

**MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**

**MEETING HELD ON APRIL 6, 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.

Motion by Beernink and supported by De Haan to accept the following County Officer's Quarterly Report showing fees and fines collected for the period ending March 31, 1999:

County Recorder	\$38,986.94
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Carried, unanimous in favor.

Mark Schouten, County Attorney, reported on correspondence received from David Vestal, attorney for Iowa State Association of Counties, pertaining to a request for a one-time assessment of \$180.00 to assist with payment of legal fees in a Decatur County lawsuit involving the Iowa Department of Human Services. At issue is whether the counties are mandated to pay the 37% non-federal share for developmentally disabled mentally retarded (ICF/MR).

Motion by Vander Maten and supported by De Haan to approve the payment of a one-time assessment in an amount of \$180.00 to assist with payment of legal fees in a Decatur County lawsuit involving the Iowa Department of Human Services to determine whether counties are mandated to pay the 37% non-federal share for developmentally disabled mentally retarded (ICF/MR). Carried, unanimous in favor.

Dennis Sassman, County Community Services Director, met with the Board this date to report that officials from Village Northwest Unlimited are interested in having Sioux County officials tour their facility and offer negotiations pertaining to contracts with Sioux County for payment of non-medicaid programs.

As this was the date and 10:00 o'clock A.M. the time set for public input on whether the issuance of a construction permit to the Orange City Dairy, LLP, by the Environmental Protection Division of the Iowa Department of Natural Resources should be contested by the County Board of Supervisors. A County Board of Supervisors may contest said decision by filing a demand for hearing before the Environmental Protection Commission of the Iowa Department of Natural Resources.

Loren Veldhuizen, City Attorney for the City of Orange City, read a prepared statement from the Mayor and City Council of the City of Orange City, which requested the County Board of Supervisors to protest or allow the City of Orange City to enter its protest before the Iowa Department of Natural Resources regarding the 1,600 cow dairy proposed for construction in Section 21 of Holland Township. The reasons for requesting the County Board of Supervisors to protest said construction permit were: (A) Existing permit application forms and Project Representative verbal explanations are not consistent with the manure management plans submitted to the Iowa Department of Natural Resources; and (B) The City of Orange City on behalf of its citizens raises several legitimate concerns regarding water quality and air quality in the impacted neighborhood.

In summary, the City of Orange City is willing to consider partnering with the new dairy or other future agricultural enterprises. Assistance with costs or technical details of relocating to a more distant site could also be considered.

The complete text of the aforementioned letter is on file in the County Auditor's office.

Jay Van Ravenswaay, representative for Orange City Dairy, LLP, admitted that he misspoke at a Board meeting held on March 30, 1999, about information that was contained in the manure management plans that were submitted to the Iowa Department of Natural Resources.

Mark Schouten, County Attorney; and Mark Dunlop, County Zoning Administrator and Emergency Management Services Director, advised the Board on their responsibilities pertaining to the construction permit appeal process with the Iowa Department of Natural Resources and also the status of draft Iowa Administrative Rules.

The following persons were also in attendance at the aforementioned public input session:

Mark Schouten, County Attorney  
Harry Vander Pol, representative for Vander Pol Excavating  
Duane Feekes, City Administrator for City of Orange City  
Daryl Beltman, Councilmember for City of Orange City  
Martin Guthmiller, Administrator for Orange City Hospital and Clinic

Motion by De Haan and supported by Vander Maten to demand a hearing before the Environmental Protection Commission of the Iowa Department of Natural Resources on the issuance of a construction permit to the Orange City Dairy, LLP; and authorize Loren Veldhuizen, City Attorney for City of Orange City, to act on behalf of the County Board of Supervisors in preparing the letter and accompanying statements that would

provide all the reasons why said construction permit should not be issued according to the legal requirements of Chapter 455B, 1999 Code of Iowa. 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; and Ken Oldenkamp, Technician, met with the Board this date to open and tabulate bids for three culvert projects as follows:

Project No. L-3-98--3-84

<u>Company</u>	<u>Amount</u>
Gus Construction, Casey	\$58,094.00
Petit Construction, Inc., South Sioux City, NE	53,635.50
Kooiker, Inc., Le Mars	52,487.60

Project No. L-4-98--3-84

<u>Company</u>	<u>Amount</u>
Gus Construction, Casey	\$47,238.40
Petit Construction, Inc., South Sioux City, NE	39,130.20
Kooiker, Inc., Le Mars	39,721.80

Project No. L-9-99--3-84

<u>Company</u>	<u>Amount</u>
Gus Construction, Casey	\$68,332.95
Petit Construction, Inc., South Sioux City, NE	67,262.90
Kooiker, Inc., Le Mars	42,543.90

Motion by De Haan and supported by Beernink to accept, subject to final review by Doug Julius, County Engineer, the following low culvert bids:

Project No. L-3-98--3-84

Kooiker, Inc., Le Mars	52,487.60
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Project No. L-4-98--3-84

Petit Construction, Inc., South Sioux City, NE	39,130.20
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Project No. L-9-99--3-84

Kooiker, Inc., Le Mars	42,543.90
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Carried, unanimous in favor.

The following persons were present for the aforementioned culvert letting:

Calvin Kooiker, representative for Kooiker, Inc., Le Mars  
Martin Kalin, representative for Petit Construction, Inc., South Sioux City, NE

Motion by Beernink and supported by De Haan to approve and authorize the  
Chairman to sign a Quarterly Reporting and Billing Form under the Private Water Well -  
Grants to Counties Program with the Iowa Department of Natural Resources in a total  
amount of \$3,298.21. Carried, unanimous in favor.

The Chairman adjourned the meeting until April 13, 1999.

Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor