

**MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**

**MEETING HELD ON JULY 1, 2003**

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, Bernard L. Smith and Stanley L. De Haan.

Minutes of June 17, 2003 were read and on motion and vote stand approved as read.

Committee reports were given this date.

Melissa O'Rourke, County Attorney, met with the Board this date to report that the district court case Northwestern State Bank, Plaintiff v. Sioux County Board of Review, Defendant pertaining to a 2002 property valuation adjustment is still in the negotiation stage. She also reported on various legislative changes that went into effect July 1, 2003.

Motion by Bouma and supported by Beernink to approve and authorize the following Iowa Credits Appropriations Resolution:

**RESOLUTION NO. 2003-13**

Whereas, the State of Iowa has appropriated moneys for fiscal year July 1, 2003 through June 30, 2004, which moneys are insufficient to fund the various local property tax credits/exemptions in full,

And, whereas, Iowa Code Section 25B.7 requires local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation,

And whereas the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions as follows:

Homestead credit (including Disabled Veteran's Homestead Credit) 85%,  
Low-income, Elderly, Disabled Credit – including Mobile Home, Special Assessment and Property credits 40%  
Military Service Property Tax Exemption 98%,

And, whereas the option of fully funding property tax credits/exemptions will cause a funding shortfall to local governments in the County of more than \$250,000 this fiscal year,

And whereas the option of passing on the reduced state-reimbursed values of the credits will increase the amount of net taxes in the County by more than \$250,000 per year,

And, whereas we find that fully funding military exemptions and the disabled veteran's homestead credits to those persons who have served honorably in the Country's military is of minimal fiscal impact to the local governments and in the general public interest,

And, whereas we find that fully funding the low-income, elderly, and disabled credits to those persons who have qualified for those credits is of minimal fiscal impact to the local governments and in the general public interest,

And, whereas we find that passing on the reduced state-reimbursed values of the homestead credits to the taxpayers in the County minimizes the fiscal impact on local governments and serves the general public interest,

Now, therefore, be it resolved pursuant to Iowa Code Section 25B.7 that the property tax credits/exemptions in Sioux County for fiscal year July 1, 2003 through June 30, 2004 shall be funded as follows:

Homestead Credit	85%
Disabled Veteran's Homestead Credit	85%
Low-Income, Elderly, Disabled Credit	100%
Military Exemption	100%

Approved and signed this 1<sup>st</sup> day of July, 2003.

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

ATTEST: /s/ Dennis Lange  
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes.

Carried, unanimous in favor.

Robert Hagey, County Treasurer, was present for the aforementioned Iowa Credits Appropriations Resolution matter.

Motion by Beernink and supported by Bouma to approve and authorize the Chairman to sign Change Order Number 6 with Hoogendoorn Construction of Canton, South Dakota in a total amount of \$24,246 for the new Sioux County Public Safety Center. The contract changes are itemized as follows:

Item No. 1: Per RFP #26 Rev., add cameras in 159 and 160 and covert cameras in 115, 116, 117 and 118.

ADD: \$12,260.00

Item No. 2: Per RFP #27, provide mesh and plaster at ceilings at 153, 159 and 160.

ADD: \$3,136.00

Item No. 3: Per RFP #28, delete cuff ring & stool at 151.

DEDUCT: \$240.00

Item No. 4: Per RFP #29, lawn sprinkler work in 155 and 158.

ADD: \$906.00

Item No. 5: Per RFP #33, extra dumpster enclosure and concrete.

ADD: \$4,004.00

Item No. 6: Painting of the Day Room wall above 8' to the ceiling.

ADD: \$4,180.00

TOTAL ADD: \$24,246.00

Carried, unanimous in favor.

As this was the date and 10:00 o'clock a.m. the time set for the hearing and first consideration on County Ordinance No. 15 establishing a School Local Option Sales and Services Tax in Sioux County, said hearing was held according to law. No comments were received or presented orally against said proposed ordinance.

The Chairman closed the hearing.

Motion by De Haan and supported by Smith to approve the first consideration of the first reading of proposed County Ordinance No. 15; and to proceed with the second and final consideration at 10:00 o'clock a.m. on July 8, 2003. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Shane Walter, County Community Services Director, met with the Board this date to review a Monthly MH/DD Services Expenditure Report covering the period from July 1, 2002 through June 30, 2003.

Motion by Bouma and supported by De Haan to approve and authorize the Chairman to sign a Class C Liquor License Application including Sunday Sales and Outdoor Service Area for the

Rock Valley Golf Club effective August 6, 2003. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. 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 Smith and supported by De Haan to approve and authorize the Chairman to sign the following Road Closure Resolution:

**ROAD CLOSURE RESOLUTION NO. 2003-14**

**- CONSTRUCTION -**

We hereby authorize the following roads to be closed for Construction during the 2003-2004 season. The actual date of closure to be determined by the County Engineer and shall be so noted in his office copy on the Resolution.

<u>Road</u>	<u>Date Closed</u>	<u>County Engineer's Signature</u>
		/s/ Mark Sybesma, Chairman Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange  
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Motion by Bouma and supported by Beernink to approve a bid from Kooiker, Inc. of Le Mars in an amount of \$72,179.19 for Culvert Project BROS-CO84(104)--8J-84. The culvert letting was held by the Iowa Department of Transportation in Ames. Carried, unanimous in favor.

Motion by De Haan and supported by Beernink to approve and authorize the Chairman to sign a Memorandum of Understanding between the Iowa Department of Public Health and the Sioux County Board of Supervisors to administer the grants to counties well plugging and reconstruction program for fiscal year 2004. Carried, unanimous in favor.

Doug Julius, County Engineer, also updated the Board on various construction projects in Sioux County.

Micah Van Maanen, County Information Technology Director, met with the Board this date to report that Sioux County will need to register the buried fiber-optic cable running from the County Engineer's office to the new Sioux County Public Safety Center with Iowa One Call. Iowa One Call contacts owners of buried cable when they receive calls for digging. It is the responsibility of the owner of buried fiber-optic cable to perform the locate service. He stated that the City of Orange City would be willing to perform the locate service for Sioux County. Details of a contractual arrangement between Sioux County and the City of Orange City will be decided at a later date.

Dan Altena, County Deputy Sheriff, met with the Board this date to request them to take action to set his salary at 82.5% of the salary of the County Sheriff effective July 1, 2003. He had earlier prepared and submitted correspondence addressed to the Sioux County Board of Supervisors explaining the rationale for the salary request. He also reported on how the chief deputy sheriff demotion has personally affected him and that a large reduction in salary would impact his family.

Melissa O'Rourke, County Attorney; and Harvey Wiltsey, County Labor Negotiator, were present for the aforementioned county deputy sheriff wage matter.

Melissa O'Rourke, County Attorney, reported on a Memorandum addressed to the County Board of Supervisors outlining applicable sections in Iowa Code pertaining to a demotion of a county deputy sheriff. She stated that section 341A.18, Code of Iowa, states that "A person shall not be . . . demoted or discharged from any position . . . because of the person's political opinions or affiliations." She stated that in her opinion this section, in conjunction with section 331A.7, Code of Iowa, could reasonably be interpreted to mean that the demotion of a chief deputy sheriff due to a

declared intention to seek the elective office of county sheriff is a violation of that deputy's civil rights.

Harvey Wiltsey, County Labor Negotiator, reported on the possible collective bargaining agreement ramifications if the County Board of Supervisors would set the salary of County Deputy Sheriff Dan Altena at 82.5% of the County Sheriff's salary. He agreed with Melissa O'Rourke, County Attorney, that violation of a person's civil rights would be more serious than violation of a collective bargaining agreement.

Motion by Smith and supported by Beernink to set the salary of County Deputy Sheriff Dan Altena at 82.5% of the salary of the County Sheriff for fiscal year 2004 which covers the period from July 1, 2003 through June 30, 2004. Carried, unanimous in favor.

Motion by Bouma and supported by Beernink to go into executive session according to Section 20.17(3), 2003 Code of Iowa, to discuss collective bargaining matters with Harvey Wiltsey, Labor Negotiator for Sioux County. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Melissa O'Rourke, County Attorney, was present for the executive session.

Motion by Bouma and supported by Beernink to go out of executive session according to Section 20.17(3), 2003 Code of Iowa. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, 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, July 1, 2003.

Mark Sybesma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor

