

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

### **MEETING HELD ON MAY 11, 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 April 27, 2004 were submitted and on motion and vote stand approved as submitted.

Committee reports were given this date.

Kent Schwiesow of Le Mars met with the Board this date to introduce himself as a Republican candidate for State Representative (District 3) in the Primary Election to be held on June 8, 2004.

Melissa O'Rourke, County Attorney, met with the Board this date to report that the actual Iowa Supreme Court of Iowa document affirming an earlier decision issued by the Iowa Court of Appeals pertaining to Orange City Municipal Hospital, Appellant, vs. Board of Review of Sioux County, was received by the County Attorney's Office last week.

Robert Hagey, County Treasurer, met with the Board this date to review a proposed County Investment Policy. He also reviewed a proposed Bank Depository Resolution for Sioux County.

Motion by Smith and supported by De Haan to approve the proposed County Investment Policy as submitted by Robert Hagey, County Treasurer and revised by Melissa O'Rourke, County Attorney. Carried, unanimous in favor.

Motion by Beernink and supported by Bouma to approve and authorize the Chairman to sign the following Bank Depository Resolution:

#### **RESOLUTION NO. 2004-09**

BE IT RESOLVED, that Sioux County utilize the services of the following financial institutions for the deposit of public funds belonging to Sioux County, or coming into its possession,

pursuant to a duly executed Agreement to Receive Deposits of Public Funds. The maximum amount which may be thus deposited without further approval of this Board follows the listing of institutions:

<u>Name of Depository</u>	<u>Location</u>	<u>Maximum Deposit per this Resolution</u>
Community Bank	Alton	\$ 1,000,000.00
Citizens State Bank	Boyden	1,000,000.00
American State Bank	Granville	1,000,000.00
Farmers State Bank	Hawarden	2,000,000.00
First State Bank	Hawarden	2,000,000.00
American State Bank	Hospers	1,000,000.00
Iowa State Bank	Hull	1,000,000.00
Iowa State Bank	Ireton	1,000,000.00
Northwestern State Bank	Maurice	1,000,000.00
Community Bank	Orange City	1,000,000.00
Iowa State Bank	Orange City	4,000,000.00
Northwestern State Bank	Orange City	12,000,000.00
US Bank, NA	Rock Valley	1,000,000.00
Peoples Bank	Rock Valley	3,000,000.00
Premier Bank	Rock Valley	1,000,000.00
Citizens State Bank	Sheldon	1,000,000.00
Security State Bank	Sheldon	1,000,000.00
American State Bank	Sioux Center	2,000,000.00
First National Bank	Sioux Center	2,000,000.00
Peoples Bank	Sioux Center	1,000,000.00
Primebank	Sioux Center	2,000,000.00

BE IT FURTHER RESOLVED, that the following officers are hereby authorized and directed to execute said Agreement, to execute and deliver signature authorization cards to Depositories concurrently therewith, and to execute all drafts, checks and other documents and correspondence regarding any accounts of Sioux County at said Depositories:

<u>Name</u>	<u>Title</u>	<u>Term Expires</u>
Robert R. Hagey	Treasurer	December 31, 2006
Mary Ten Napel	Deputy Treasurer	December 31, 2006
Lea Eade	Deputy Treasurer	December 31, 2006

BE IT FURTHER RESOLVED, that the officers described above are hereby authorized and directed to take such action, and execute such documents and agreements as may be necessary to secure the repayment of the deposits of public funds authorized hereunder, including, but not limited to: Security Agreements, Bailment Agreements, Notices, and any documents or instruments supplemental or incidental thereto.

BE IT FURTHER RESOLVED, that the County Treasurer forward a certified copy of this resolution to said Depositories, and any other parties which may request it for the purposes of effectuating the deposit of public funds authorized hereunder or any security therefore, together with a certificate attesting to the names and signatures of the present incumbents of the offices described above; and that the County Treasurer further certify to said Depositories or other parties from time to time the signatures of any successors in office of any other present incumbents.

Dated this 11<sup>th</sup> day of May, 2004.

/s/ Mark Sybesma, Chairman

Sioux County Board of Supervisors

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of a Resolution of Sioux County, adopted at a meeting of the Board of Supervisors duly called and held on the 11th day of May, 2004, a quorum being present, as said Resolution remains of record in the minutes of said meeting, and it is now in full force and effect.

The officers named in the foregoing resolution have been duly elected or appointed and presently serve in their stated capacities for the terms indicated.

Dated this 11th day of May, 2004.

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.

Robert Hagey, County Treasurer, reported on a check received from MCI, Inc. in an amount of \$64,408.00 and correspondence which states that said check constitutes payment in full of all pre-petition property tax liability owned by World Com (MCI, Inc.) from a property tax claim filed by Sioux County in Bankruptcy Court. Robert Hagey, County Treasurer, stated that the payment amount does not include unpaid interest or costs owed.

The consensus of the Board pertaining to the check received from MCI, Inc. in an amount of \$64,408.00 was to instruct Robert Hagey, County Treasurer, to deposit the check into the county general fund and then pursue the collection of unpaid interest and costs.

Melissa O'Rourke, County Attorney, was present for the aforementioned county treasurer matters.

As this was the date and 10:00 o'clock a.m. the time set for hearing on an Iowa Department of Natural Resources Construction Permit Application for an expansion of a Swine Confinement Feeding

Operation submitted by Marlyn Woelber of Boyden and located in the South ½ of the NE ¼ of Section 9 in Sheridan Township, said hearing was held according to law.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator; and Marlyn Woelber of Boyden met with the Board this date to review the contents of the aforementioned Iowa Department of Natural Resources Construction Permit Application for an expansion of a Swine Confinement Feeding Operation submitted by Marlyn Woelber of Boyden. Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, stated that he had received a call from Lester Winter of Boyden who expressed an objection to the proposed expansion of a Swine Confinement Feeding Operation by Marlyn Woelber of Boyden. The matrix score was 490 points.

Lester Winter of Boyden was present and presented a petition bearing signatures from ten to twelve family members within about a two mile radius opposing the Department of Iowa Natural Resources Construction Permit Application submitted by Marlyn Woelber of Boyden. He stated that a church is located about a mile and one-fourth north of the proposed swine confinement feeding operation and that the congregation decided not to take a stand on the issue because the congregation was divided on the issue.

The Chairman closed the hearing.

Motion by Bouma and supported by Beernink to forward a favorable letter of recommendation to the Iowa Department of Natural Resources for a construction permit application submitted by Marlyn Woelber of Boyden for the expansion of a Swine Confinement Feeding Operation along with a copy of a submitted petition and concerns of local citizens, subject to approval by the Iowa Department of Natural Resources. Carried, unanimous in favor.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, reported that the scheduled 10:15 a.m. hearing on the construction permit application for Rolling Spur Cattle Company (Jim Stoutjesdyk) Dairy Expansion near Maurice will not be held because the Iowa

Department of Natural Resources has found problems with both the proposed manure management plan and the construction permit application. The matter will be brought before Board at a later date.

The following persons were present for the aforementioned construction permit application matter:

Jim Stoutjesdyk, Maurice  
Darcy Stoutjesdyk, Maurice

Randy Feenstra, Hull City Administrator, met with the Board this date to report that the City of Hull is applying for a Community Attraction and Tourism (CAT) grant from the Iowa Department of Economic Development to assist with the Pattersonville Park and Cultural Center project which would accommodate Pattersonville Park, interactive library and visitor's center/museum. He is requesting a letter of county financial support in an amount of \$15,000.00 to be paid over a three year period.

Motion by Bouma and supported by De Haan to approve and authorize the Chairman to sign a letter of county financial support in an amount of \$15,000.00 to be paid over a three year period as part of a Community Attraction and Tourism (CAT) grant application to the Iowa Department of Economic Development for the City of Hull to assist with the Pattersonville Park and Cultural Center project which would accommodate Pattersonville Park, interactive library and visitor's center/museum.  
Carried, unanimous in favor.

Melissa O'Rourke, County Attorney, was present for the aforementioned Board matters.

Motion by Bouma and supported by Beernink to go into executive session according to Section 20.17(3), Code of Iowa, to discuss collective bargaining matters with Harvey Wiltsey, Labor Negotiator for Sioux County. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Melissa O'Rourke, County Attorney; and Doug Julius, County Engineer, were present for the aforementioned executive session.

Motion by Bouma and supported by Beernink to go out of executive session according to Section 20.17(3), Code of Iowa. Roll Call on Vote: Bouma, Yes; Beernink, Yes; Sybesma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

Shane Walter, County Community Services Director, met with the Board this date to request approval and a Chairman's signature on a request for proposal for empowerment monies from the Iowa Department of Human Services to be used for child abuse prevention..

Motion by Beernink and supported by De Haan to approve and authorize the Chairman to sign a request for proposal for empowerment monies from the Iowa Department of Human Services to be used for child abuse prevention in Iowa. Carried, unanimous in favor.

Doug Julius, County Engineer, met with the Board this date to open up bids for two dump boxes and request approval and a Chairman's signature on various documents.

Doug Julius, County Engineer, opened the bids for two dump boxes as follows:

RECORD OF CONSTRUCTION AND MATERIAL BIDS													
SECONDARY ROAD LETTING													
Date of Letting: May 11, 2004 County: Sioux Project: Dump Box, Hydraulic Hoist & Hydraulic System													
Name of Contractor			Northern Truck Equip		Steffen		Drake Equipment Inc.		Tri-State Truck & Trailer		Hiway Truck Equipment		
Contractor's Address			PO Box 1104 Sioux Falls, SD		623 W. 7th Street Sioux City, IA		1501 N. Minnesota Ave Sioux Falls, SD		48086 273rd Street Tea, SD		2246 1st Ave So Fort Dodge, IA 50501		
No.	Item	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Furnish & Install New Dump Body	2	each	\$ 19,369.00	\$ 38,738.00	\$20,504.00	\$41,008.00	\$ 18,031.76	\$ 36,032.52	\$18,049.00	\$ 36,098.00	\$ 22,374.00	\$ 44,748.00
	Hydraulic Hoist & Hydraulic System conforming to the specifications												
	<b>Make</b>			Galion - Godwin 502 FT		Galion - Godwin 502 FT		Rowe		Henderson Mark 1-XD		Heil	
	<b>Delivery</b>			70-100 Days		90-100 Days		90-120 Days		90-100 Days		45-60 Days	
				Crossmembers		Crossmembers		Crossmembers		No - Crossmembers		No - Crossmembers	
2	Option: Furnish & Install New Aluminum Dump Body, Hydraulic Hoist & Hydraulic System conforming to the specifications	2	each	\$ 23,715.00	\$ 47,430.00	\$24,850.00	\$49,700.00	\$ 24,216.76	\$ 48,433.52	\$25,379.00	\$ 50,758.00	\$ 25,668.00	\$ 51,336.00
	<b>Make</b>			R & S Godwin		Galion - Godwin 15AF15		Benson		J-Craft		Reiten	
	<b>Delivery</b>			90-100 Days		90-100 Days		90-120 Days		90-120 Days		45-60 Days	
				Crossmembers		Crossmembers		Crossmembers		No - Crossmembers		No - Crossmembers	

Jeff Kordell, representative for Drake Equipment Company of Sioux Falls was present for the aforementioned bid letting.

Doug Julius, County Engineer, will review the bids and make a recommendation to the Board at the next meeting to be held on May 25, 2004.

The Board discussed whether to continue the weed spraying program in Sioux County.

Doug Julius, County Engineer, recommended that the Board continue with the spraying of leafy spurge in Sioux County.

The consensus of the Board was to discontinue weed spraying in Sioux County except for the spraying of leafy spurge in Sioux County.

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

#### **RESOLUTION NO. 2004-10**

#### **WEED CONTROL RESOLUTION**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA:**

That pursuant to provisions of Chapter 317, Code of Iowa, it is hereby ordered

- 1) That each owner and each person in the possession or control of any noxious weeds thereon, as defined in this Chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before the following dates and as often thereafter as necessary to prevent seed production:

Group 1. July 1 for Leafy Spurge; Marijuana Plants; Perennial Pepper-grass; Buckthorn (Rhamnus, not to include Rhamnus Frangula); Sour Dock Perennial, Smooth Dock Perennial and Sheep Sorrel Perennial.

Group 2. July 1, for Canada Thistle; Russian Knapweed; Buckhorn; Perennial and Wild Mustard Annual.

Group 3. July 15 for European Morning Glory or Field Bindweed; Wild Carrot Biennial, also known as Queen Anne's Lace; Poison Hemlock and Multiflora Rose.

Group 4. July 15 for Horse Nettle; Perennial Sow Thistle; Quack Gras; Butterprint Annual; Cocklebur; Bull Thistle; Wild Sunflower Annual; Teasel Biennial; Puncture Vine Annual; Shattercane Annual and all other species of thistles belonging in genera of Cirsium and Carduus.

- 2) That each owner and each person in the possession or control of land including right of way in Sioux County infested with any noxious weeds listed above shall adopt a program of weed destruction described by the Weed Commissioner which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.
- 3) That if the owners or persons in possession or control of any land including right of way in Sioux

County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the real estate.

- 4) Sioux County will be spraying noxious weeds growing in designated secondary road ditches. It will be the responsibility of adjacent property owners to destroy said weeds in all remaining road ditches not sprayed by Sioux County.
- 5) That the County Auditor be and is hereby directed to cause notice of the making and entering the foregoing order by one publication in each of the official newspapers of the County.

BE IT FURTHER RESOLVED that Sioux County be designated as a weed control unit.

**BY ORDER OF THE SIOUX COUNTY BOARD OF SUPERVISORS**

Signed and dated this 11th day of May, 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.

Doug Julius, County Engineer, reviewed the revised Secondary Road Fund Distribution for Sioux County.

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

The Chairman adjourned the meeting until Tuesday, May 25, 2004.

Mark Sybesma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor