adopted on March 11, 1997.

/s/ Dennis Lange  
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

Motion by Beernink and supported by Schuller to approve and authorize the Chairman to sign the following Department Appropriation and Amendment Resolution:

**RESOLUTION NO. 98-14**

WHEREAS, it is unlawful for a department head to authorize the expenditure of a sum for a department larger than the amount which has been appropriated for that department by the Board; and

WHEREAS, proposed expenditures for the County Attorney, Sheriff, Mental Health, Treasurer and the Non-Department will cause these departments to exceed the amount budgeted for fiscal year 1998; and

WHEREAS, it is deemed necessary to increase the appropriations for the County Attorney, Sheriff, Mental Health, Treasurer and the Non-Department departments to not be in violation of Section 331.437, 1998 Iowa Code; and

WHEREAS, a Service Area Amendment hearing was held on May 26, 1998, to increase the Public Safety Area an additional \$146,255 and the Mental Health Service Area an additional \$75,000;

THEREFORE, BE IT RESOLVED by the Board of Supervisors that the appropriation for the County Attorney Department is increased from \$228,886 to \$278,826, the County Sheriff increased from \$1,006,729 to \$1,031,729, the Mental Health Department increased from \$2,010,932 to \$2,085,932 and the Non-Department Department increased from \$321,845 to \$393,160 because of the Service Area hearing, and the County Treasurer Department be increased from \$227,349 to \$250,899, and the Auditor's Department be decreased from \$111,246 to \$87,696.

The above and foregoing resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on May 26, 1998.

/s/ Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange  
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller,

Yes. Carried, unanimous in favor.

Motion by Vander Maten and supported by Smith to approve and authorize the Chairman to sign the following Interfund Operating Transfer Resolution:

**RESOLUTION NO. 98-15**

WHEREAS, it is desired to make the following interfund operating transfers:

\$597,960 from Rural Basic Fund to Secondary Road Fund, \$112,965 from General Basic Fund to Secondary Road Fund and \$50,000 from General Basic Fund to General Supplemental Fund;

WHEREAS, said operating transfers are made in accordance with Section 331.432, 1998 Iowa Code;

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

Section 1. The following interfund operating transfers are to be made effective May 26, 1998:

\$597,960 from Rural Basic Fund to Secondary Road Fund  
\$112,965 from General Basic Fund to Secondary Road Fund  
\$50,000 from General Basic Fund to General Supplemental Fund;

Section 2. The County Auditor is directed to correct his books accordingly and to notify the County Treasurer of these interfund operating transfers, accompanied with a copy of this resolution and the record of its adoption.

Signed and adopted this 26th day of May, 1998.

/s/ Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange  
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller,

Yes. Carried, unanimous in favor.

Nancy Dykstra, Director of Home Health Resources and Interim Administrator of Public Health-Home Care Agency of Sioux County; and Randy Vander Roekel, Homemaker-Home Health Aide Director, met with the Board this date to report on the following action taken by the Sioux County Board of Health:

- 1) Sioux County would fund the insurance waiting period for the employees that will be employed by the Orange City and Sioux Center Hospitals. There is a 90 day waiting period at the Orange City Hospital and a 30 day waiting period at the Sioux Center Hospital. It will involve 1 employee going to the Sioux Center Hospital and 4 employees going to the Orange City Hospital. The approximate dollar amount would be \$3,600.00.
- 2) Sioux County would fund the difference in the hourly rate for employees that will commence employment with Home Health Resources prior to June 30, 1998. The amount would be the difference in the new hourly rate with Home Health Resources versus the current hourly rate paid by Sioux County.
- 3) Sioux County would provide the same vacation payout to employees terminating the employment relationship with Sioux County.
- 4) Sioux County would pay 3 public health nurses through June 30, 1998, while they are looking for other employment and there would happen to be no work available in their current county position.

The consensus of the Board was to instruct Nancy Dykstra, Director of Home Health Resources and Interim Administrator of Public Health-Home Care Agency of Sioux County, to Contact Mark Schouten, County Attorney, before proceeding with the implementation of the above County Board of Health decisions.

Robert Hagey, County Treasurer; and the following persons were present to report on the transition of implementing the county issuance of driver licenses in the six pilot counties in southwestern Iowa and the costs associated with assuming the new duties:

Anita Walker, Montgomery County Treasurer  
Maury Reavis, Page County Supervisor  
Ronald Wetherell, Cherokee County Supervisor  
Peggy Smalley, Audubon County Treasurer  
Lynde Lundquist, Cherokee County Treasurer  
Christine Sheldon, Fremont County Treasurer

Cherokee County officials were contemplating whether to file a letter of intent with the Iowa Department of Transportation to be considered one of the 42 counties that would be allowed to issue driver licenses at the county level.

Motion by Schuller and supported by Vander Maten to approve and authorize the Chairman to sign a letter of intent with the Iowa Department of Transportation requesting to be considered one of the 42 counties that would be allowed to issue driver licenses at the county

level. Roll Call on Vote: Vander Maten, Yes; Beernink, No; Bouma, No; Smith, No; and Schuller, Yes. Motion failed.

Doug Julius, County Engineer, met with the Board this date to open the following bids on the purchase of two dump boxes:

<u>Companies</u>	<u>Bids for Two</u>		<u>Bids for One</u>	
	<u>Metal</u>	<u>Aluminum</u>	<u>Metal</u>	<u>Aluminum</u>
Drake Equipment, Sioux Falls, SD	\$27,404	\$38,312	\$13,702	\$19,156
Northern Truck Equipment, Sioux Fall, SD	29,000	39,900	14,500	19,950
Steffen, Sioux City	33,036	39,008	16,518	19,504

Motion by Beernink and supported by Vander Maten to accept the low bid from Drake Equipment, Sioux Falls, South Dakota, in an amount of \$38,312 for the purchase of two dump boxes. Carried, unanimous in favor.

Motion by Vander Maten and supported by Beernink to approve and authorize the Chairman to sign the following documents:

Iowa Department of Transportation Universal Payment Voucher in an amount of \$29.40 for reproduction services.

Seven Permit Agreements with Southern Sioux County Rural Water for road right-of-way crossings in Sections 7, 17, 18, 20, 29, 30 & 31 in Sherman Township.

Carried, unanimous in favor.

The full text of Resolution No. 98-13 that was previously approved at the regular Board meeting held on May 12, 1998, is as follows:

### **RESOLUTION NO. 98-13**

WHEREAS, the Sioux County Board of Supervisors recognizes the severity of the increase in traffic volume and its effect on certain secondary roads located in Sioux County, during the closing of the State Hwy. #75 from the intersection of State Hwy. #75 and 10 north to near the south City Limits of Sioux Center, IA and

WHEREAS, Section 321.473 of the Code of Iowa gives authority for Sioux County to impose restrictions as to the weight of vehicles to be operated on any hiway under its jurisdiction and establishes the penalty for violating said restrictions,

NOW, THEREFORE, BE IT RESOLVED by the Sioux County Board of Supervisors that the following weight restriction is in effect on the secondary roads listed below until rescinded by motion of the Sioux County Board of Supervisors:

5-Ton Axle Limit – the allowable gross load shall not exceed the number of axles times five (5) tons on the following secondary roads:

- 1) On Grant Avenue from the intersection of State Hwy. #10 and Grant Avenue north six (6) miles on Grant Avenue to the intersection of Grant Avenue and 390th Street (B40)
- 2) On Harrison Avenue to the intersection of State Hwy. #10 and Harrison Avenue north five (5) miles on Harrison Avenue to the intersection of Harrison Avenue and 400th Street (B40)
- 3) On 410th Street from the intersection of 410th Street and Grant Avenue east two (2) miles on 410th Street to the intersection of 410th Street and Harrison Avenue

The County Engineer is hereby directed to have erected such signs as are necessary to advise the traveling public of these limits. Penalties for violations of these limits are as set out in Section 321.473, 1998 Iowa Code.

BE IT FURTHER RESOLVED that the County Engineer may grant permits of exemption upon a showing that there is a need to move to market farm produce of a type subject to rapid spoilage or loss of value or to move any farm feeds, fuels, etc.

Passed and approved this 26th day of May, 1998.

/s/ Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange  
Sioux County Auditor

Motion by Schuller and supported by Smith to approve and authorize the Chairman to sign the following Weed Control Resolution:

### **RESOLUTION NO. 98-16**

#### **WEED CONTROL RESOLUTION**

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

That pursuant to provisions of Chapter 317, 1998 Iowa Code, it is hereby ordered

- 1) That each owner and each person in the possession or control of any noxious weeds thereon, as defined in this Chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before the following dates and as often thereafter as necessary to prevent seed production:

Group 1. July 1 for Leafy Spurge; Marijuana Plants; Perennial Pepper-grass; Buckthorn

(Rhamnus, not to include Rhamnus Frangula); Sour Dock Perennial, Smooth Dock Perennial and Sheep Sorrel Perennial.

Group 2. July 1, for Canada Thistle; Russian Knapweed; Buckhorn; Perennial and Wild Mustard Annual.

Group 3. July 15 for European Morning Glory or Field Bindweed; Wild Carrot Biennial, also known as Queen Anne's Lace; Poison Hemlock and Multiflora Rose.

Group 4. July 15 for Horse Nettle; Perennial Sow Thistle; Quack Grass; Butterprint Annual; Cocklebur; Bull Thistle; Wild Sunflower Annual; Teasel Biennial; Puncture Vine Annual; Shattercane Annual and all other species of thistles belonging in genera of Cirsium and Carduus.

- 2) That each owner and each person in the possession or control of land including right of way in Sioux County infested with any noxious weeds listed above shall adopt a program of weed destruction described by the Weed Commissioner which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.
- 3) That if the owners or persons in possession or control of any land including right of way in Sioux County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the real estate.
- 4) Sioux County will be spraying noxious weeds growing in designated secondary road ditches. It will be the responsibility of adjacent property owners to destroy said weeds in all remaining road ditches not sprayed by Sioux County.
- 5) That the County Auditor be and is hereby directed to cause notice of the making and entering the foregoing order by one publication in each of the official newspapers of the County.

BE IT FURTHER RESOLVED that Sioux County be designated as a weed control unit.  
BY ORDER OF THE SIOUX COUNTY BOARD OF SUPERVISORS

Signed and dated this 26th day of May, 1998.

/s/ Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange  
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

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

The Chairman adjourned the meeting until Tuesday, June 8, 1998.

Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor