

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON NOVEMBER 25, 1997

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock A.M. with Chairman Loren Bouma presiding. Members present were William Vander Maten, Vernon Beernink, Loren Bouma, Bernard L. Smith and Hubert Schuller.

The minutes of November 10, 1997, were read and on motion and vote stand approved as read.

Committee reports were given this date.

Mark Schouten, County Attorney; and Robert Hagey, County Treasurer, met with the Board this date to review the Family and Medical Leave Act regulations that are delineated in the County Personnel Policy as they pertain to a county employee in the County Treasurer's Department. Mark Schouten, County Attorney, reported that he orally notified the county employee in the County Treasurer's Department that the allowed 12 weeks under the Family and Medical Leave Act commenced on November 10, 1997. The county employee is allowed to use up to 12 weeks under the Family and Medical Leave Act within one year commencing on November 10, 1997. Mark Schouten, County Attorney, is also preparing a written notice that will be given to the county employee as required by the Family and Medical Leave Act regulations.

Robert Hagey, County Treasurer, reported on a request from Hoogendoorn Farms, Ltd., for a property tax refund in a total amount of \$1,650.00 due to an erroneous assessment involving the type of manure pit under a livestock confinement facility which was assessed by the County Assessor's office. The consensus of the Board was to defer a decision on the refund matter until the assessment rules for manure pits were explained by Phylliss Kroon, County Assessor.

Mark Schouten, County Attorney; and Robert Hagey, County Treasurer, also reported on the terms of a proposed Promissory Note with the Iowa Department of Economic Development

as part of a CEBA (Community Economic Betterment Account) grant application submitted by DEMO. He stated that Sioux County's liability for the repayment of this Promissory Note is limited to those amounts Sioux County collects through its good faith enforcement of security interest which Sioux County represents that it has obtained or will obtain as required by the Loan Agreement. The consensus of the Board was to instruct Mark Schouten, County Attorney, to review the final documents if DEMO is awarded the CEBA (Community Economic Betterment Account) grant, before a final board decision is made.

Mark Schouten, County Attorney; and Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, met with the Board this date to review a request from Jack De Hoogh, attorney for Wolff, Whorley, De Hoogh & Thompson, that Sioux County approve a resolution waiving review of a Subdivision Plat of Western Addition to Sheldon. Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, reported that the property contained in the Subdivision Plat of Western Addition to Sheldon has been annexed to the City of Sheldon but that official notification from the Secretary of State's office has not yet been received. The consensus of the Board was to instruct Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, to review the Subdivision Plat of Western Addition to Sheldon and then make a recommendation to the Board at a later date, before a final decision is made by the Board.

Motion by Schuller and supported by Beernink to approve and authorize the Chairman to sign the following Job Training Partnership Act Resolution:

RESOLUTION NO. 97-19

A RESOLUTION PROVIDING FOR COOPERATION WITH OTHER GOVERNMENTAL UNITS IN THE CREATION AND OPERATION OF THE SERVICE DELIVERY AREA 4 CONSORTIUM

WHEREAS, the Governor of Iowa determined that on July 1, 1998 the counties of Lyon, O'Brien, Osceola, and Sioux shall comprise Service Delivery Area 4 (SDA 4) pursuant to the Job Training Partnership Act (JTPA), P.L. 97-300, and

WHEREAS, the Iowa Job Training Partnership Program requires, and Chapter 28E, The Code of Iowa (1997) allow, units of local government to indicate their joint participation in the Iowa JTPA Program, by executing a joint exercise of powers agreement in accordance with those laws and regulations, and

WHEREAS, the heretofore named counties desire to participate in, and be a member of Service Delivery Area 4 as designated by the Governor;

NOW, THEREFORE, BE IT RESOLVED BY the County of Sioux, Iowa that it does hereby pledge its cooperation with the governing bodies of others cooperating governmental units in the creation and operation of the Service Delivery Area 4 Consortium by adopting the Intergovernmental Cooperation Agreement of such consortium which is attached hereto and by this reference made a part hereof.

PASSED AND APPROVED this 25th day of November, 1997.

/s/ Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

As this was the date and 10:00 o'clock A.M. the time set for hearing on the proposal to vacate and close the following portion of secondary road in Sioux County, to wit:

A strip of land two rods wide along the south side of the SE1/4 of Section 22, Township 94 North, Range 48 West of the 5th P.M. and a strip of land two rods wide along the north side of the NE1/4 of Section 27, Township 94 North, Range 48 West of the 5th P.M.,

said hearing was held after the Board was informed that notice had been published according to law. The following person was present for the hearing:

Sid Jensen, Hawarden

Doug Julius, County Engineer, reviewed the rationale behind vacating the road.

No objections were presented orally or in writing against said road vacation.

The Chairman declared the hearing closed.

Motion by Smith and supported by Beernink to approve and authorize the Chairman to sign the following Road Closure Resolution:

RESOLUTION NO. 97-20

WHEREAS, this being the date and time set for hearing on the proposed vacation and closure of the portion of Sioux County secondary road described as follows:

A strip of land two rods wide along the south side of the SE1/4 of Section 22, Township 94 North, Range 48 West of the 5th P.M. and a strip of land two rods wide along the north side of the NE1/4 of Section 27, Township 94 North, Range 48 West of the 5th P.M.

WHEREAS, no objections have been received, either in writing or by persons present. NOW, THEREFORE, IT IS RESOLVED by the Sioux County Board of Supervisors that the above described road is hereby ordered vacated and closed. Signed this 25th day of November, 1997.

/s/ Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

Motion by Smith and supported by Beernink to instruct Dennis Lange, County Auditor, to proceed with publication of a notice for a hearing and proposed auction of the following described real estate to be held at 10:30 o'clock A.M. on December 16, 1997:

A strip of land two rods wide along the south side of the SE1/4 of Section 22, Township 94 North, Range 48 West of the 5th P.M. and a strip of land two rods wide along the north side of the NE1/4 of Section 27, Township 94 North, Range 48 West of the 5th P.M.

Carried, unanimous in favor.

Pat Braesch, Case Manager Supervisor; Marliss Vander Zwaag, County Case Manager; and Shane Walter, County Central Point of Coordination, met with the Board this date to give an update on the case management program in Sioux County.

Shane Walter, County Central Point of Coordination, reported that Sioux County will be participating in a pilot access project pertaining to the access and retrieval of mental health information from other participating counties.

Mark Schouten, County Attorney, reported on the contents of a proposed resolution and accompanying plan documents which would allow Sioux County employees to participate in the PEBSCO (Public Employees Benefit Services Corporation) 457 Deferred Compensation Plan.

Motion by Smith and supported by Beernink to approve and authorize the Chairman to sign the following PEBSCO (Public Employees Benefit Services Corporation) 457 Deferred Compensation Resolution along with the accompanying documents:

RESOLUTION NO. 97-21

IN THE MATTER OF ESTABLISHING A DEFERRED COMPENSATION PLAN FOR THE COUNTY OF SIOUX.

WHEREAS, the County has considered the establishment of a Deferred Compensation Plan to be made available to all eligible County employees, elected officials, and independent contractors pursuant to Section 457 of the Internal Revenue Code permitting such Plans; and
WHEREAS, certain tax benefits could accrue to employees, elected officials, and independent contractors participating in said Deferred Compensation Plans; and
WHEREAS, such benefits will act as incentives to County employees to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their County retirement and Social Security (if applicable); and
WHEREAS, the National Association of Counties has established a Master Deferred Compensation Program for its member Counties, permitting its member Counties and their employees to enjoy the advantages of this Program; and
WHEREAS, by adoption of the NACo Program, all regulatory, operational, administrative and fiduciary responsibilities are hereby assumed by NACo on behalf of County; and
WHEREAS, NACo, as Plan Administrator, agrees to hold harmless and indemnify the County, its appointed and elected officers and participating employees from any loss resulting from NACo or its Agent's failure to perform its duties and services pursuant to the NACo Program;
NOW, THEREFORE, THE COUNTY GOVERNING BODY DOES HEREBY RESOLVE AS FOLLOWS:

The County governing body, meeting in regular scheduled session, this 25th day of November, 1997, hereby adopts the National Association of Counties Deferred Compensation Program and hereby establishes the County of Sioux Deferred Compensation Plan for the voluntary participation of all eligible County employees, elected officials and independent contractors. The Sioux County Auditor is hereby authorized to execute for the County, individual participation agreements with each employee requesting same, and to act as the "Administrator" of the Plan representing the County, and to execute such agreements and contracts as are necessary to implement the program. It is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there is to be no cost to the County for the program.

IT IS HEREBY FURTHER ORDERED, that a true copy of this County Court Order/Resolution be spread upon the Court's record of this date.

/s/ Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

Motion by Vander Maten and supported by Smith to reappoint George Rehder, Hawarden; and Volney Rolston, Sheldon, to the County Compensation Board for four year terms ending June 30, 2001. Carried, unanimous in favor.

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

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

Agreement No. 98-C-075 with the Iowa Department of Transportation Covering Pre-construction Items for Project No. STPN-75-3(27)--2R-84.
Iowa Department of Transportation Contract Construction Progress Voucher with Rohlin Construction Company, Estherville, for Project No. FM-84(72)--55-84.
Iowa Department of Transportation Contract Construction Progress Voucher with Rohlin Construction Company, Estherville, for Project No. FM-84(73)--55-84.
Iowa Department of Transportation Contract Construction Progress Voucher with Rohlin Construction Company, Estherville, for Project No. FM-84(74)--55-84.

Carried, unanimous in favor.

Motion by Smith and supported by Schuller to go into executive session according to Section 20.17(3), 1997 Iowa Code, to discuss proposed labor negotiations with Harvey Wiltsey, Labor Negotiator for Sioux County. Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

Motion by Smith and supported by Schuller to go out of executive session according to Section 20.17(3), 1997 Iowa Code. Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and Schuller, Yes. Carried, unanimous in favor.

Doug Julius, County Engineer, was present for the aforementioned labor negotiation session.

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

The Chairman adjourned the meeting until Tuesday, December 2, 1997.

Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor