

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON SEPTEMBER 27, 2004

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock a.m. with Chairman Sybesma presiding. Members present were Vernon Beernink, Mark Sybesma, Bernard L. Smith and Stanley L. De Haan. Member Loren Bouma was absent.

Minutes of September 17, 2004 were on motion and vote stand approved as submitted.

Committee reports were given this date.

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

Sioux County Civil Service Commission met Friday, September 24, 2004 to administer the Civil Service test to nine applicants at Dordt College.

Reported on the minimal physical fitness performance requirements chart used as part of the Civil Service test.

Judge James D. Scott, Judge for the Third Judicial District of Iowa ruled to dismiss the Troy J. Peterson, Plaintiff, vs. Sioux County, Iowa, Defendant court case.

Domestic Violence Coalition to host October 6th Event on family violence and children.

Motion by Beernink and supported by Smith to approve the following Necessity/Consultation

Resolution:

RESOLUTION NO. 2004-22

RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED URBAN RENEWAL DISTRICT 1 PLAN FOR A PROPOSED URBAN RENEWAL AREA IN SIOUX COUNTY, IOWA

WHEREAS, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the County and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the County; and

WHEREAS, this Board has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and has caused there to be prepared a proposed Urban Renewal District 1 Plan for the area described therein, which proposed Plan is attached hereto as Exhibit A; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:

Sections 26 and 35, in Township 96 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and Sections 1 and 2, 11 and 12, 13 and 14, all in Township 95 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and Sections 6 and 7, in Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), all in Section 5, Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, the West Half of Section 8, Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, all of the right-of-way for roads and highways adjacent to the above described property; and, the right-of-ways for roads and highways located between Section 25 and 26, and 35 and 36, all in Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and, the right-of-ways for roads and highways located between Sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, all in Township 96 North, Range 46 West of the 5th P.M., Sioux County, Iowa.

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Urban Renewal District 1 Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the County as a whole prior to Board of Supervisors approval of such urban renewal plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Board within thirty (30) days of its receipt of such proposed Urban Renewal District 1 Plan; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Urban Renewal District 1 Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the County shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to hold a public hearing on the proposed Urban Renewal District 1 Plan subsequent to notice thereof by publication in a newspaper having general circulation within the County, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity.

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

Section 1. That the consultation on the proposed Urban Renewal District 1 Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 5th day of October, 2004, in the Board of Supervisors' Room, Courthouse, Orange City, Iowa at 10:30 o'clock A.M., and the Designated Representative Mark Sybesma, Chairman of Board is hereby appointed to serve the County for purposes of conducting said consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the County Auditor is authorized and directed to cause a notice of said consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1),

along with a copy of the proposed Urban Renewal District 1 Plan, said notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN SIOUX
COUNTY, IOWA AND ALL AFFECTED TAXING ENTITIES
CONCERNING THE PROPOSED URBAN RENEWAL DISTRICT 1
PLAN FOR SIOUX COUNTY, IOWA

Sioux County, Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 10:30 o'clock A.M. on October 5, 2004, in the Board of Supervisors' Room, Courthouse, Orange City, Iowa concerning a proposed Urban Renewal District 1 Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in said Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Designated Representative shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Urban Renewal District 1 Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Sioux County, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this 27th day of September, 2004.

/s/ Dennis Lange
County Auditor, Sioux County, State of Iowa

(END OF NOTICE)

Section 3. That a public hearing shall be held on the proposed Urban Renewal District 1 Plan before the Board of Supervisors at its meeting which commences at 10:30 o'clock A.M. on October 26, 2004, in the Board of Supervisors' Room, Courthouse, Orange City, Iowa.

Section 4. That the County Auditor is authorized and directed to publish notice of this public hearing in "The Sioux County Capital-Democrat, Siouxland Press and Sioux Center News", once on a date not less than four (4) nor more than twenty (20) days before the date of said public hearing, and to mail a copy of said notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A
PROPOSED URBAN RENEWAL DISTRICT 1 PLAN FOR A
PROPOSED URBAN RENEWAL AREA IN SIOUX COUNTY, IOWA

The Board of Supervisors of Sioux County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 10:30 o'clock A.M. on October 26, 2004 in the Board of Supervisors' Room, Courthouse, Orange City, Iowa to consider adoption of a proposed Urban Renewal District 1 Plan (the "Plan") concerning a proposed Urban Renewal Area in Sioux County, Iowa legally described as follows:

Sections 26 and 35, in Township 96 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and Sections 1 and 2, 11 and 12, 13 and 14, all in Township 95 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and Sections 6 and 7, in Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), all in Section 5, Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, the West Half of Section 8, Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, all of the right-of-way for roads and highways adjacent to the above described property; and, the right-of-ways for roads and highways located between Section 25 and 26, and 35 and 36, all in Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and, the right-of-ways for roads and highways located between Sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, all in Township 96 North, Range 46 West of the 5th P.M., Sioux County, Iowa.

which land is to be included as part of this proposed Urban Renewal Area.

A copy of the Plan is on file for public inspection in the office of the County Auditor, Courthouse, Orange City, Iowa.

Sioux County, Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to assist qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The County also may install, construct and reconstruct streets, parking facilities, open space areas and other substantial public improvements, and may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the County may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the County. The Plan initially proposes specific public infrastructure or site improvements to be undertaken by the County, but provides that the Plan may be amended from time to time to respond to development opportunities.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the Board of Supervisors of Sioux County, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this 27th day of September, 2004.

/s/ Dennis Lange
County Auditor, Sioux County, State of Iowa

(End of Notice)

Section 5. That the proposed Urban Renewal District 1 Plan, attached hereto as Exhibit A, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Urban Renewal District 1 Plan referred to in said notices for purposes of such consultation and hearing and that a copy of said Plan shall be placed on file in the office of the County Auditor.

Section 6. That the proposed Urban Renewal District 1 Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for the development of the County as a whole, with such recommendation to be submitted in writing to this Board within thirty (30) days of the date hereof.

PASSED AND APPROVED this 27th day of September, 2004.

/s/ Mark Sybesma
Chairperson, Board of Supervisors

ATTEST: /s/ Dennis Lange
County Auditor

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

Carried, unanimous in favor with one member absent.

Motion by Beernink and supported by De Haan to appoint Mark Sybesma Chairman of Board as Sioux County's designated representative to conduct proceedings in connection with the proposed Sioux County Urban Renewal Plan for Urban Renewal District 1 (Center Fresh Egg & We Three Egg Poultry operations). Carried, unanimous in favor with one member absent.

Loren Bouma, County Supervisor, arrived at the meeting at this time.

Dennis Lange, Sioux County Auditor, reported on the canvass of election returns for the regular Merged Area IV School Election held on September 14, 2004.

Motion by De Haan and supported by Smith to approve the following canvass of regular Merged Area IV School Election returns for the School Election held on September 14, 2004:

MERGED AREA IV SCHOOL DISTRICT

Director District II – Lyon County Returns

James Haberkorn 234 votes Elected

Director District VII – Sioux County Returns

Larry Hoekstra 171 votes Elected

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?”

<u>County</u>	<u>Yes</u>	<u>No</u>
Cherokee	208	73
Lyon	321	61
O’Brien	852	218
Osceola	121	37
Sioux	<u>519</u>	<u>76</u>
Total Votes	2,021	465

Public measure was approved due to the required majority vote for passage.

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 request approval and a Chairman’s signature on empowerment and decategorization agreements.

Motion by Beernink and Bouma to approve and authorize the Chairman to sign empowerment and decategorization agreements. Carried unanimous in favor.

Motion by Bouma and supported by De Haan to approve and authorize the Chairman to sign an agreement with Creative Living Services of Rock Valley in an amount up to \$95,000.00 for fiscal year 2005 to deliver mental health services to Sioux County residents. Carried, unanimous in favor.

As this was the date and 10:15 o'clock a.m. the time set for hearing on an Iowa Department of Natural Resources construction permit application submitted by Dekker Farms (Kirk Dekker) of Sheldon for expansion of formed manure storage structures consisting of three buildings with concrete pits below and located in the SW1/4 of SE1/4 in Section 13 of Lynn Township, said hearing was held according to law.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, reviewed the contents of the aforementioned Iowa Department of Natural Resources Construction Permit Application. He stated that the matrix score was 535 points.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, stated that he received no written or oral objections.

The Chairman closed the hearing.

Motion by De Haan and supported by Beernink to forward a favorable letter of recommendation to the Iowa Department of Natural Resources for a construction permit application submitted by Dekker Farms (Kirk Dekker) of Sheldon and located in the SW1/4 of SE1/4 in Section 13 of Lynn Township for formed manure storage structures. Carried, unanimous in favor.

Harley Kleinwolterink, Superintendent of Buildings and Grounds, met with the Board this date to review two quotes from H & R Roofing of Sioux Falls, South Dakota to perform roofing repair work around the clock tower and other roofing areas on the court house.

Motion by Smith and supported by Beernink approve a quote from H & R Roofing of Sioux Falls, South Dakota in a total amount of \$4,690.00 to perform roofing repair work around the clock tower and other roofing areas on the court house. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date to report that he will be investigating an anonymous weed complaint near Rock Valley. He also updated the Board on various secondary road and bridge projects.

Doug Julius, County Engineer, reported on a meeting held with James Vander Woude, representative for DeWild Grant Reckert & Associates to assist with putting together a RISE application by December 31, 2004. If RISE monies were received, they would be used to assist with paving secondary roads located west of Sioux Center in the future.

Robert Hagey, County Treasurer, met with the Board this date to report on a property tax matter in which three small parcels adjoining a much larger parcel purchased by Edward and Elizabeth Williams of Hawarden on contract from Dale and Arlene Klemme and were mistakenly sold at a county tax sale due to an internal Court House office error. The error resulted in the three small parcels remaining in the names of Dale and Arlene Klemme which were later sold at a Sioux County Tax Sale. He stated that an amount of \$89.00 would be required to redeem the tax sale certificate to keep all four parcels intact.

Motion by Smith and supported by De Haan to instruct the County Auditor to pay the amount of \$89.00 to the tax sale certificate holder from the County Board of Supervisors department budget thus changing the ownership on the three small parcels to Edward and Elizabeth Williams of Hawarden. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date.

Motion by Bouma and supported by Beernink to go into executive session according to Section 20.17(3), 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; and Doug Julius, County Engineer, were present for the aforementioned executive session.

Motion by Bouma and supported by Beernink to go out of executive session according to Section 20.17(3), Code of Iowa. 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 collective bargaining agreement with the County Sheriff's Office Union for a 2.85% increase for fiscal year 2005. Carried, unanimous in favor.

Motion by Smith and supported by De Haan to approve a collective bargaining agreement with the County Secondary Road union for a \$.58 per hour or 3.8% increase which also excludes the technicians in the County Engineer's office from the Secondary Road union for fiscal year 2005. 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, October 5, 2004.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor