

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON JULY 6, 1999

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 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.

Dennis Lange, County Auditor, reported on the canvass of special statewide constitutional amendments election returns in Sioux County for the election held on June 29, 1999.

Motion by De Haan and supported by Beernink to approve the canvass of the special statewide constitutional amendments election returns in Sioux County including late absentee ballots that were received and properly postmarked after the polls closed in accordance with Section 53.17, 1999 Iowa Code, as follows:

Amendment No. 1

Shall the following amendment to the Constitution be adopted?

SUMMARY: Requires the Governor and Legislature to prepare and approve budgets for general fund expenditures which are no more than 99% of estimated revenues and carryover funds. Only 95% of new revenues may be included in general expenditures.

Yes 3,116 No 1,133

Amendment No. 2

Shall the following amendment to the Constitution be adopted?

SUMMARY: Requires approval by three-fifths (60%) of all members of both the Iowa House and Senate to increase state revenues through state corporate and personal income tax or state sales and use taxes or to establish a new state tax.

Yes 3,022 No 1,207

Carried, unanimous in favor.

Motion by Vander Maten and supported by De Haan to accept the following County Officers' reports showing fees and fines collected for the period ending June 30, 1999:

Quarterly

County Sheriff	\$89,587.04
County Recorder	36,675.12

Carried, unanimous in favor.

Motion by Beernink and supported by Vander Maten to approve and authorize the Chairman to sign a two year Commercial Lease with Home Health Resources, Inc. commencing July 1, 1999 in an amount of \$1,100.00 per month for rent on the following described real estate:

Part of Lots 20 and 21, Block 42 South Addition to the City of Orange City

Carried, unanimous in favor.

Mark Dunlop, County Emergency Management Services Coordinator and Zoning Administrator, met with the Board this date to request approval and a Chairman's signature on an Emergency Medical Services Training Money Contract with the Iowa Department of Public Health in an amount of \$9,731.00 for fiscal year 2000.

Motion by Beernink and supported by De Haan to approve and authorize the Chairman to sign an Emergency Medical Services Training Money Contract with the Iowa Department of Public Health in an amount of \$9,731.00 for fiscal year 2000.

Carried, unanimous in favor.

Judy Plendl, representative for the Sioux County Sheriff's Department, met with the Board this date to request approval and a Chairman's signature on a drug grant award

through the Governor's Alliance on Substance Abuse and Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program in a total amount of \$57,980.00 for fiscal year 1999.

Motion by De Haan and supported by Smith to approve and authorize the Chairman to sign a drug grant award through the Governor's Alliance on Substance Abuse and Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program in a total amount of \$57,980.00 for fiscal year 1999. Carried, unanimous in favor.

Mark Schouten, County Attorney, met with the Board this date to review a proposed Compensatory Time/Overtime Resolution pertaining to non-exempt county employees covered under the Fair Labor Standards Act.

Motion by Vander Maten and supported by Beernink to approve and authorize the Chairman to sign the following Compensatory Time/Overtime Resolution:

RESOLUTION NO. 99-13

WHEREAS, the Fair Labor Standards Act allows political subdivisions of a state, such as Sioux County, to provide both compensatory time off and cash compensation for overtime hours worked by non-exempt employees,

WHEREAS, Sioux County's current employee handbook and policy provides for only compensatory time off for overtime hours worked by non-exempt employees,

WHEREAS, the County Board of Supervisors deems it advisable to change the policy of awarding compensatory time to require prior approval for all overtime hours worked by non-exempt employees of Sioux County and to allow employees to choose whether overtime compensation is paid to them in cash or as compensatory time off.

WHEREAS, the County Board of Supervisors also deems it advisable to limit accrued or banked compensatory overtime hours to no greater than 40 hours and to require that all compensatory time accrued be utilized within 30 days of the time the overtime work is performed. Any hours of overtime accrued in excess of 40 hours or banked for more than 30 days shall be paid in cash.

WHEREAS, Sioux County proposes to also compensate non-exempt county employees for all banked compensatory time before changing its policy on overtime compensation,

THEREFORE, BE IT RESOLVED that all work performed by non-exempt Sioux County employees in excess of 40 hours per work period shall be approved in advance by the elected official or other supervising official.

BE IT FURTHER RESOLVED that all non-exempt employees earning overtime hours shall have the choice to take compensation for the overtime hours worked as either cash or compensatory time-off.

BE IT FURTHER RESOLVED that effective July 1, 1999, compensatory overtime hours shall not exceed 40 hours and any hours of overtime accrued in excess of this amount shall be paid in cash. Likewise, all compensatory time accrued shall be utilized within 30 days of the time the overtime work is performed or shall also be converted to cash, unless otherwise prohibited by Iowa Code Section 331.904(1).

BE IT FURTHER RESOLVED that the County Auditor is authorized to pay cash to non-exempt county employees for banked compensatory time accrued from July 1, 1997 through June 30, 1999.

Adopted and signed this 6th day of July, 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.

Motion by Smith and supported by De Haan to designate the position of County Emergency Management Services Coordinator and Zoning Administrator as exempt per regulations under the Fair Labor Standards Act. Carried, unanimous in favor.

The following persons were also present for the aforementioned discussion on the compensatory time/overtime matter:

Mark Dunlop, County Emergency Management Services Coordinator and Zoning
Administrator
Robert Hagey, County Treasurer
Anita Van Bruggen, County Recorder

Mark Schouten, County Attorney, reported that the voice mail system has been installed in various offices and there will be a total amount of \$4,500.00 in reimbursement from non-county funds and agencies to help pay for said system.

Mark Schouten, County Attorney, reported on a final signed draft agreement with Multimedia Telesys, Inc. in an amount of \$63,249.00 to provide a functioning video system in the Sioux County courtroom. The Board earlier approved and authorized Mark Schouten, County Attorney, to sign said agreement.

Motion by Beernink and supported by Vander Maten to approve and authorize the Chairman to sign the following grant awards:

Stop Violence Against Women Grant Program Award Notice with the Governor's Alliance on Substance Abuse in a total amount of \$35,539.00 for the year ending December 31, 1999.

Stop Violence Against Women Grant Program Award Notice with the Governor's Alliance on Substance Abuse in a total amount of \$19,148.00 for fiscal year 2000.

Carried, unanimous in favor.

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. 13 relating to the purchase of Tax Sale Certificates on parcels with delinquent taxes, 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.

Robert Hagey, County Treasurer, was present to explain the contents of said proposed County Ordinance No. 13.

Motion by De Haan and supported by Smith to approve the Second and Final Consideration of proposed County Ordinance No. 13 relating to the purchase of Tax Sale Certificates on parcels with delinquent taxes, and to instruct the County Auditor to proceed with the publication of said ordinance as follows:

COUNTY ORDINANCE NO. 13

AN ORDINANCE RELATING TO THE PURCHASE OF TAX SALE CERTIFICATES ON PARCELS WITH DELINQUENT TAXES

SECTION 1. PURPOSE. The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code Section 446.19A, Code 1999, as amended by the 78th General Assembly. Iowa Code Section 446.19A authorizes counties and cities to bid for and purchase tax sale certificates on abandoned property to promote low or moderate-income housing.

SECTION 2. DEFINITIONS. For purposes of this ordinance, the following terms shall be defined as follows:

- a) “abandoned” means the same as in Iowa Code Section 657A.1(1).
- b) “public nuisance” means the same as in Iowa Code Section 657A.1(7).
- c) “low or moderate-income families” means the same as in Iowa Code Section 403.17.

SECTION 3. PURCHASING DELINQUENT TAXES. Pursuant to Iowa Code Section 446.19A, as amended by the 78th General Assembly, the county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property acquired under Iowa Code Section 446.19A.

SECTION 4. PROCEDURE. On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county treasurer on behalf of the county or a city, may bid for and purchase tax sale certificates on abandoned property or public nuisance property assessed as residential property or as commercial multifamily housing property a sum equal to the total amount due. The county or city shall not pay money for the purchase, but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the tax-levying or tax-certifying body as its just share of the purchased price.

SECTION 5. VERIFIED STATEMENT. Prior to the purchase, the county or city shall file with the county treasurer a verified statement that a parcel to be purchased is abandoned and deteriorating in condition or is, or is likely to become, a public nuisance, and that the parcel is suitable for use for low or moderate income housing following rehabilitation.

SECTION 6. ASSIGNMENT OF TAX SALE CERTIFICATES. After the date that a parcel is sold pursuant to Iowa Code Section 446.18, Section 446.38, or Section 446.39, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or a public nuisance pursuant to a verified statement filed pursuant to Section 5, a county or city may require the assignment of the tax sale certificate that had been issued for such parcel by paying to the holder of such certificate the total amount due on the date the assignment of the certificate is made to the county or city and recorder with the county treasurer. If the certificate is not reassigned by the county or city, the county or city whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to Iowa Code Section 447.1, as of the date of reassignment.

SECTION 7. PURCHASE OF TAX SALE CERTIFICATES. The county or city may assign or reassign the tax sale certificate obtained pursuant to this ordinance. Preference shall be given to purchasers who are low or moderate-income families or organizations that assist low or moderate-income families to obtain housing. Persons who purchase certificates from the county or city pursuant to this ordinance are liable for the total amount due the certificate holder pursuant to Iowa Code Section 447.1.

SECTION 8. INTENT TO REHABILITATE THE PROPERTY. All persons who purchase certificates from the county or city under this ordinance shall demonstrate the intent to rehabilitate the property for habitation if the property is not redeemed. In the alternative, the county or city may, if title to the property has vested in the county or city under Iowa Code Section 448.1, dispose of the property in accordance with Iowa Code Section 331.361 or 364.7, as applicable.

SECTION 9. REPEALER. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 11. EFFECTIVE DATE. This ordinance shall become effective upon its final passage, approval and publication as provided by law. It applies to parcels first offered for sale at the tax sale held in June 1999, and in subsequent years.

Passed by the Board of Supervisors on this 6th day of July, 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.

Robert Hagey, County Treasurer, met with the Board to request approval to appoint Ingrid Schwiesow, Motor Vehicle Clerk, to serve as acting Deputy Treasurer in the absence of Mary Ten Napel, Deputy Treasurer, due to illness. He requested that Ingrid Schwiesow, Motor Vehicle Clerk, be paid an additional \$1.00 per hour during that period.

Motion by De Haan and supported by Smith to appoint Ingrid Schwiesow, Motor Vehicle Clerk, to serve as acting Deputy Treasurer in the absence of Mary Ten Napel, Deputy Treasurer, due to illness. Ingrid Schwiesow, Motor Vehicle Clerk, would be paid an additional \$1.00 per hour during that period. Carried, unanimous in favor.

As this was the date and 10:15 A.M. o'clock A.M. the time set for the first consideration and hearing on proposed County Ordinance No. 14 regulating the possession of drug paraphernalia, 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.

Mark Schouten, County Attorney, was present to explain the contents of said proposed County Ordinance No. 14.

Mark Dunlop, County Emergency Management Services Coordinator and Zoning Administrator, was also present for the aforementioned discussion on proposed County Ordinance No. 14.

The Chairman closed the hearing.

Motion by Beernink and supported by De Haan to approve the first consideration and hearing on proposed county Ordinance No. 14 regulating the possession of drug paraphernalia, and to proceed with the second and final hearing scheduled for 10:00 o'clock A.M. on July 13, 1999. Carried, unanimous in favor.

Motion by Vander Maten and supported by Smith to go into executive session according to Section 21.5(1g), 1999 Iowa Code, upon the recommendation of Mark Schouten, County Attorney, to avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules,

which if disclosed would enable law violators to avoid detection. Roll Call on Vote:
Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and De Haan, Yes.

Carried, unanimous in favor.

Motion by Vander Maten and supported by Smith to go out of executive session according to Section 21.5(1g), 1999 Iowa Code. Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Shane Walter, County Central Point of Coordination Administrator, met with the Board this date to request approval and a Chairman's signature on agreements with Plains Area Mental Health Center and Plymouth Life Incorporated.

Motion by Beernink and supported by De Haan to approve and authorize the Chairman to sign an agreement with Plains Area Mental Health Center in an amount of \$100,000.00 for fiscal year 2000 to deliver mental health services to Sioux County residents. Carried, unanimous in favor.

Motion by De Haan and supported by Vander Maten to approve and authorize the Chairman to sign an agreement with Plymouth Life Incorporated to provide services to a Sioux County resident at a rate of \$26.75 per day through June 30, 2000. Carried, unanimous in favor.

Dennis Sassman, County Community Services Director, met with the Board this date to report that the federal quarterly reimbursement rate for the food stamp program has decreased. He also reviewed the status of two general relief cases.

Doug Julius, County Engineer, met with the Board this date to request approval and a Chairman's signature on various documents.

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

**RESOLUTION NO. 99-14
CONSTRUCTION**

We hereby authorize the following roads to be closed for Construction during the 1999-2000 season. The actual date of closure to be determined by the County Engineer and shall be so noted in his office copy on the Resolution.

<u>Road</u>	<u>Date Closed</u>	<u>County Engineer's Signature</u>
		/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.

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

Iowa Department of Natural Resources quarterly reporting and billing form for the private water well grants to counties program.
Iowa Department of Transportation Universal Payment Voucher for materials inspection in a total amount of \$5,473.99.
Iowa Department of Transportation Universal Payment Voucher for reproduction services in a total amount of \$18.90.

Carried, unanimous in favor.

Doug Julius, County Engineer, reviewed a proposed agreement from the City of Rock Valley pertaining to Sioux County continuing road maintenance in the proposed annexation area.

The Board instructed Doug Julius, County Engineer, to review any agreement that was made with the City of Sioux Center pertaining to an annexation in 1989 before making a final decision.

Motion by Vander Maten and supported by De Haan to approve a dues contribution to the Loess Hills Development and Conservation Authority for fiscal year 2000 and to appoint Doug Julius, County Engineer, to serve on the Hungry Canyons Alliance Board of Directors and the Loess Hills Development and Conservation Authority Board of Directors. Carried, unanimous in favor.

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

The Chairman adjourned the meeting until July 13, 1999.

Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor