

## **MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**

### **MEETING HELD ON FEBRUARY 16, 1999**

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 Stanley L. De Haan.

Committee reports were given this date.

Mark Schouten, County Attorney; and Mert Vander Broek, Clerk of Court, met with the Board this date to report on the 35% of fine collections on accounts over six months delinquent for fiscal years 1997, 1998 and 1999. The total amount collected for the three year period was \$30,915.84.

Mark Schouten, County Attorney, reported that a Plymouth County jury ruled in favor of the Sioux County Board of Health in a lawsuit filed by Jan Cain, former Sioux County Public Health Administrator. They found that the Sioux County Board of Health was not liable for any damages that Jan Cain sustained when she was terminated from her position as the Sioux County Public Health Administrator on September 16, 1997. Mark Schouten, County Attorney, did not expect any post trial motions to be filed.

Mark Schouten, County Attorney, reported on the latest correspondence received from John De Koster, attorney for the City of Boyden, pertaining to proposed language concerning the reserved rights the City of Boyden feels it needs in order to protect its water supply in the Boyden roadside park. The Board felt that there should be some assurances that the City of Boyden would reimburse Sioux County for any improvements

on the property that are disturbed because of the drilling of new water wells on the property.

Mark Schouten, County Attorney, expressed some concern about language contained in a letter of intent signed by Jim Goehring, President of Computer Management Services, that stated that their company would only be responsible for penalty delays in the conversion schedule after obtaining suitable data for conversion.

As this was the date and 10:00 o'clock A.M. the time set for hearing on the Second and Final Consideration on the proposed County Ordinance No. 12 which adopts rules for the plugging of abandoned wells, nonpublic water wells and on-site wastewater treatment and disposal systems, said hearing was held after the Board was informed that notice had been published according to law. No comments were received or presented orally against said change.

The Chairman closed the hearing.

Motion by Beernink and supported by De Haan to approve the Second and Final Consideration of proposed County Ordinance No. 12 which adopts rules for the plugging of abandoned wells, nonpublic water wells and on-site wastewater treatment and disposal systems, and to instruct the County Auditor to proceed with the publication of said ordinance as follows:

COUNTY ORDINANCE NO. 12

AN ORDINANCE ADOPTING RULES FOR THE PLUGGING OF ABANDONED WELLS, NONPUBLIC WATER WELLS, AND ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS.

Be it ordained by the Board of Supervisors of Sioux County, Iowa, that Sioux County Ordinance Number 9 is hereby repealed in its entirety and the following be substituted in its place:

Section 1. *Enactment.* That, pursuant to Iowa Code §331.302, the following chapters of 567 Iowa Administrative Code and their respective titles are adopted by reference in their entirety as part of this ordinance:

Chapter 39, Requirements for Properly Plugging Abandoned Wells  
Chapter 49, NonPublic Wells  
Chapter 69, On-Site Wastewater Treatment and Disposal Systems

Section 2. *Enforcement.* Notwithstanding any of the provisions adopted by reference by this ordinance in Chapters 39, 49, and 69 of 567 Iowa Administrative Code, those provisions shall be enforced by Sioux County as follows:

- a. That portion of this ordinance that adopts Chapter 39 of 567 Iowa Administrative Code, “Requirements for Properly Plugging Abandoned Wells” shall be enforced by the Sioux County Engineer.
- b. That portion of this ordinance that adopts Chapter 49 of 567 Iowa Administrative Code, “NonPublic Wells”, shall be enforced by the Sioux County Engineer.
- c. That portion of this ordinance that adopts Chapter 69 of 567 Iowa Administrative Code, “On-site, Wastewater Treatment and Disposal Systems”, shall be enforced by the Sioux County Engineer and the Sioux County Zoning Administrator.

Section 3. *Penalties.* Any person violation any provision, section, or paragraph of this ordinance and the administrative rules it incorporates by reference shall be guilty of committing a county infraction and will be subject to a civil penalty of not more than \$100.00 for each violation or, if the infraction is a repeat offense, a civil penalty not to exceed \$200.00, all as provided in Iowa Code section 331.307.

Section 4. *Effective Date.* This ordinance shall be in effect upon final passage approval and publication as provided by Iowa Code section 331.302.

Passed and adopted this 16th day of February, 1999.

/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 De Haan, Yes. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date and was present for the aforementioned County Ordinance No. 12 hearing. He also submitted a signed Petition to Vacation notice to the Board of Supervisors on the following described property:

A strip of land 66 ft. wide running parallel with and adjoining the right of way of the C. St. P. M. and O. Ry. Co. (Presently known as the Chicago Northwestern Transportation Company) to the East Southeast the center line of which commences at a point 181.1 ft. west of the quarter Cor. common to Sec. 3 and Sec. 10 in Township 95 North, Range 43 West of the 5<sup>th</sup> P.M. in Sioux County, Iowa and on a straight line between said quarter corner and a point 281 ft. and 4 in. west on the center line of the Railway track where it intersects said section line; thence running north 31 degrees and 26 min. E. (taking north at right angle with said section line) 348.86 ft. to the center line of the 12<sup>th</sup> Street in the city of Hospers, Sioux County, Iowa according to the recorded plat thereof, and containing forty-two hundredths (.42 A) more or less, in Sioux County, Iowa.

Motion by Vander Maten and supported by De Haan to approve and authorize the Chairman to sign the following Road Vacation Authorization Resolution:

#### **RESOLUTION NO. 99-5**

**WHEREAS**, Doug Julius, County Engineer, has filed with the County Board of Supervisors a Petition to Vacate the following described real estate:

A strip of land 66 ft. wide running parallel with and adjoining the right of way of the C. St. P. M. and O. Ry. Co. (Presently known as the Chicago Northwestern Transportation Company) to the East Southeast the center line of which commences at a point 181.1 ft. west of the quarter Cor. common to Sec. 3 and Sec. 10 in Township 95 North, Range 43 West of the 5<sup>th</sup> P.M. in Sioux County, Iowa and on a straight line between said quarter corner and a point 281 ft. and 4 in. west on the center line of the Railway track where it intersects said section line; thence running north 31 degrees and 26 min. E. (taking north at right angle with said section line) 348.86 ft. to the center line of the 12<sup>th</sup> Street in the city of Hospers, Sioux County, Iowa according to the recorded plat thereof, and containing forty-two hundredths (.42 A) more or less, in Sioux County, Iowa.

**WHEREAS**, the County Board of Supervisors has determined that the same is no longer needed or usable as a public highway,

**THEREFORE, BE IT RESOLVED** that the County Board of Supervisors sets a hearing on a proposal to close and vacate the same at 11:15 A.M. on March 9, 1999; and sets a hearing on a proposal to sell by public auction the same at 11:30 A.M. on March 9, 1999.

Signed and dated this 16th day of February, 1999.

/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 De Haan, Yes. Carried, unanimous in favor.

Dennis Sassman, County Community Services Director; Shane Walter, County Central Point of Coordination Administrator; and Jeff Zellmer, Iowa Department of Human Services Decategorization Project Coordinator, met with the Board this date to request approval and a Chairman's signature on a Decategorization Reimbursement Contract with the Iowa Department of Human Services, Child Welfare Division, in an amount of \$31,950.00. They also reviewed a job description for the Iowa Department of Human Services Decategorization Project Coordinator and proposed department budget requests for general relief, mental health and juvenile justice for fiscal year 2000.

Motion by Beernink and supported by Vander Maten to approve and authorize the Chairman to sign a Decategorization Reimbursement Contract with the Iowa Department of Human Services, Child Welfare Division, in an amount of \$31,950.00. Carried, unanimous in favor.

Mark Schouten, County Attorney, met with the Board this date to review the County Attorney's proposed department budget request for fiscal year 2000.

Jan Vander Zwaag, Deputy Auditor, met with the Board this date to review proposed county departmental and organizational budget requests for fiscal year 2000.

Motion by Vander Maten and supported by Beernink to approve an amount of \$146,616.00 for the seven libraries in Sioux County for fiscal year 2000. Carried, unanimous in favor.

Motion by Smith and supported by Beernink to approve budget amounts for the following agencies in fiscal year 2000:

|                             |                             |
|-----------------------------|-----------------------------|
| Foster Grandparent Program  | \$ 2,500.00                 |
| Mid-Sioux Opportunity, Inc. | 4,000.00                    |
| Northwest Aging Association | 2,500.00                    |
| Family Crisis Center        | 2,500.00                    |
| Sioux County Youth Fair     | 10,000.00 – comfort station |
| Sioux County Youth Fair     | 5,000.00 – operating budget |

Carried, unanimous in favor.

Motion by Smith and supported by Beernink to approve the following proposed property tax levies and tax rates for fiscal year 2000, and to instruct the County Auditor to proceed with publication of the county budget notice for a budget hearing to be held at 10:00 o'clock A.M. on March 9, 1999:

| <u>Funds</u>   | <u>Tax Levies</u> | <u>Tax Rates</u> |
|----------------|-------------------|------------------|
| General Basic  | \$2,020,000       | \$2.06146        |
| MH-DD Services | 1,027,388         | 1.04848          |
| Rural Basic    | <u>1,009,647</u>  | <u>1.66888</u>   |
| Total          | \$4,057,035       | \$4.77882        |

The property tax rates were calculated using the following 1998 taxable valuations:

|       |                    |
|-------|--------------------|
| Rural | \$604,985,918      |
| Urban | <u>374,900,229</u> |
| Total | \$979,886,147      |

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

The Chairman adjourned the meeting until February 23, 1999.

Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor