

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON JULY 25, 2006

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, Mark Sybesma, John Degen and Stanley L. De Haan. Supervisor Vernon Beernink was absent.

Minutes of the meeting held on July 11, 2006, were submitted and the Chairman declared them approved.

Lisa Rowenhorst, Election Administrator, met with the Board to ask them to approve a Resolution to submit the question whether the offices of Trustee and Clerk shall be filled by appointment by the Board of Supervisors on the November 7, 2006 General Election Ballot. Motion by Bouma and supported by De Haan to place the following question on the November General Election ballot:

“SHOULD THE COUNTY BOARD OF SUPERVISORS FILL THE OFFICES OF TRUSTEES AND CLERK WITHIN A TOWNSHIP BY APPOINTMENT OF THE BOARD? “ YES OR NO

Roll Call Vote: De Haan, Yes; Degen, Yes; Bouma, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

Melissa O'Rourke, County Attorney, updated the Board on progress made in the case of Sioux County Board of Review vs. the Sioux Center Community Hospital and Health Center. The Supreme Court denied the Hospital's request to review the case.

O'Rourke raised a question regarding Open Meeting Laws. She noted that the posting of the Agenda for this meeting with two additional items added for approval did not meet the requirement of Iowa Code 21.4 which states that a meeting agenda be posted at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. County Auditor, Huitink, stated that the items in question: Approve Liquor License for the Rock Valley Gun Club and Approve Appropriation Increase for IT Department and 4-H Youth Fair, did not arrive in her office until yesterday morning, and that the revised agenda was posted immediately upon their receipt. Since the next regular meeting will not be

held until August 15, a motion was made by De Haan and supported by Degen to approve the agenda posted 11:45 yesterday noting that Iowa code section 21.4 allows additional items to be discussed and/or approved if there is good cause that the items could not be posted 24 hours in advance of the commencement of the meeting. Motion carried, unanimous in favor.

Motion by Bouma and supported by De Haan to approve a Liquor License Permit for the Rock Valley Gun Club. Motion carried, unanimous in favor.

Shane Walter, Community Services Director reported that Lock Set information for the Courtroom area was received. The matter was referred to the Building Committee.

As this is the date and 10:00 o'clock a.m. the time for the consultation hearing to be held between Sioux County, Iowa and all affected taxing entities concerning the proposed Sioux County Urban Renewal District 1 Urban Renewal Plan Amendment #1, said consultation hearing was held.

Designated Representative Mark Sybesma, Chairman of Board of Supervisors, conducted the consultation hearing.

No one was present to give comment on the proposed amendment to Sioux County Urban Renewal Area 1. No comments were received by the County Auditor.

The Chairman closed the hearing.

The County Board of Supervisors will proceed with a final public hearing on the Sioux County Urban Renewal Plan for Urban Renewal District 1 Amendment #1 on August 29, 2006 at 10:00 o'clock a.m. in the County Board of Supervisors room.

Robert Hagey, County Treasurer, met with the Board to discuss a 28-E Agreement "Intergovernmental Agreement for Joint and Cooperative Action" to provide a website for collection of Treasurer Department Revenue. Motion by Degen and supported by Bouma to approve Resolution 2006-19 to allow the County Treasurer to enter into a 28-E Agreement with other counties for collection of Treasurer Department Revenue. Roll Call Vote: Bouma, Yes; Degen, Yes; De Haan, No; Sybesma, Yes.

RESOLUTION 2006-19

TREASURER'S INTERGOVERNMENTAL AGREEMENT

BE IT RESOLVED, and it is hereby resolved, that the INTERGOVERNMENTAL AGREEMENT FOR JOINT AND COOPERATIVE ACTION, attached hereto and marked as Exhibit "A" is approved and adopted by Sioux County.

BE IT FURTHER RESOLVED, that the Sioux County Treasurer is authorized to participate as a Sponsor in the attached agreement in his/her capacity and consistent with his/her authority as County Treasurer of this County.

BE IT FURTHER RESOLVED, that the Sioux County Treasurer is authorized to take any additional actions and execute any documents that are, in his/her discretion, necessary to facilitate this Resolution.

Signed and dated this 25th day of July, 2006.

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

Hagey requested that the Board reconsider the appointment of a Deputy for the Driver's License area of the Treasurer's Department. The Board again reiterated its position that they will not allow the Treasurer to appoint a third deputy in the Treasurer's office. Present for the discussion was Jill Lode, Driver's License Administrator.

As this was the date and 10:30 a.m. the time appointed to discuss a zoning change in Welcome Township Section 5 from Agricultural to Heavy Industrial, the Chairman opened the Public Hearing. Jim Raymond, Zoning Administrator, reported that he had received a request for a change in zoning classification because of a methane plant being planned for that area. He stated that it is the purpose of this meeting to receive approval of the Board to continue with the procedure prescribed by law in order to make this change. Raymond reported that 31 people were present at the zoning meeting last night. 75.2 acres would be re-zoned if this action were taken. Dan De Wit asked about disposal waste water from the trucks. Pete Golden who lives just to the south addressed the issue of changing the characteristics of the area from an agricultural area to an industrial area. De Wit expressed concerns that increased truck traffic is an issue to be considered. Dan Nelson, representative of Bison Energy, stated that the location was chosen because of accessibility to a high pressure gas line, rail line, highway access.

Nelson said that a hydroponic greenhouse might be a future option. Ron Oostra asked the Board to review the existing zoning ordinance. He questions if this change in zoning designation exceeds the exception limits and is concerned about possible negative affects on environment,

Present for the Public Hearing were:

Ron Oostra	Sioux Center
Dan De Wit	Sioux Center
Pete Golden	Sioux Center
Bob Hulstein	Orange City
Doug Calsbeek	Orange City
Melissa Tag	Sioux Center
Chris Jens (Environmental Engineer)	Sergeant Bluff
Dan Nelson	Sioux Falls, SD
Steve Manders	Mendota Hts, MN
Brian Allen	Eagan, MN
Robb Bauman	Mendota Hts, MN
Larry Jones	Sioux Falls, SD

The chairman closed the public hearing.

Motion by Bouma and supported by Degen to approve, by resolution, the recommendation of the Zoning Board to change the classification from Ag to Heavy Industrial in part of Welcome Twp Section 5.

RESOLUTION NO. 2006-20

WHEREAS, a petition has been received from Larry Jones, CFO, Bison Energy, LLC, requesting an amendment to the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the Zoning Classification of the property described herein, from an Agricultural district to a Heavy Industrial District,

PROPERTY DESCRIPTION

The west 75.62 acres of the fractional northeast quarter (frl NE 1/4) of Section five (5), Township Ninety-six (96) north, Range forty-five (45) west of the 5th p.m., subject to public highways and except the right of way of the Great Northern Railroad.

WHEREAS, the above described property has suitable major highway, railroad and pipeline access for heavy industrial manufacturing and is not in major conflict with the Sioux County Land Use Plan, and,

WHEREAS, said change does not appear to have a detrimental effect on other properties adjacent to this site, and no major effect on the majority of the property owners in the area, and,

WHEREAS, the Sioux County Zoning Commission has recommended approval of the proposed zoning classification change on the property described and shown on the area site plan attached to this petition.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property be changed from an Agricultural District to a Heavy Industrial District, and that said change shall be effective on publication of this resolution.

RESOLVED, this 25th day of July, 2006.

Chairman, Sioux County Board of Supervisors

ATTEST: _____
Sioux County Auditor

Roll Call on Bouma, Yes; Degen, Yes; De Haan, No; Sybesma, Yes. Motion passed.

Motion by De Haan and supported by Degen to acknowledge Lloyd Te Brink for serving 26 years on the Zoning Board. Motion by De Haan and supported by Bouma to appoint Jim Plagge to the Zoning Board. Motion carried, unanimous in favor.

Douglas Julius, County Engineer, requested that the Board pass a Road Closure Resolution. Motion by Degen and supported by De Haan to approve a Road Closure Resolution for 2006/2007.

**Road Closure Resolution No 2006-21
-CONSTRUCTION-**

We hereby authorize the following roads to be closed for Construction during the 2006-2007 season. The actual date of closure to be determined by the County Engineer and shall be so noted in his office copy of the Resolution.

Road	Date Closed	County Engineer's Signature
_____	_____	_____ /s/ Mark Sybesma, Chairman Sioux County Board of Supervisors

ATTEST: /s/ Lois Huitink
Sioux County Auditor

Roll Call Vote: Bouma Yes, De Haan, Yes, Degen, Yes, and Sybesma Yes.

Motion carried, unanimous in favor.

Julius requested signatures on the two permits. Motion by Bouma and supported by De Haan to approve and authorize the Chairman to sign the following permits:

- **Northwest REC** – Set poles outside the fence line on the County right-of-way in Section 33 of Capel Township
- **Premier Communications** – Install Fiber Optic from Boyden on L14 going 5 miles North in Sections 1, 12, 13, 24 and 15 of Sheridan Township.

Motion carried, unanimous in favor.

Julius updated the Board regarding ongoing road and bridge construction in the county.

Motion by Bouma and supported by De Haan to approve a Resolution to fund the amount of credit that the County will be given by the state for Homestead Credit (77%), and to fund Low Income and Elderly credit at 100%.

Roll call on Vote: De Haan, Yes; Degen, Yes; Bouma, Yes; and Sybesma, Yes. Motion passed, unanimous in favor.

RESOLUTION No. 2006-18

PROPERTY TAX CREDIT FUNDING

WHEREAS, the State of Iowa has appropriated moneys for fiscal year July 1, 2006 through June 30, 2007, which moneys are insufficient to fund the various local property tax credits/exemptions in full, and

WHEREAS, Iowa Code Section 25B.7 requires local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation, and

WHEREAS the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions as follows: Homestead credit - 77%, Low-income, Elderly, Disabled Credit (including Mobile Home), Special Assessment and Property credits - 94% Military Service Property Tax Exemption 100%, and

WHEREAS the option of fully funding property tax credits/exemptions will cause a funding shortfall to local governments in the County this fiscal year, and

WHEREAS the option of passing on the reduced state-reimbursed values of the credits will increase the amount of net taxes in the County, and

WHEREAS we find that fully funding military exemptions and the disabled veteran's homestead credits to those persons who have served honorably in the Country's military is of minimal fiscal impact to the local governments and in the general public interest, and

WHEREAS we find that fully funding the low-income, elderly, and disabled credits to those persons who have qualified for those credits is of minimal fiscal impact to the local governments and in the general public interest, and

WHEREAS we find that passing on the reduced state-reimbursed values of the Homestead credits to the taxpayers in the County minimizes the fiscal impact on local governments and serves the general public interest,

NOW, THEREFORE, be it resolved pursuant to Iowa Code Section 25B.7 that the property tax credits/exemptions in Sioux County for fiscal year July 1, 2006 through June 30, 2007 shall be funded as follows:

Homestead Credit	77%
Low-Income, Elderly, Disabled Credit	100%
Military Exemption	100%

Approved and signed this 25th day of July, 2006.

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

Motion by Degen and Supported by De Haan to approve an appropriation increase for the IT Department and the 4-H Youth Fair departments, increasing the appropriation for those departments to 50% of the amount budgeted for FY 2006/2007.

RESOLUTION No. 2006-16

TO INCREASE APPROPRIATIONS FOR DATA PROCESSING AND NON-DEPARTMENTAL DEPARTMENTS

WHEREAS, it is desired to increase appropriations for the Data Processing and Non-departmental departments for fiscal year 2007 in accordance with Section 331.434(6), Code of Iowa,

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Sioux County, Iowa as follows:

SECTION 1. The amounts itemized by fund and by department or office for the Data Processing and Non-departmental departments on the attached schedule are hereby appropriated at 50% of total expenditures for each department, as listed in the last column on the same line of the attached schedule.

SECTION 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department listed to make expenditures or incur obligations from the itemized funds.

SECTION 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money for a purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4. If at anytime during the fiscal year 2007 budget year the Auditor shall ascertain that the available resources of a department for that year will be less than said department total appropriations, he or she shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5. The auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The auditor shall report the status of such accounts to the applicable departments and officers monthly during fiscal year 2007 budget year.

SECTION 6. All appropriations authorized pursuant to this resolution lapse at the close of business on June 30, 2007.

The above and foregoing resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on July 25, 2006.

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

Roll Call on Vote: Bouma, Yes; De Haan, Yes; Degen, Yes, Sybesma, Yes.

Committee Reports: Sybesma reported that Treasurer, Robert Hagey, will be resigning his position as County Treasurer later this fall. Provisions will be made to allow Randy Feenstra to begin working in that office in September to allow for a smooth transition following Hagey's resignation.

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

The Chairman adjourned the meeting until Tuesday, August 15, 2006.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor