

## MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

### MEETING HELD ON SEPTEMBER 17, 2004

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 o'clock a.m. with Chairman Sybesma presiding. Members present were Loren Bouma, Vernon Beernink, Mark Sybesma, Bernard L. Smith and Stanley L. De Haan.

Minutes of September 7, 2004 were on motion and vote stand approved as submitted.

Committee reports were given this date.

Dennis Lange, County Auditor, reported on the canvass of election returns for the regular and merged area IV School Elections held in Sioux County on September 14, 2004.

Motion by Smith and supported by De Haan to approve the following canvass of regular and merged are IV School Election returns for the School Elections held in Sioux County on September 14, 2004:

<u>BOYDEN-HULL COMMUNITY SCHOOL DISTRICT</u>	<u>VOTES</u>	
Director District #2		
BRENDA WESTRA (Write-in)	52	Elected
SCATTERING	13	
<u>MOC-FLOYD VALLEY COMMUNITY SCHOOL DISTRICT</u>		
Director District #2		
GERALD VAN ROEKEL	202	Elected
Director District #3		
PATTI THAYER	189	Elected
<u>ROCK VALLEY COMMUNITY SCHOOL DISTRICT</u>		
Director District #4		
KEVIN BOEVE	69	Elected
<u>SIOUX CENTER COMMUNITY SCHOOL DISTRICT</u>		
Director at Large		
BRUCE ROETMAN	125	Elected
Director at Large		
KAY KOSTERS	123	Elected

WEST SIOUX COMMUNITY SCHOOL DISTRICT

Director District #2  
ARMANDO ORTIZ

57

Elected

SIOUX COUNTY RESULTS FOR THE MERGED AREA IV SCHOOL ELECTION HELD ON  
SEPTEMBER 14, 2004

MERGED AREA IV SCHOOL DISTRICT

Director District VII  
LARRY HOEKSTRA

171

PUBLIC MEASURE

FULL TEXT

“Shall the Board of Directors of Northwest Iowa Community College, Merged Area IV, in the counties of Cherokee, Lyon, O’Brien, Osceola, Sioux, Clay, Dickinson, and Plymouth, State of Iowa, cause to continue to be levied a tax not to exceed twenty and one-fourths cents per thousand dollars (\$.20 ¼ per \$1,000) of assessed value in any one year for an additional period of ten (10) consecutive fiscal years beginning with the 2006 tax levy payable in the fiscal year ending June 30, 2007 for any one or more of the following purposes: for the purchase of grounds; construction of buildings; payment of debts contracted for the construction of buildings, purchase of buildings and equipment for buildings, and the acquisition of libraries; for the purpose of paying utilities; and for the purpose of maintaining, remodeling, improving, or expanding the Northwest Iowa Community College, Merged Area IV, of the merged area; or for such other purposes as authorized by law, as provided in Section 260C.22 of the Code of Iowa 2003, as amended?”

Yes 521 NO 76

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

Carried, unanimous in favor.

Mark Sybesma, Chairman of Board reported on letters received from Ray De Jong and Ken Korver of Alton requesting reimbursement for damage sustained to a vehicle driven by Ray De Jong of Alton. Ray De Jong of Alton hit an unidentified object in the center of the secondary roadway which totaled his vehicle. The Sioux County insurance carrier adjuster has since denied the insurance claim due to the object being described as a road hazard. The County Board of Supervisors took no action on the reimbursement request.

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

Draft of correspondence addressed to Shane Walter, County Community Services Director by the County Board of Supervisors with copies to be mailed to ISAC, Chief Judge and Sioux County Attorney pertaining to a supervisory order concerning finding placements for persons subject to involuntary proceedings.

Sioux County Attorney's office announces guilty pleas and sentencing in multiple drug-related prosecutions.

Documents pertaining to a proposed enterprise zone were reviewed and okayed.

Karen Mitchell, O'Brien County Economic Development Director; and Mark Gaul, Sheldon Economic Development Director, met with the Board this date to review a proposed resolution approving an application by Sioux County to the Iowa Department of Economic Development requesting certification of an enterprise zone in Sioux County and providing for the exemption from taxation of the improvements made by businesses within the zone. They also reviewed a Chapter 28E agreement between the County of O'Brien, Iowa and the County of Sioux, Iowa regarding establishment of an enterprise zone.

Lois Huitink, County Deputy Auditor, met with the Board this date to report that the proposed enterprise zone resolution did not include a Parcel "C" which was included on the designated map.

Motion by Bouma and supported the Smith to approve and authorize the Chairman to sign the following Enterprise Zone Resolution contingent upon the addition of Parcel "C" to said legal description contained in Enterprise Zone Resolution:

### **RESOLUTION NO. 2004-21**

RESOLUTION APPROVING THE APPLICATION BY O'BRIEN COUNTY TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING CERTIFICATION OF AN ENTERPRISE ZONE IN SIOUX COUNTY AND PROVIDING FOR THE EXEMPTION FROM TAXATION OF THE IMPROVEMENTS MADE BY BUSINESSES WITHIN THE ZONE.

WHEREAS, Sioux County (hereinafter referred to as the "County"), State of Iowa is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the purpose of 2003 Iowa Code Sections 15E.191 through 15E.196 (the "Act") is to encourage mutual development objectives between communities and private business and to promote economic investment in enterprise zones within the State; and

WHEREAS, the Act and administrative rules adopted by the Iowa Department of Economic Development require a county to approve, by resolution, the establishment of an enterprise zone and the submission of a request for certification to the Iowa Department of Economic Board; and

WHEREAS, under the Act, one of the benefits provided to eligible businesses locating within a certified enterprise zone is a County exemption from taxation of all, or a portion, of the actual value added by

improvements to real property that is: 1) directly related to new jobs created by the location or expansion of an eligible business in the zone, and 2) used in the operation of an eligible business within the zone; and

WHEREAS, It is the intention of the County to exempt from local taxation a portion of the assessed real estate value added by improvements to the property, beginning the first year the improvements are assessed for taxation in the enterprise zone; and

WHEREAS, Sioux County, while not eligible to establish an Enterprise Zone, does contain within its boundaries a portion of the City of Sheldon, Iowa, whose municipal boundaries extend into O'Brien County, Iowa, a county adjacent to Sioux County; and

WHEREAS, contingent upon execution of an agreement between Sioux County and O'Brien County as detailed in Iowa Code Chapter 28E, "Joint Exercise of Governmental Powers"; and

WHEREAS, O'Brien County, as provided in 2003 Iowa Code Section 15E.192, may establish an Enterprise Zone in that portion of Sioux County located within the boundaries of the City of Sheldon, Iowa.

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

**Section 1.** The County certifies that while it is not an eligible participant under the Act, that portion of Sioux County located within the boundaries of the City of Sheldon, Iowa is an eligible participant under the Act as O'Brien County meets the following distress criteria required by the Act:

**Section 2.** The County hereby requests that O'Brien County seek enterprise zone certification from the Iowa Department of Economic Development Board as authorized in 2003 Iowa Code Section 15E.192 and Section 15E.194, contingent upon execution of a 28E Agreement between Sioux and O'Brien Counties, for the following designated site of seventy-six point sixty-four (76.64) acres, which, when added to previously certified O'Brien County Enterprise Zones, is less than 1% of the total O'Brien County area for the purposes of receiving the benefits under the Act. The legal description of the enterprise zone area to be certified is:

#### LEGAL DESCRIPTION OF SHELDON INDUSTRIAL TRACT

The East Seventy (E 70) acres of the South One Hundred Forty (S 140) Acres of Section Thirty-six (36), Township Ninety-seven (97) North, of Range Forty-three (43), West of the Fifth P.M. in Sioux County, Iowa.

AND

Lot Eight (8) in Susan Pap's Subdivision and Plat of part of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43) West of the Fifth Principal Meridian (5<sup>th</sup> P.M.), Sioux County, Iowa, subject to public highway.

AND

That part of the East Half of the Southeast Quarter (E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section Thirty-six (36), Township Ninety-seven (97) North, Range Forty-three (43) West of the Fifth Principal Meridian (5<sup>th</sup> P.M.), described as: Commencing at the East Quarter Corner of said Section 36, thence South 00°00'00" West along the East line of the SE  $\frac{1}{4}$  of said Section 36 a distance of 711.03 feet; thence North 89°08'00" West a distance of 318.80 feet to a POINT OF BEGINNING; thence South 01°09'00" West a distance of 80.20 feet; thence North 89°30'00" East a distance of 126.44 feet to the West line of Susan Pap's Subdivision; thence South 00°25'47" East along the West line of Susan Pap's Subdivision a distance of 600.00 feet; thence South 89°34'13" West a distance of 309.00 feet; thence North 00°07'02" West a distance of 683.96 feet; thence

South 89°08'00" East a distance of 181.00 feet to the POINT OF BEGINNING. NOTE: The East line of the SE ¼ of said Section 36 is assumed to bear North 00°00'00" East.

AND

Lot 1 in Susan Pap's Subdivision and Plat of part of the SE ¼ of Section 36, Township 97 North, Range 43 West of the 5<sup>th</sup> P.M., in the Incorporated City of Sheldon, Iowa;

AND

That part of the E½ SE¼ of Section 36, Township 97 North, Range 43 West of the 5<sup>th</sup> P.M., in the Incorporated City of Sheldon, Iowa, more particularly described as follows: Commencing at the Northwest Corner of Lot 1 of Susan Pap's Subdivision of the SE ¼ of Section 36, Township 97 North, Range 43 West of the 5<sup>th</sup> P.M.; running thence West along the extended North line of said Lot 1, a distance of 309 feet; running thence South parallel with the East line of said Subdivision a distance of 87 feet; more or less to a point on a line, said line being an extension of the South line of Lot 1 in Susan Pap's Subdivision extended West; thence South 88°03' East on the extended South line of said Lot 1 to the Southwest Corner of Lot 1 of Susan Pap's Subdivision; thence North along the West line of said Lot 1 of Susan Pap's Subdivision, 97.5 feet to the Point of Beginning.

A detailed map of the area described above is identified in Attachment A to this Resolution.

**Section 3.** The County, contingent upon execution of a 28E Agreement between Sioux and O'Brien Counties and certification of the Enterprise Zone by the Iowa Department of Economic Development, will exempt from taxation a portion of the assessed real estate value beginning the year the improvements to real estate are first assessed,

Year 1 - 100 %

Year 2 - 75%

Year 3 - 50%

Years 4 through Year 6 – 25 %

A project may request TIF in lieu of Enterprise Zone exemption, or can be considered for TIF in conjunction with Enterprise Zone tax exemption only to the extent that it not exceed 100% of the total taxation in any given year.

The County will retain its responsibility for billing and collecting all taxes in this Enterprise Zone.

**Section 4.** The County shall provide a copy of this resolution to the Iowa Department of Economic Development, the O'Brien County Assessor for their records and shall file this resolution with the Sioux County Assessor.

**Section 5.** The following officers of the County are hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution:

Sioux County Board of Supervisors Chair Mark Sybesma or duly elected Chair  
Sioux County Auditor Dennis Lange or duly elected Auditor  
Sioux County Assessor Ross Simmelink or duly elected Assessor

**Section 6.** All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7.** The provisions of this resolution are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.

**Section 8.** This resolution shall become effective immediately upon its passage and approval.

Passed and approved this 17<sup>th</sup> day of September, 2004.

/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 Beernink and supported by De Haan to approve and authorize the Chairman to sign a Chapter 28E agreement between the County of O'Brien, Iowa and the County of Sioux, Iowa regarding establishment of an enterprise zone. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Nancy Dykstra, Executive Director of Community Health Partners of Sioux County, met with the Board this date to report on the Sioux County Board of Health meeting held on August 26, 2004. She reported on the following subject matters:

The disaster preparedness/bioterrorism drill went well.  
Flu clinics will be set up in the high schools.  
Iowa Department of Health monies designated for abstinence activities.  
HIV/STD clinic update.  
West Nile Virus Surveillance is continuing through September.  
Reported on the benefits of the Healthy Families Program.

Anne Kraft, employee for Community Health Partners, was also present for the aforementioned Sioux County Board of Health meeting report.

The County Board of Supervisors discussed procedures to implement a Sioux County Urban Renewal Plan for Urban Renewal District 1 (Center Fresh Egg & We Three Egg Poultry operations).

Doug Julius, County Engineer, requested approval and a Chairman's signature on various documents.

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

Permit Agreement with the City of Orange City for a road right-of-way crossing located in Section 28 of Holland Township.

Permit Agreement with Eric Schut of Sioux Center for a road right-of-way crossing located in Section 29 of West Branch Township.

Carried, unanimous in favor.

Motion by Bouma and supported by De Haan to approve and authorize the County Board of Supervisors to sign a Certificate of Appreciation for Daryl Winter of Boyden for his seventeen and one-half years of service to Sioux County as a secondary road employee. Carried, unanimous in favor.

Doug Julius, County Engineer, reported on the following various sized culvert letting results:

<u>Company</u>	<u>Amount</u>
Metal Culverts, Inc., Jefferson, MO	\$23,142.00
Midwestern Culvert, Ltd., Ankeny	23,577.00
Northern Iowa Construction Products, Cedar Falls	23,925.00

Doug Julius, County Engineer, updated the Board on various grading projects.

Doug Julius, County Engineer, also discussed the results of an asbestos report prepared by Ames Environmental Inc., of Slater pertaining to the asbestos contained in the old Sioux County Jail building. It appears that most of the detected asbestos is found on thermal system pipes and ceiling tiles. He reported that the cost of the report was an amount of \$822.00.

Doug Julius, County Engineer, also reported that he will be obtaining quotes for concrete work in various areas around the Sioux County Public Safety Center.

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

The Chairman adjourned the meeting until Monday, September 27 , 2004.

Mark Sybesma, Chairman

Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor