

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

### **MEETING HELD ON JULY 13, 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.

Shane Walter, County Central Point of Coordination Administrator, met with the Board this date to request Board approval to allocate a grant amount of \$22,066.00 that will be received from the Iowa Department of Human Services to the organizations of Hope Haven, Inc. and Village Northwest Unlimited. He recommended that an amount of \$17,066.00 be given to Hope Haven, Inc. and an amount of \$5,000.00 be given to Village Northwest Unlimited to be used for the direct care staff in the form of bonuses.

Motion by De Haan and supported by Vander Maten to allocate a grant amount of \$22,066.00 that will be received from the Iowa Department of Human Services to the organizations of Hope Haven, Inc. and Village Northwest Unlimited. Hope Haven, Inc. will receive an amount of \$17,066.00 and Village Northwest Unlimited will receive an amount of \$5,000.00 to be used for the direct staff in the form of bonuses. Carried, unanimous in favor.

Ken Veenstra, state senator, was present for the aforementioned discussion on the Iowa Department of Human Services grant allocation matter.

Gary Patton, representative for De Wild, Grant, Reckert & Associates Company; Jolene Liston, representative for Southern Sioux County Rural Water System; Wm. A. Loutsch, Board President of Southern Sioux County Rural Water System; and Aaron Steele, Planner for Northwest Iowa Planning and Development Commission, met with the Board this date to request approval and authorization to proceed with preparing and submitting a joint Sioux County, Plymouth County and City of Chatsworth pre-application for a Community Development Block Grant from the Iowa Department of Economic Development for a Southern Sioux County Rural Water System expansion project.

Motion by Smith and supported by Beernink to approve and authorize Southern Sioux County Rural Water Association to proceed with preparing and submitting a joint Sioux County, Plymouth County and City of Chatsworth pre-application for a Community Development Block Grant from the Iowa Department of Economic Development for a Southern Sioux County Rural Water System expansion project with the stipulation that the Sioux County Auditor would be reimbursed for related expenses. 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. 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 Dunlop, County Emergency Management Services Coordinator and Zoning Administrator, was present for the aforementioned hearing and consideration on County Ordinance No. 14.

Motion by Beernink and supported by Vander Maten to approve the Second and Final Consideration of proposed County Ordinance No. 14 regulating the possession of drug paraphernalia, and to instruct the County Auditor to proceed with the publication of said ordinance as follows:

### **COUNTY ORDINANCE NO. 14**

#### **AN ORDINANCE TO REGULATE THE POSSESSION OF DRUG PARAPHERNALIA.**

Be it ordained by the Board of Supervisors for Sioux County, Iowa:

**Section 1. Purpose.** The purpose of this ordinance is to prohibit the use, possession with intent to use, the manufacture and/or the delivery of drug paraphernalia as defined herein and providing for criminal penalties.

**Section 2. Controlled substance defined.** The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, as it now exists or is hereafter amended.

**Section 3. Drug paraphernalia defined.** The term “drug paraphernalia” as used in this chapter means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa. The term includes, but is not limited to:

1. *Growing Kits.* Kits used, intended for use, or designed or use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. *Processing Kits.* Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

3. *Isomerization Devices.* Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. *Testing equipment.* Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. *Scales.* Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. *Dilutents.* Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. *Separators – Sifters.* Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining a controlled substance.
8. *Mixing Devices.* Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. *Containers.* Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. *Storage Containers.* Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. *Injecting Devices.* Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. *Ingesting – Inhaling Device.* Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, bashish, or hashish oil into the body, such as:
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - b. Water pipes;
  - c. Smoking and carburetion masks;
  - d. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
  - e. Miniature cocaine spoons and cocaine vials.

**Section 4. *Determining factors.*** In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter the following factors should be considered in addition to all other logically relevant factors:

1. *Statements.* Statements by an owner or by anyone in control of the object concerning its use.

2. *Proximity to Violation.* The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
3. *Proximity to Substances.* The proximity of the object to controlled substances.
4. *Residue.* The existence of any residue of controlled substances on the object.
5. *Evidence of Intent.* Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.
  6. *Innocence of an Owner.* The innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa, should not prevent a finding that the object is used, intended for use, or designed for use as drug paraphernalia.
7. *Instructions.* Instructions, oral or written, provided with the object concerning its use.
8. *Descriptive Materials.* Descriptive materials accompanying the object which explain or depict its use.
9. *Advertising.* National and local advertising concerning its use.
10. *Displayed.* The manner in which the object is displayed for sale.
11. *Licensed Distributor or Dealer.* Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
12. *Prior Convictions.* Prior convictions, if any, of any owner or of anyone in control of the object under any State or Federal law relating to any controlled substances.
13. *Sales Ratios.* Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
14. *Legitimate Uses.* The existence and scope of legitimate uses for the object in the community.
15. *Expert Testimony.* Expert testimony concerning its use.

**Section 5. Possession of drug paraphernalia.** It is unlawful for any person to use, or to possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

**Section 6. *Manufacture, delivery or offering for sale.*** It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act, Chapter 124 of the Code of Iowa.

**Section 7. *Penalty.*** Any person or corporation violating any provision, section or paragraph of this ordinance shall be punished by a criminal penalty of not more than \$200 plus surcharge or imprisonment of not more than thirty days for each violation.

Adopted and signed this 13<sup>th</sup> 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 Vander Maten and supported by Smith to approve and authorize the Chairman to sign a Services Agreement with Harvey F. Wiltsey in an amount of \$7,800.00 to provide collective bargaining services for the County Board of Supervisors for fiscal year 2000. Carried, unanimous in favor.

Motion by De Haan and supported by Beernink to accept the County Recorder's Report showing fees and fines collected in an amount of \$156,880.97 for fiscal year 1999. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date to update them on various secondary road projects.

Motion by Beernink and supported by Smith to approve and authorize the

Chairman to sign the following documents:

Permit Agreement with Heartland Telecom of Iowa for a road right-of-way crossing in Section 23 of Eagle Township.

Permit Agreement with Heartland Telecom of Iowa for a road right-of-way crossing in Section 27.

Carried, unanimous in favor.

Doug Julius, County Attorney, reported on quotes received for a tailgate sander, one-way snow plow and two V-box sand spreaders as follows:

Tailgate Sander

<u>Company</u>	<u>Amount</u>	
Drake Equipment, Sioux Falls, SD	\$2,279.00	(Swenson Model)
Trans Iowa Equipment, Clear Lake	2,279.00	(Swenson Model)
Hiway Truck Equipment, Fort Dodge	2,338.00	(Monroe Model)

One-way Snow Plow

<u>Company</u>	<u>Amount</u>	
Drake Equipment, Sioux Falls, SD	\$5,754.00	(Little Falls Model)
Trans Iowa Equipment, Clerk Lake	5,582.00	(Little Falls Model)
Hiway Truck Equipment, Fort Dodge	6,552.00	(Monroe Model)

Two V-box Sand Spreaders

<u>Company</u>	<u>Amount</u>	
Trans Iowa Equipment, Clear Lake	\$15,058.00	(Swenson Model)
Hiway Truck Equipment, Fort Dodge	15,050.00	(Monroe Model)
Northern Truck Equipment, Sioux Falls, SD	15,778.00	(Monroe Model)

The Board approved and authorize Doug Julius, County Engineer, to accept the following bids:

Tailgate Sander

<u>Company</u>	<u>Amount</u>	
Drake Equipment, Sioux Falls, SD	\$2,279.00	(Swenson Model)

One-way Snow Plow

<u>Company</u>	<u>Amount</u>	
Drake Equipment, Sioux Falls, SD	\$5,754.00	(Little Falls Model)

Two V-box Sand Spreaders

<u>Company</u>	<u>Amount</u>	
Hiway Truck Equipment, Fort Dodge	\$15,050.00	(Monroe Model)

Mark Schouten, County Attorney, met with the Board this date to request approval to authorize the County Auditor to make payment in an amount of \$24,299.60 to Multimedia Telesys, Inc. as the initial payment which is approximately 40% of the total contract to provide a functioning video system in the Sioux County courtroom. He stated that the proposed contract with them requests 40% of the total contract paid in advance before beginning any work.

Motion by Smith and supported by Beernink to authorize the County Auditor to authorize an initial payment to Multimedia Telesys, Inc. in an amount of 20% of the total contract upon commencement of the video system installation project in the Sioux County courtroom, 60% upon delivery of equipment and materials, and the remaining 20% upon the successful completion of the total project. 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 27, 1999.

Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor