

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON JULY 7, 2015

15-07-07 1 The Board of Supervisors of Sioux County, Iowa, met on July 7, 2015, at 9:00 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Al Bloemendaal, John Degen, Mark Sybesma and Dennis Wright. Supervisor Arlyn Kleinwolterink was not present for this meeting.

15-07-07 2 Minutes of the meeting held on June 30, 2015 were submitted and the Chairman declared them approved.

15-07-07 3 Thomas Kunstle, Sioux County Attorney:

- Presented an Open Records Policy Resolution for Board approval. Motion by Wright and supported by Degen to approve an Open Meeting Laws Resolution. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes and Sybesma, Yes. Motion carried unanimous in favor, one member absent.

RESOLUTION NO. 2015-20

Sioux County, Iowa Open Records Policy

Intent & Goal

This policy is intended to implement the provisions of Iowa Code Chapter 22 by providing assistance to citizens requesting examination of public records and to employees in fulfilling those requests. The goal is to assist citizens making requests and assure that responses to open records requests are made appropriately and timely.

Parameters

The County is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records deemed confidential pursuant to Iowa Code Section 22.7, or other applicable statutes, are not required to be released in response to a request. Confidential records include, but are not limited to, medical reports, employee related files, documents concerning litigation or claims, and names and addresses of complainants. Iowa Code Chapter 22 lists or describes various categories and types of documents and information exempt from the open records law. In addition, the County has a separate policy for disclosing security related information (See *Policy for Disclosure of Security Related Information*). Other portions of state and federal law may also govern access to public records.

Making a Request for Public Records

Requests for access to public records may be made in any format and the custodian shall not require the physical presence of a person requesting or receiving a copy of a public record. Citizens are encouraged, but not required, to make requests in writing. Unless otherwise required by law, anyone may make a request for public records without providing identification, reason, or motive for the request.

Responding to Requests

Requests for access to public records may be made in any manner. Employees may not ask why the record is being requested or require the identity of the requestor. Employees should try to collect as much information as possible about what records are being requested and in what format the requestor wishes to receive the data. If a specific format is requested, please see the section below on "Formatting Electronic Records." An employee receiving a request in person or by telephone should immediately reduce the request to writing, noting:

- the specifics of the information requested;
- the date and time of the request;
- whether the request is for copying, inspection, or both; and
- how the requestor expects the request be fulfilled.

Upon receipt of a request for access to public records employees should promptly take all reasonable steps to preserve the public record while the request is pending. Requests will be fulfilled as soon as possible. Iowa Code allows for a delay of twenty (20) calendar days if it is necessary to consult with legal counsel regarding whether a record is confidential; however, the delay should normally take no longer than ten (10) business days. If the request involves substantial research or the delay is expected to go beyond 10 business days, this should be communicated to the requestor as soon as possible.

Formatting Electronic Records

An electronic record shall be made available in the format in which it is readily accessible to the County, provided the format is usable with commonly available data processing or database management software. If the County chooses to provide the record in a different format for the requestor, the County may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other actual costs allowed.

Availability

If the public record requested does not exist, this fact should be communicated to the requestor. If possible, the information contained in a record that is deemed confidential by law should be redacted so that the remaining record may be disclosed. The statutory authority for each redaction should be provided to the requestor. Requests and responses for examination of public records or copies of records shall be documented.

Public records will be available for public examination and/or copying during customary office hours, which are *8:00 am to 4:30 pm, Monday through Friday*, excluding designated holidays. Immediate access to records may be affected by good faith efforts to identify and locate the correct records, or determine whether the request seeks disclosure of confidential records. The requesting party should be promptly notified if any delays are experienced or expected.

Fees

Reasonable fees may be charged to the requestor for the actual costs of producing a public record for inspection and/or copying. Actual costs only include costs that are directly attributed to the work to respond to a records request, but do not include charges for employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office.

In addition, if an electronic record is being provided in a format that is different from that in which the public record is readily accessible to the County because the requestor has asked for such a format, the County may charge the reasonable costs of any required processing, programming or other work required to produce the public record in that format. This includes both the cost of time for employees and charges incurred from third-parties to put the record into the requested format.

If the estimated total fees exceed \$50.00 the County may ask the requestor to prepay expected fees. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible. Requestors with a history of nonpayment will be required to pay upfront for any record request.

PASSED AND APPROVED this 7th day of July, 2015.

/s/ Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/Lois Huitink, Sioux County Auditor

- Told the Board that a legislative change in fine collection was discussed at the Iowa County Attorney's Association meeting. This legislation will reduce the fees that are collected at the local level.
- Reviewed several last minute decisions made by the Iowa Supreme Court. In regard to juvenile resentencing, the Court ruled that in cases in which juvenile offenders were given a life sentence without parole, those cases need to go back for resentencing. Another ruling changed procedures when making traffic stops. Although the US Constitution allows for a quick search of the vehicle if a driver is found to be under the influence, in Iowa and officer can no longer do a quick search of a vehicle without a search warrant. This will result in lost time while a search warrant is obtained, or the vehicle will be impounded and then a search is allowed.

15-07-07 4 Shane Walter, Sioux County Zoning Administrator:

- As this was the date and time for a Public Hearing on a request for a DNR Construction Permit Application, the Chairman opened said hearing. The request was from Aaron Maassen, Sherman Township - Section 15, to build a 200 head deep bedded dairy calf confinement on an existing dairy facility. The Matrix score is 465. No public input either written or oral was received. The Chairman closed the Public Hearing.

Motion by Bloemendaal and supported by Degen to send a letter of approval to the DNR for the aforementioned construction application. Motion carried, unanimous in favor, one member absent.

- Motion by Wright and supported Bloemendaal to approve a resolution setting a moratorium on setting up camp grounds within the county. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; and Sybesma, Yes. Motion carried unanimous in favor, one member absent.

RESOLUTION NO. 2015-21

WHEREAS, a request has been made by the Sioux County Planning & Zoning Commission to impose a moratorium on the placement of Campgrounds and recreational structures anywhere within Sioux County, through December 31, 2015, or until such time as amendments to the Zoning Ordinance have been approved.

DESCRIPTION

The moratorium will be effective throughout Sioux County, Iowa, to include all parcels.

WHEREAS, the above described action is taken to safeguard suitable area for agricultural and commercial use and residential development. This action was taken due to the ambiguous nature of the section of Ordinance dealing with campgrounds and recreational structures, as well as the definition of a campground with respect to Parks and Recreational uses. It is further determined that continued allowance of said campgrounds and/or recreational structures may conflict with the Sioux County Comprehensive Land Use Plan, and,

WHEREAS, said allowance of campgrounds and recreational structures may have a detrimental effect on properties adjacent to the site, and may have a major effect on the majority of the property owners in the area of the Campground/Recreational Structure, and,

WHEREAS, the Sioux County Planning and Zoning Commission has recommended approval of the proposed zoning moratorium

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the moratorium on the allowance of Campgrounds and Recreational Structures on any parcel within the County, through December 31st, 2015, or until such time as the Zoning Ordinance is amended, shall be effective on publication of this resolution.

RESOLVED, this 7th day of July, 2015

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

ATTEST: /s/ Lois Huitink,
Sioux County Auditor

- Motion by Degen and supported by Bloemendaal to approve a resolution giving amnesty to existing signs within the County. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; and Sybesma, Yes. Motion carried unanimous in favor, one member absent.

RESOLUTION NO. 2015-22

Sign Ordinance Amnesty/Amendment:

WHEREAS, a request has been made by the Sioux County Planning & Zoning Commission to impose an amnesty on existing signs and billboards which are not in compliance with regulations delineated in the Sioux County Zoning Ordinance, subject to the following conditions:

As of July 7, 2015, all existing signs and billboards, which are in good repair as described by the Sioux County Zoning Ordinance, and

- Are located in the unincorporated areas of Sioux County, and
- Are situated along Sioux County and Iowa State roadways and highways, exclusive of county and state designated right-of-ways, and
- Are currently unpermitted by the County, and
- Which otherwise meet all zoning regulations as set forth in the Zoning Ordinance

Are granted immunity from civil penalties and sanctions generally imposed by zoning regulation, on unpermitted structures, excepting

- Those sign structures and/or the illumination of said structure(s) which are determined by the zoning administrator to be a safety hazard, or otherwise a nuisance to, the community.

From this day forward, all zoning regulations set forth in the Zoning Ordinance applicable to such structures and must be adhered to.

The sign owner must continue to maintain each such sign face in a neat and orderly fashion. Prior to replacement, modification, or necessary repairs to the sign structure, it must be brought into compliance with all current and applicable zoning ordinance regulations. An application for a county Sign Permit and required

supporting documentation and payment of the appropriate fee must be submitted to the Zoning Office for review and approval by the zoning director PRIOR to the commencement of any such activity.

The existence and/or location of a previous sign structure, nor its former amnesty status does not guarantee approval of the application. All applications will be reviewed for compliance with current county and state regulations. If it is determined that the structure is unable to meet the current criteria for approval, it must be removed from the premises in a manner in accordance with zoning regulation.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the amnesty on signs and billboards which are not in compliance with the Zoning Ordinance on any parcel within the County, be approved, subject to the aforementioned conditions, and shall be effective upon publication of this resolution.

RESOLVED, this 7th day of July, 2015.

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

ATTEST: /s/Lois Huitink, Sioux County Auditor

15-07-07 5 Committee Reports:

- **Wright** – Reported that The Creative Living Center bought a building located along Highway 18 in Rock Valley and are remodeling it.

15-07-07 6 Doug Julius, Sioux County Engineer

- Asked the Board to sign a Joint Resolution with the City of Orange City. Motion by Wright and supported by Degen to approve a Joint Resolution with the City of Orange City to place a stop sign at the intersection of Ironwood Avenue and 2nd Street SW. Roll Call on Vote: Degen, Yes; Bloemendaal, Yes; Wright, Yes: and Sybesma, Yes. Motion carried, unanimous in favor, one member absent.

SIoux COUNTY RESOLUTION NO.: 2015-14

CITY OF ORANGE CITY RESOLUTION NO.: 6-15-15-1695

WHEREAS: The Sioux County Board of Supervisors is empowered under authority of Sections 321.236, 321.255 and 321.345 of the Code of Iowa to designate any secondary road intersection under their jurisdiction as a **STOP** intersection and to erect **STOP** signs at one or more entrances to such intersections, and

WHEREAS: Sioux County, Iowa and the City of Orange City, Iowa have concurrent jurisdiction over the intersection of Ironwood Avenue (Ohio Avenue) and 2nd Street SW at the SW Corner of the NW ¼ Section 32, T95N, R44W (Holland Township) on the West Corporate Limits (WCL) of Orange City, Iowa and the “T” intersection does not have a legally established **STOP** approach to the east entrance to the intersection, and

WHEREAS: Traffic and speed on Ironwood Avenue (Ohio Avenue) from the intersection of Iowa Hwy. #10 north to the intersection of 440th Street (7th Street NW) has increased due to road improvements and a paved surface.

NOW THEREFORE BE IT RESOLVED by the Sioux County Board of Supervisors and the City Council of Orange City, Iowa that a designated **STOP APPROACH** and **STOP** sign with advanced warning sign to be erected by Sioux County, Iowa and maintained by the City of Orange City, Iowa at the following location.

- 1. The east entrance to the intersection of Ironwood Avenue (Ohio Avenue) and 2nd Street NW at the SW Corner of the NW ¼ Section 32, T95N, R44W (Holland Township) on the West Corporate Limits (WCL) of Orange City, Iowa.

Passed and Approved this 7th day of July 2015

ATTEST: /s/ Lois Huitink
Sioux County Auditor

Mark Sybesma, Chairperson,
Sioux County Board of Supervisors

Passed and Approved this 15th day of June 2015

ATTEST: Dwayne Feekes, City Manager
City of Orange City, Iowa

Deb De Haan, Mayor
City of Orange City, Iowa

- Motion by Bloemendaal and supported by Degen to approve a Road Closure Resolution for the 2015-2016 Construction season. Roll Call on Vote: Degen, Yes; Wright, Yes; Bloemendaal Yes; and Sybesma Yes. Motion carried, unanimous in favor, one member absent.

Road Closure Resolution 2015-23

-CONSTRUCTION-

We hereby authorize the following roads to be closed for Construction during the 2015-2016 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.

<u>Road</u>	<u>Date Closed</u>	<u>County Engineer' Signature</u>
_____	_____	_____
_____	_____	_____

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

- Distributed information concerning the vacation of a portion of 460th street adjoining the Regional Airport. Julius was directed to move forward in the process, using proper procedures.
- Gave an update on ongoing construction activity.

15-07-07 7 Claims submitted by the Sioux County Auditor were approved for payment.

15-07-07 8 The Chairman adjourned the meeting at 10:20 a.m. until 9:00 a.m. Tuesday, July 21, 2015.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor