

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON SEPTEMBER 11, 2012

- 12-09-11 1** The Board of Supervisors of Sioux County, Iowa, met on September 11, 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.
- 12-09-11 2** Minutes of the meeting held on August 28, 2012, were submitted and the Chairman declared them approved.
- 12-09-11 3** As this was the date and 9:00 a.m. the time set for a Public Hearing to discuss a public improvement project to construct 470th Street, said hearing was opened by the Chairman. Coleman McAllister, Sioux County Attorney, presented a resolution to the Board to begin a proposed Street Grade Project for 470th Street in Nassau Township. No comments were made by the Public. The Chairman closed the public hearing. Motion by Wright and supported by Bloemendaal to approve a resolution commencing a public improvement project to construct 470th street grade for pave project and authorizing acquisition of agricultural land for the project by condemnation. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO. 2012-39

**COMMENCING A PUBLIC IMPROVEMENT PROJECT TO CONSTRUCT 470th STREET
GRADE FOR PAVE PROJECT AND AUTHORIZING ACQUISITION OF AGRICULTURAL
LAND FOR THE PROJECT BY CONDEMNATION**

WHEREAS, Sioux County has conducted a public hearing, after proper notice, and has considered all public input from interested citizens, after which Sioux County elects to authorize the commencement of a project for right-of-way maintenance, safety improvement, or upgrade of an existing secondary road, to-wit: Sioux County Project No. L-1-2006-73-84 Grade for Pave Project on 470th Street. This shall be known as the 470th Street Grade for Pave Project.

WHEREAS, the 470th Street Grade for Pave Project now having been approved by the Sioux County Board of Supervisors, Sioux County will be required to acquire an interest in certain real property in order to facilitate the public improvements. Upon review of Sioux County Property records, it appears that agricultural land owned by the following identified persons may have to be acquired in whole or in part for the project, to-wit:

<u>OWNER</u>	<u>LOCATION OF AFFECTED PROPERTY</u>
Eveleen Van Peurseem	SW ¼, SW ¼, Section 9, Nassau Twp NW ¼, NW ¼, Section 15, Nassau Twp NE ¼, NW ¼, Section 15, Nassau Twp
Nora Van Peurseem	SW ¼, SE ¼, Section 9, Nassau Twp SE ¼, SE ¼, Section 9, Nassau Twp
Nora Van Peurseem/Nelvina DeHaan	NW ¼, NW ¼, Section 16, Nassau Twp

WHEREAS, Sioux County will attempt to purchase the required agricultural land by good faith negotiations; however, should such negotiations fail, Sioux County will proceed to condemn those

properties which it is unable to purchase as otherwise authorized by Iowa law. The exact location of the above-described public improvement is shown on a conceptual drawing of the project which is now on file in the office of the Sioux County Engineer and available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Sioux County that the proposed 470th Street Grade for Pave Project is in the best interests of the citizens of Sioux County and all parties concerned and should be approved. It is further resolved that Sioux County will attempt to purchase the required agricultural land needed for the project by good faith negotiations; however, should such negotiations fail, Sioux County is hereby authorized to condemn those properties needed to facilitate the project which it is unable to purchase as otherwise authorized by Iowa law. The Chairman of the Board of Supervisors and the Sioux County Engineer are hereby authorized to execute and deliver documents and pay any related costs necessary to follow through with acquiring, by purchase or condemnation, the necessary real estate necessary to facilitate the 470th Street Grade for Pave Project. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

PASSED AND APPROVED this 11th day of September, 2012.

/s/ Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/ Lois Huitink, Sioux County Auditor

12-09-11 4 Sioux County Attorney, Coleman McAllister requested that the Board approve and the Chairman sign an amended and restated 28E agreement between Sioux County and the City of Maurice. The amended agreement states more specifically the liability of each party in the contract. Motion by Degen and supported by Kleinwolterink to approve an amended 28E agreement with the City of Maurice. Motion carried, unanimous in favor.

12-09-11 5 Dan Altena, Sioux County Sheriff, met with the board to ask them to sign an agreement between the City of Chatsworth and Sioux County to provide Law Enforcement services for that community. Minor incidents will still be handled by the City, however for more series incidents, the Sheriff will be called. The cost to Chatsworth will be \$1000.00 per year. Motion by Degen and supported by Kleinwolterink to approve a Contract with Chatsworth to provide Law Enforcement. Motion carried, unanimous in favor.

12-09-11 6 Supervisor Dennis Wright introduced the following Resolution to execute a 28E agreement between Sioux County Iowa, and the City of Rock Valley for 305th/Seventeenth Street Public Trail Project and moved that the same be adopted. Supervisor Kleinwolterink seconded the motion to adopt. Roll Call on Vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor. Present for this discussion were Kevin Van Otterloo, Mayor of Rock Valley and Tom Van Maanen, City Manager.

RESOLUTION NO. 2012-37

RESOLUTION OF THE BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA, FOR AUTHORIZATION TO EXECUTE A 28E AGREEMENT BETWEEN SIOUX COUNTY, IOWA AND CITY OF ROCK VALLEY, IOWA FOR 305TH /SEVENTEENTH STREET PUBLIC TRAIL PROJECT

WHEREAS, the Board is desirous of entering into a 28E Agreement which defines the rights, responsibilities, and liabilities of Sioux County, Iowa and the City of Rock Valley, Iowa regarding improvements and maintenance of a right of way located north of and adjacent to Seventeenth Street, also known as 305th Street, from the Rock Valley Sports Complex to 30th Avenue in Rock Valley.

WHEREAS, an instrument entitled 28E Agreement Between Sioux County, Iowa and City of Rock Valley, Iowa for 305th/Seventeenth Street Public Trail Project has been presented to the Board of Supervisors; and,

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

1. That the terms and conditions of the proposed 28E Agreement Between Sioux County, Iowa and City of Rock Valley, Iowa for 305th/Seventeenth Street Public Trail Project has been presented and considered and the same is hereby approved.
2. The Chairman is hereby authorized and ordered to execute said 28E Agreement and the County Auditor to attest to the same as is necessary to carry out the purposes of this Resolution.
3. The Chairman and Secretary for the Board of Supervisors are hereby directed to certify this Resolution and provide a certified copy of the same to the City of Rock Valley, Iowa.

PASSED AND APPROVED this 11th day of September, 2012.

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

ATTEST: /s/ Lois Huitink, Sioux County Auditor

12-09-11 7 Doug Julius, Sioux County Engineer

- Requested approval of the following permit agreement –
Premier Communications – Replace cable in the west shoulder of Larch Avenue in Section 5 of Grant Township. Motion by Wright and supported by Bloemendaal to approve the aforementioned permit agreement. Motion carried, unanimous in favor.
- Opened bids for maintenance pipe. Motion by Degen and supported by Kleinwolterink to approve the low bid by Midwestern Culverts, pending review by the County Engineer. Motion carried, unanimous in favor.

Contractor	Bid
Northern IA Construction Products	\$ 12,879.60
Metal Culverts, Inc.	\$ 10,868.10
Midwestern Culverts, Ltd	\$ 9,240.55

- Updated the Supervisors on the progress of road improvement projects. Noted that more blading is being done due to increased harvest traffic.

- Reported that the tiling project on the West side of the Courthouse is progressing and should be completed next week, weather permitting.
- Informed the Board that a meeting was held with representatives of the Iowa DOT to discuss ways to reduce costs of maintaining some of the State Highway in Sioux County. Due to liability concerns and policy differences Julius conveyed to the DOT representatives that the County is not interested in pursuing taking over the maintenance of portions of Highway 10 and 12.

12-09-11 8 As this was the date and 9:30 the time set for a Public hearing to discuss continuation with Phase II of the HVAC, the chairman opened said hearing. There being no public comment, the chairman closed the hearing. It is the consensus of the Board to continue with the Air Conditioning project.

12-09-11 9 At 10:00 a.m. Jon Buitter, engineer from EDA opened bids for the completion of the Air Conditioning Project at the Courthouse. This phase of the project would take place this fall and winter and will involve removing old equipment, running ductwork and installing pneumatic controls throughout the building.

Contractor		Bid
Baete-Forseth HVAC	Sioux Falls, SD	1,242,000
Hander Plumbing & Heating	Sioux Falls, SD	1,134,300
Interstates Mechanical Corp	Sioux City, IA	1,047,242
Tessiers, Inc.	Sioux Falls, SD	1,194,000

Interstates Mechanical Corporation submitted the low bid for the project. Because the bids came in considerably higher than estimated, the Board delayed a decision, allowing them time to consider their options. Buitter informed the Supervisors that they have 30 days in which to accept or reject the bid. The Chairman instructed Auditor Huitink to explore options to finance the project.

12-09-11 10 COMMITTEE REPORTS:

- **Bloemendaal** –Reported that he attended a Mid Sioux board meeting on Aug 29 in Remsen. The board was shown a preliminary plan where Rock Rapids would build a new child-care facility on the ground that Mid Sioux owns in Rock Rapids. Along with a proposed cash flow plan, the board was shown changes in demographics past and present which supports the need for the facility. The required board approval to allow the 1.6 million project to be built on Mid Sioux's property will be necessary around Jan 2013
- **Wright** – Wright, Kleinwolterink and Sybesma attended a meeting in Clay County at which regionalization of Mental Health programs was discussed. Linda Hinton, ISAC representative explained the changes in law and various options available to counties. Regions need to be formed and submitted for approval by April 1, 2013.
- **Degen** – Informed the Board that he attended a Communications Meeting. A letter explaining an increase in allocation for the Communications Center was sent to the cities.
- **Sybesma** – Attended a Third Judicial District meeting. The District has a 6.28 million dollar budget for this year. They anticipate that they will be able to increase their staff in the coming year.

12-09-11 11 The Board acknowledged a letter of thanks that was received from the City of Sioux Center for funding that was provided for the Terrace View Event Center.

12-09-11 12 Motion by Wright and supported by Bloemendaal to approve and authorize the chairman to sign a letter of support for Northwest Iowa Regional Housing Authority. Motion carried, unanimous in favor.

12-09-11 13 Claims submitted by the Auditor were approved for payment.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor