

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON MARCH 20, 2012

12-03-20 1 The Board of Supervisors of Sioux County, Iowa, met on March 20, 2012, at 9:00 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Al Bloemendaal, John Degen, Arlyn Kleinwolterink, Mark Sybesma and Dennis Wright.

12-03-20 2 Minutes of the meeting held on March 6, 2012, were submitted and the Chairman declared them approved.

12-03-20 3 Coleman McAllister, Sioux County Attorney

- Asked the Board to set the time for a public hearing for the sale of property. Motion by Wright and supported by Bloemendaal to approve a resolution setting the date, April 3, 2012, and time, 10:00 a.m. for a public hearing to discuss the proposed sale of excess right of way easement to Shelley R. Timmer. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO 2012-11

**SETTING PUBLIC HEARING ON PROPOSED SALE OF COUNTY'S INTEREST IN CERTAIN
EXCESS RIGHT OF WAY PROPERTY TO SHELLEY R. TIMMER**

WHEREAS, Sioux County has legal title to certain real property consisting of approximately 0.11 acres located at 2799 – 360th Street, Rock Valley, Iowa, 51247, consisting of excess right of way easement legally described as follows:

A parcel of present highway right of way commencing at the Northeast corner of Section 23, Township 96N, Range 46W of the 5th P.M. Plato Township, thence West along the said Section line 214.5 feet thence South 33 feet to the point of beginning, thence South 27 feet thence East 181.5 feet thence North 27 feet thence West 181.5 feet to the point of beginning—Containing 4,900.5 square feet or 0.11 acres.

WHEREAS, Sioux County has further negotiated an agreement with Shelley R. Timmer whereby Sioux County would dispose of its interest in the above legally described property by transferring ownership to Shelley R. Timmer in return for Sioux County receiving \$1,372.14 in cash.

WHEREAS, as more particularly described above, the Board is desirous of describing and setting forth the proposed land transaction prior to disposing of the County's interest in the real property as required by Iowa Code Section 333.361; setting a public hearing on the proposed property sale; publishing notice of the time and place of the public hearing on the proposed property sale; and soliciting public comment and input on the proposed property sale prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors will hold a public hearing to discuss the proposed property sale of the excess right of way easement to Shelley R. Timmer and the proposed real estate transfer to effectuate such sale, and to discuss whether or not to pass and approve the proposed sale of the excess right of way easement to Shelley R. Timmer. Such public hearing will be held on April 3, 2012, at 10:00 a.m. in the Sioux County Courthouse at 210 Central Avenue SW, Orange City, Iowa.

PASSED AND APPROVED this 20th day of March, 2012.

/s/ Mark Sybesma
Chairman, Board of Supervisors

ATTEST:

/s/ Lois Huitink, Sioux County Auditor

- Told the Board that he is working with the O'Brien County Attorney to prepare a 28E agreement with O'Brien County for County Engineer Services. Discussion on whether the payment for these services is to be paid directly to Julius or that it should pass through the County was held. O'Brien County would like to have an agreement in place by April 1. Motion by Degen and supported by Kleinwolterink to authorize the Chairman to sign a 28E agreement with O'Brien County when the Sioux County Attorney and Engineer have that document prepared. Motion carried, unanimous in favor.
- Motion by Degen and supported by Kleinwolterink to approve a resolution approving the purchase of real estate from Le Sharon Osterkamp. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO 2012-14

APPROVING AND ENTERING INTO A REAL ESTATE PURCHASE AGREEMENT WITH LE SHARON OSTERKAMP

WHEREAS, Sioux County, acting through the Sioux County Engineer has negotiated a real estate purchase agreement to purchase the following legally described property from Le Sharon Osterkamp, a single person, to wit:

6.91 acres m/l consisting of the West 1220 feet of the North Half of Section 20, Township Ninety-Six North, Range 47 West of the 5th P.M. EXCEPT the West 980 feet thereof which is presently owned by Sioux County and EXCEPT the North 33 feet thereof which is established as an easement for a road.

WHEREAS, Sioux County desires to purchase the above legally described property in order to utilize the property to mine and store gravel and for such other use as otherwise contemplated by the Sioux County Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Sioux County that the proposed property purchase agreement is in the best interests of the citizens of Sioux County and all parties concerned; that the proposed property purchase contemplated by the real estate purchase agreement therein as drafted, heard, and discussed be adopted; that Sioux County accept the conveyance of the above describe property from Le Sharon Osterkamp, a single person, and that the above described property conveyance as contemplated in the exchange agreement be approved and authorized by the Board. The Board further agrees to accept the transfer of Le Sharon Osterkamp's legal title to approximately 6.91 acres of property to be managed and utilized by Sioux County for public purposes. The Chairman of the Board of Supervisors is hereby authorized to execute and deliver documents and pay any related costs necessary to follow through with the approved transfer proposal in acquiring title to the approximately 6.91 acres of land currently owned by Le Sharon Osterkamp . All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

PASSED AND APPROVED this 20th day of March, 2012.

/s/ Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/Lois Huitink, Sioux County Auditor

12-03-20 4 COMMITTEE REPORTS:

- **Wright** – a) Reported that at the Iowa State Association of County’s Spring School, the Supervisors met with several legislators in regard to changes to the provision of mental health services. Linda Hinton, ISAC Lobbyist, explained the supervisor’s position to the legislators. Supervisors also were updated in regard to proposals in the Senate and House related to tax relief for commercial property tax payers. b) Wright also gave a report from the YES Board. The YES Center has received about \$5,000 in back payments from Buena Vista County. That county still owes the YES Center \$7,000.
- **Sybesma** – attended a Northwest Early Childhood Iowa meeting.
- **Degen** – Reported that the budget for the Conservation Board will need to be amended. The Conservation Board has received several grants in excess of the amount anticipated, so the county match will need to be increased.

12-03-20 5 Nate Huizinga, Emergency Management Director informed the Board that a Hazmat grant has been received. Cara Wessling, Planner for Northwest Iowa Planning and Development Commission was in attendance to present more information about the grant. The local match is to be “paid” by attendance at meetings. The grant is a joint effort of FEMA and Iowa Homeland Security. FEMA wants education institutions to be in the planning process – their attendance will make grants available for the County. Money received from this grant will amount to \$76,000. Time that Northwest Iowa Planning and Development spends working on the grant will be billed to the county.

Motion by Kleinwolterink and supported by Degen to sign a resolution requesting the assistance of the staff of the Northwest Iowa Planning and Development Commission to administer the aforementioned grant. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried unanimous in favor.

RESOLUTION 2012-12

A RESOLUTION OF THE SIOUX COUNTY BOARD OF SUPERVISORS TO REQUEST THE ASSISTANCE OF THE STAFF OF THE NORTHWEST IOWA PLANNING AND DEVELOPMENT COMMISSION

WHEREAS, Sioux County has agreed to the Intergovernmental Cooperation Agreement creating the Northwest Iowa Planning and Development Commission (hereinafter called the Planning Agency) and is a member in good standing; and

WHEREAS, the County wishes to engage the Planning Agency to provide certain technical and professional services in connection with...

Development of a Multi – Jurisdictional Hazard Mitigation Plan

WHEREAS, Article III.E of the Intergovernmental Cooperation Agreement gives the Planning Agency the responsibilities outlined in Chapters 28H and 28I, Code of Iowa;

NOW THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors that the Planning Agency be requested to provide staff assistance in the above mentioned project; and

THAT, the Board of Supervisors understands and will comply with Policy Council guidelines regarding the assessments of costs of the Planning Agency staff assistance.

Passed, approved and adopted this 20th day of March 2012

/s/ March Sybesma, Chair, Sioux County Board of Supervisors

Attest: /s/ Lois Huitink, Auditor, Sioux County

12-03-20 6 Motion by Wright and supported by Bloemendaal to authorize Cara Wessling, Planner for NWIPDC to execute documents on behalf of Sioux County in regards to the development of a multi-jurisdictional hazard mitigation plan. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; and Sybesma, Yes. Motion Carried, unanimous in favor.

STATE OF IOWA

DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE

RESOLUTION # 2012-13

Be it resolved by Sioux County that Cara Wessling, Planner, NWIPDC, is hereby authorized to execute on behalf of Sioux County, this mitigation project and to file it with Iowa Homeland Security and Emergency Management (HSEMD) for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended) and the Code of Iowa, Chapter 29c.

Passed and Approved this 20th Day of March, 2012

/s/ Mark Sybesma
Chairman Sioux County Board of Supervisors

/s/ Cara Wessling
Planner

Attest: /s/ Lois Huitink, Sioux County Auditor

- Huizinga informed the Board that he will be working with Alpha Wireless to set up the updated communications system in the near future.

12-03-20 7 Doug Julius, Sioux County Engineer

- Permit agreements –
 - a) Premier Communications** – (1) Run fiber optic line from the intersection of K64 and 490th Street ½ mile south along east side of K-64 in Nassau Township Sections 28 and 29. (2) Run fiber optic line from the intersection of 430th Street and Ironwood Avenue going east ½ mile on north side of 430th Street in Section 20 of Holland Township.
 - b) Mid-American Energy** – Install overhead electric line from 310th Street and Indian Avenue going south for 2,700' on the west side of Indian Avenue to a new hog building in Lincoln Township.

- c) **Jim's Digging** – Bore 1 1/2" water line in Holland Township between Section 6 and 7 for Marvin Schelling.
- d) **Jay Grevengoed** – Bore a water line and an electric line to a new hog building in Section 4 and 9 of Garfield Township.
- e) **Walt Vander Waal** – Run a 12"-15" PVC manure pipeline below roadway between Sections 25 and 26 of Capel Township.

Motion by Degen and supported by Kleinwolterink to approve the aforementioned permit agreements. Motion carried, unanimous in favor.

- Shared a letter requesting that a portion of Kennedy Avenue be paved. Julius stated that in order to qualify for paving, a project needs to achieve 50 points on a predetermined set of requirements. A study would need to be done to determine the number of points for which this project qualifies.
- Title sheets for projects to be let at 10:00 a.m. on April 17, 2012, were distributed for signatures by members of the Board.
- Reported that the Iowa DOT will hold an informational meeting on March 29, 2012, from 5:00 p.m. to 7:00 p.m. regarding work to be done on a bridge west of Rock Valley.
- Last week Julius submitted applications for the Region III SAFTEA-LU Federal FY 2016 funding cycle. Three projects were submitted for consideration.
- K64 south of Orange City is closed so that repairs can be done near Highway 60.
- PC Paving is scheduled to begin next month.

12-03-20 8 Shane Walter – Zoning Administrator/Community Services Director

- As this was the date and 9:30 a.m. the time set for a public hearing on an Iowa Department of Natural Resources Construction Permit Application for Lloyd Cleveringa, proposing the construction of a 2400 head, deep pit, finisher barn at an existing facility located in Section 12 of Sherman Township, the Chairman opened said hearing. Lloyd Cleveringa was present for this discussion. Walter stated that no matrix is required. No written or oral comments were received from the public. The Chairman closed the public hearing. Motion by Kleinwolterink and supported by Degen to forward a letter with a favorable recommendation to the DNR. Motion carried, unanimous in favor.
- Walter requested that the Board approve the Northwest Iowa Contracting Consortium 28E Agreement which was revised due to the addition of two additional counties to the consortium. Motion by Wright and supported by Bloemendaal to approve and authorize the Chairman to sign a 28E agreement with the Northwest Iowa Contracting Consortium. Motion carried, unanimous in favor.
- A Planning and Zoning meeting is scheduled to meet on Thursday evening, March 22, 2012.

12-03-20 9 Claims as submitted by the Auditor were approved for payment.

12-03-20 10 The Chairman adjourned the meeting at 10:30 a.m. The next meeting will be held on April 3, 2012, beginning at 9:00 a.m.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor