

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON JUNE 1, 2004

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

Minutes of May 25, 2004 were submitted and on motion and vote stand approved as submitted and amended.

Melissa O'Rourke, County Attorney, met with the Board this date.

Motion by Bouma and supported by Beernink to deny a demand/offer from Troy Peterson's attorney Keith Thompson from the Wolff Whorley De Hoogh & Thompson law firm pertaining to a dispute regarding termination of Troy Peterson's cleaning contract at the Sioux County Public Safety Center and that attorney Keith Thompson from the Wolff Whorley De Hoogh & Thompson law firm should feel free to move forward with litigation against Sioux County after the June 4, 2004 demand/offer settlement deadline proposed by said law firm. Melissa O'Rourke, County Attorney, will prepare correspondence to the law firm relaying the Sioux County Board of Supervisors response. Carried, unanimous in favor.

Melissa O'Rourke, County Attorney, reminded the Board of a Memorandum she prepared and issued to them pertaining to the aforementioned cleaning contract dispute matter. She also stated that she is continuing to review an agreement between Sioux County, City of Boyden and Lyon & Sioux Rural Water System, Inc. pertaining to the City of Boyden well field located on property owned by Sioux County in the Fractional Northeast Quarter in Section 2 of Sheridan Township.

Melissa O'Rourke, County Attorney; and Deb Fischer, Judicial Clerk III in Sioux County, met with the Board this date to report on a proposal resolution establishing a five dollar county enforcement surcharge on any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the county sheriff.

Motion by Beernink and supported by De Haan to approve and authorize the Chairman to sign the following Five Dollar County Enforcement Surcharge Resolution:

RESOLUTION NO. 2004-14

**A RESOLUTION ESTABLISHING A FIVE DOLLAR
COUNTY ENFORCEMENT SURCHARGE**

WHEREAS, counties enforce the criminal laws passed by the State of Iowa, provide the county attorneys who prosecute criminals, and even provide the courtrooms where the criminal cases are tried, but do not receive any of the criminal fine money, which all goes to the State of Iowa; and

WHEREAS, in an attempt to begin to address this inequity the 2004 Iowa Legislature passed House File 2569, which provides that if a court imposes a fine or forfeiture for any simple misdemeanor punishable as a scheduled violation pursuant to a citation issued by the sheriff, the court shall assess a five dollar county enforcement surcharge for each applicable violation, with the surcharge going to the county general fund of the county where the citation was issued; and

WHEREAS, section 9 of House File 2569 requires that for this county enforcement surcharge to go into effect in a given county, the board of supervisors must adopt an enacting resolution;

THEREFORE, BE IT RESOLVED BY THE BOARD SUPERVISORS OF SIOUX COUNTY that the Board adopts a five dollar county enforcement surcharge pursuant to House File 2569, with the surcharge to be assessed as of July 1, 2004.

PASSED AND APPROVED this 1st day of June, 2004.

/s/ Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

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

Carried, unanimous in favor.

The Board requested Melissa O'Rourke, County Attorney, to review a proposed resolution approving the "Local Government Guarantee" financial assurance mechanism for the Northwest IA Solid Waste Agency owned and operated by the Northwest IA Solid Waste Agency.

Deb Fischer, Judicial Clerk III in Sioux County, reported on a joint meeting held with Third Judicial District Court Administration and Third Judicial District Judge Jim Scott pertaining to the

office space and storage concerns in the Sioux County Clerk of Court office. She was given approval to further research options available to deal with the office space and storage concerns.

She contacted Micah Van Maanen, County Information Technology Director, about the possibility of the Sioux County Clerk of Court office to utilize the county's scanning system. She also proposed utilizing some of the space in the room north of Micah Van Maanen's office on third floor.

A delegation of concerned citizens from Plymouth and Sioux County met with the Board this date to request them to replace a damaged bridge caused by contractor equipment that fell through the bridge located on the Plymouth and Sioux County boundary line. The bridge location is between Section 32 of Sherman Township in Sioux County and Section 5 of Elgin Township in Plymouth County. Each county received an insurance settlement in an amount of \$68,750.00 for the bridge damage.

The following persons were present for the aforementioned discussion on the bridge replacement matter:

John Mai, Le Mars
Robert Mai, Remsen
Rob Kuiken, Le Mars
Brad Kuiken, Maurice
Dave Schlessner, Maurice
Lloyd Vander Molen, Le Mars
Mary R. Vander Molen, Le Mars
Michael Vander Molen, Le Mars
Ed Plendl, Maurice
Lois Plendl, Maurice
Jack Schlessner, Le Mars
Nick Puhl, Le Mars
Patrick M. Puhl, Le Mars
Michael Beitelspacher, Le Mars
Gene Beitelspacher, Le Mars
Joe Vollmecke, Struble
Marie Schreiner, Maurice
Martin Schreiner, Maurice

Doug Julius, County Engineer, met with the Board this date to present a power point presentation of the area affected by the damaged bridge. He stated that the estimated price to build a new bridge would cost approximately \$440,000.00.

Michael Beitelspacker of Le Mars acted as the main spokesman for the delegation. He stated that the delegation would like to see the bridge replaced since Sioux and Plymouth Counties received an insurance settlement in a total amount of \$137,500.00 and that it should be applied toward a new bridge.

Joe Vollmecke, Struble Mayor, presented a petition bearing 209 signatures requesting that the Board replace the damaged bridge. The petition to the Board of Supervisors contained the following language is as follows:

PETITION TO THE BOARD OF SUPERVISORS
FOR SIOUX AND PLYMOUTH COUNTIES

This petition is for the replacing of the bridge in Section 5 on the Sioux-Plymouth County line located in Elgin Township on 100th Street and 510th Street.

Due to hardships imposed on us by the damage to the above described bridge, we respectfully request the replacing or rebuilding of the aforementioned bridge which is located on 100th and 510th streets, approximately one mile north and three-fourth mile east of Struble, Iowa. This bridge was utilized on a regular basis. We request that this bridge be replaced by a safe, reliable "farm to market" bridge for the use of the taxpayers in both Sioux and Plymouth County.

John Mai of Remsen stated the hardship and the additional cost incurred due to the damaged bridge that cannot be used by him.

Marie Schreiner of Maurice stated that a potential emergency services safety concern exists with the bridge not being replaced.

Mark Sybesma, Chairman of Board responded on behalf of Sioux County Board of Supervisors that Sioux County has no BROS funds available for the bridge replacement, and monies beyond the insurance settlement would have to come from county funds. He also stated that the number of people affected adversely and the amount affected does not warrant the taxpayers of Sioux County putting that type of money into that bridge. He further stated that the bridge would not be replaced at this point in time unless construction funds become available.

Shane Walter, County Community Services Director, met with the Board this date to report on the Monthly MH/MDD Service expenditure report covering the period from July 1, 2003 to April 30, 2004.

Doug Julius, County Engineer, requested approval and a Chairman's signature on various documents.

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

Permit Agreement with WesTel Systems of Remsen for road right-of-way crossings located in Sections 1, 2, 35 and 36 in Sherman Township.
Contracts and Contractor's Bonds With Graves Construction Company, Inc. of Melvin for Project No. BROS-C084(109)--8J-84 in an amount of \$243,291.71.

Carried, unanimous in favor.

The Chairman adjourned the meeting until Tuesday, June 15, 2004.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor