

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON NOVEMBER 24, 2009

09-11-24 1 The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were John Degen, Dennis Wright, Al Bloemendaal, Mark Sybesma and Arlyn Kleinwolterink.

09-11-24 2 Minutes of the meeting held on November 10, 2009, were submitted and the Chairman declared them approved.

09-11-24 3 Coleman McAllister, Sioux County Attorney

- Requested that the Board set a date for a Public Hearing on the proposed disposition of Sioux County's legal interest in certain real property by sale/grant of easement to the City of Hawarden for establishment and operation of a well site (Big Sioux Recreation area). The location has been approved by the Sioux County Conservation Board. Hearing set for 9:30 a.m. on December 8, 2009. Motion by Degen and supported by Wright to set the date of December 8, 2009, and the time at 9:30 a.m. for the aforementioned Public Hearing. Motion carried unanimous in favor.

RESOLUTION NO. 2009-30

**SETTING PUBLIC HEARING ON PROPOSED DISPOSITION OF SIOUX COUNTY'S LEGAL
INTEREST IN CERTAIN REAL PROPERTY BY SALE/
GRANT OF EASEMENT TO CITY OF HAWARDEN FOR ESTABLISHMENT AND
OPERATION OF A WELL SITE**

(BIG SIOUX RECREATIONAL AREA)

WHEREAS, Sioux County, acting through the Sioux County Conservation Department, owns certain real property located near Hawarden, Iowa, which real property is maintained and operated by the Sioux County Conservation Board as a public park, known as the Big Sioux Recreation Area,

WHEREAS, Sioux County has negotiated and reduced to writing a proposed Grant of Easement Agreement with the City of Hawarden whereby Sioux County would grant to the City of Hawarden, for \$1.00, the right to construct, access, operate, maintain, inspect, repair, replace, and protect a public drinking water supply well under, across, upon and above the following legally described property:

A Utility Easement thru Lots Seven (7), Eight (8) and Nine (9) of the Auditor's Plat of part of the North Half (N ½) of the Northeast Quarter (NE 1/4), and Government Lot One (1), all in Section Three (3), Township Ninety-Four (94) North, Range Forty-Eight (48) West of the 5th P.M., Sioux County, Iowa described as follows: Commencing from the Northwest corner of the Northeast Quarter (NE 1/4) of said Section Three (3); thence South 89°E59'28" East, along the North line of Section Three (3), 359.68 Feet; thence South 00°E00'32" West 20.92 Feet to the point of beginning; thence 5 Feet either side of a centerline running North 89°E59'28" West 148.95 Feet; thence South 79°E56'14" West 347.08 to the center of the proposed well site; including a circular area about said center of well site, with a radius of 200 Feet, containing 97,509 square Feet or 2.24 acres.

WHEREAS, as more particularly described above, the Board is desirous of describing and setting forth the proposed property disposition by grant of easement for a public drinking water supply well prior to disposing of the County's interest in the real property as required by Iowa Code Section 333.361; setting a public hearing on the proposed property disposition; publishing notice of the time and place of the public

hearing on the proposed property disposition; and soliciting public comment and input on the proposed property disposition prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors will hold a public hearing to discuss the proposed property disposition and grant of easement discussed herein, and to discuss whether or not to pass and approve such grant of easement to the City of Hawarden. Such public hearing will be held on December 8, 2009, at 9:30 a.m. in the Board of Supervisor's Room at the Sioux County Courthouse located at 210 Central Avenue SW, Orange City, Iowa.

PASSED AND APPROVED this 24th day of November, 2009.

/s/Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/Lois Huitink, Sioux County Auditor

- Submitted the County Attorney's quarterly fine collection report. Collections made for this year are currently \$23,135.24.
- Reported that a pre-trial hearing was held yesterday regarding a zoning matter with Sioux Pharm. A trial date has been set for Wednesday, December 2, 2009, to determine if property owned by Sioux Pharm is subject to or exempt from the County Zoning Ordinance.
- Noted that cases that the Attorney's office handles change over the years. Currently the jail houses two inmates that speak dialects that are very difficult to translate.

09-11-24 4 Deb Fischer, Sioux County Clerk of District Court reported on the impact of budget cuts to the District Court system by the State. Staff in the Sioux County Clerk of District Courts office was not cut. A schedule of the furlough schedule has been distributed. Every Tuesday and Thursday the door to the Clerk's office will be closed at 2:30 p.m. to allow the staff to dedicate time to catch up on paperwork. Fischer informed the Board that these closings will impact various types of court cases. McAllister expressed concern for at-risk juveniles because of budget cuts. Fischer reported that the district is implementing a new system for scheduling judges to be present at the various Courthouses.

09-11-24 5 Committee Reports:

- **Wright** – Will be attending a consortium meeting to determine Mental Health rates for FY2011. Attended a Compass Pointe meeting yesterday to discuss revision of its bylaws. Attended one of the Diversity Training Sessions held in Orange City. This was a general session dealing with immigration issues.
- **Bloemendaal** – Attended one of several Diversity Training Sessions which was held in Sioux County. The training session Bloemendaal attended covered understanding the health needs of the Hispanic Community.

09-11-24 6 Doug Julius, Sioux County Engineer

- Requested Board approval and the Chairman's signature on the following permit agreements:
 1. **Frontier Communications** – Install telephone cable in County right-of-way in Section 34 of Capel Township.
 2. **Rural Water #1** – Bore a 2 inch HDPE pipe under 420th Street in Section 18 of Center Township to supply acreage with water.

3. **NW REC** – Install underground cable in County right-of-way in Section 8 of Welcome Township.
4. **RV Rural Water** – Run a 12 inch water line in the County right-of-way in Sections 11, 12, 13, 23, 24 and 25 of Rock Township.
5. **Sunrise Feed Lots** – Run an 8 inch irrigation pipe crossing 290th Street from Section 8 to Section 17 of Grant Avenue in Lincoln Township.

Motion by Kleinwolterink and supported by Bloemendaal to approve permit agreements as submitted by the County Engineer. Motion carried, unanimous in favor.

- Led a discussion regarding a County bridge north of Carmel. The weight limit for that bridge is 28 tons. Julius requested that this bridge be placed on the Bridge Replacement schedule. Motion by Wright and supported by Bloemendaal to sign an Iowa Department of Transportation Federal-Aid Agreement for a County Highway Bridge Program Project No. BROS-CO84 (136)—5F-84 for the bridge located over Dry Creek on Garfield Avenue in Settlers Township. Motion carried, unanimous in favor.
- Shared a request to vacate a portion 430th Street from Lily Avenue to Log Avenue. Accepted for information.
- Reported that a lease agreement for property in South Dakota was modified to reflect an automatic renewal unless written notice of termination is given. Accepted for information.
- Reported that a notice was received that a gravel pit by Fairview will revert back to the previous owner as of December 24, 2009.
- Distributed a map showing roads that have recently had lines painted.
- Reviewed the construction map.

09-11-24 7 Lois Huitink, Sioux County Auditor reviewed the annual tax increment indebtedness report for Sioux County Urban Renewal Project #1. The total amount of debt certified for the project was \$9,320,445. Huitink also reported that County Assessor, Ross Simmelink and Zoning Administrator, Shane Walter will prepare a resolution regarding the property tax status of Wind Generators.

09-11-24 8 Claims as submitted by the County Auditor were approved.

09-11-24 9 The Chairman adjourned the meeting at 10:30 a.m. until Tuesday, December 1, 2009, at 9:00 a.m.

 Mark Sybesma, Chairman
 Sioux County Board of Supervisors

ATTEST: _____
 Lois Huitink
 Sioux County Auditor