

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON DECEMBER 19, 2017

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Sybesma presiding. Members present were John Degen, Mark Sybesma, Dennis Wright, Arlyn Kleinwolterink, and Al Bloemendaal.
- 2) The minutes of the meeting held on December 12, 2017 were approved.
- 3) As this was the date and 9:00 a.m., the time for a Public Hearing for an exchange of County's interest in certain real property, the Chairman opened the public hearing. Tom Kunstle, Sioux County Attorney presented a resolution for a proposed property exchange as described in the following resolution. No public comments were heard. The Chairman closed the hearing. Motion by Kleinwolterink and supported by Wright to approve the resolution for the exchange of property. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO. 2017-36

EXCHANGE OF COUNTY'S INTEREST IN CERTAIN REAL PROPERTY

WHEREAS, Sioux County has an interest in certain real property, as shown on "Attachment A" as Easement #3 (TO BE VACATED), and legally described as follows:

Easement #3

That part of the Northeast Quarter (NE1/4) of Section Thirty-Four (Sec. 34), Township 97, Range 46 West of the 5th P.M., Sioux County Iowa, described as follows:

Commencing at the Northeast Corner of said Section 34; thence South 01°20'25" West along the east line of said NE1/4 for a distance of 379.50 feet; thence North 27°58'47" West for a distance of 10.22 feet; thence North 85°34'45" West for a distance of 109.38 feet; thence South 85°04'06" West for a distance of 248.33 feet; thence North 86°39'37" West for a distance of 89.41 feet; thence South 62°51'49" East for a distance of 80.82 feet; thence North 84°38'11" East for a distance of 380.26 feet to the Point of Beginning, containing 0.25 acres.

WHEREAS, Sioux County is desirous of disposing of its interest in the above legally described property by transferring ownership to the Estate of Gertrude Zevenbergen, Roderick J. Kiers, Executor, all its right, title, interest, estate, claim and demand, in the above described real estate.

WHEREAS, said landowner is desirous of disposing of its interest in certain real property, as shown on "Attachment A" as Easement's #1 and #2 (TO BE ACQUIRED), and legally described as follows, by transferring ownership to Sioux County, which owns and maintains a roadway on the described property:

Easement #1

That part of the Northeast Quarter (NE1/4) of Section Thirty-Four (Sec. 34), Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa, described as follows:

Commencing at the Northeast Corner of said Section 34; thence North 88°21'49" West along the north line of said NE1/4 for a distance of 759.00 feet; thence South 43°32'48" East for a distance of 46.82 feet to the Point of Beginning; thence North 88°21'49" West for a distance of 340.03 feet; thence South 82°04'44" East for a distance of 169.55 feet; thence South 70°49'13" East for a distance of 327.17 feet; thence North 62°51'49" West for a distance of 193.46 feet; thence South 88°21'49" East for a distance of 68.27 feet; thence North 43°32'48" West for a distance of 48.08 feet to the Point of Beginning, containing 0.26 acres.

Easement #2

That part of the Northeast Quarter (NE1/4) of Section Thirty-Four (Sec. 34) Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa, described as follows:

Commencing at the Northeast Corner of said Section 34; thence North 88°21'49" West along the north line of said NE1/4 for a distance of 759.00 feet; thence South 43°32'48" East for a distance of 140.45 feet; thence South 89°47'46" East for a distance of 33.96 feet to the Point of Beginning; thence continuing South 89°47'46" East for a distance of 461.04 feet; thence South 27°58'47" East for a distance of 40.33 feet; thence North 89°51'49" West for a distance of 445.77 feet; thence North 43°21'49" West for a distance of 49.79 feet to the Point of Beginning, containing 0.37 acres.

WHEREAS, the Board is desirous of disposing of the County's interest in the real property, more particularly described as Easement #3, as required by Iowa Code Section 331.361; has held a public hearing on the proposed property sale in accordance with Iowa Code Section 331.305; has published notice of the time and place of the public hearing on the proposed property sale; and has solicited public comment and input on the proposed property sale prior to finally acting on such proposal.

WHEREAS, as more particularly described above, the Board is desirous of finalizing the proposed land exchange as described above.

WHEREAS, the chairman of the Sioux County Board of Supervisors is hereby authorized to sign a Quit Claim Deed from Sioux County, Iowa to the Estate of Gertrude Zevenbergen, Roderick J. Kiers, Executor.

WHEREAS, while the above legally-described property is an unused highway right-of-way and is being transferred to a non-governmental entity, Iowa Code Section 306.23 notice requirements do not apply to this transaction for two reasons:

(1) there are no adjacent land owner(s) except for the landowner to whom the County desires to transfer this parcel; and (2) the persons who may have had an interest in the land at the time it was purchased or condemned for highway purposes, listed below as follows, are all believed to have deceased:

- John H. Teller and wife Henrietta Teller conveyed interest in 1886,
- John Kurvink and wife Mary Kurvink conveyed interest in 1907, and
- Frank Mc Gill conveyed interest in 1938.

See "Attachment B" fully incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that, after a public hearing on the matter, the Sioux County Board of Supervisors resolves to transfer any ownership it may have in Easement #3, in exchange for Easement #1 and Easement #2, to the Estate of Gertrude Zevenbergen, Roderick J. Kiers, Executor, all its right, title, interest, estate, claim and demand, in the above described real estate in Sioux County, Iowa.

PASSED AND APPROVED this 19th day of December, 2017.

/s/Mark Sybesma
Chairman, Board of Supervisors

ATTEST:

/s/Ryan Dokter, Sioux County Auditor

- 4) Tom Kunstle, Sioux County Attorney, shared information from the United States District Attorney's Office in regards to opioid deaths.
- 5) Nate Huizenga, Sioux County Chief Deputy/Emergency Management Director,
 - Presented a grant procurement policy resolution for Board consideration. This policy is to obtain a grant that will help fund hazmat training. Motion by Bloemendaal and supported by Degen to approve the grant procurement policy. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; Sybesma, Yes. Motion carried, unanimous in favor.

Resolution Number 2017-39

A RESOLUTION OF THE SIOUX COUNTY BOARD OF SUPERVISORS ADOPTING THE PROECUREMENT POLICY FOR FEDERALLY and NON-FEDERALLY FUNDED PROJECTS

WHEREAS, the Sioux County receives federal and nonfederal grant funds; and

WHEREAS, Sioux County is implementing a Procurement Policy describing the procedures, and standards by which the program will be managed; and

WHEREAS, staff has prepared a procurement policy, including evaluation criteria and a code of conduct in compliance with the guidelines and requirements established for the receipt of federal funds; and

WHEREAS, said Procurement Policy is in the best interests of Sioux County for federally and non-federally funded projects;

NOW THREFORE BE IT RESOLVED that the Sioux County Board of Supervisors does hereby approve and adopt the attached Procurement Policy for all future federally and non-federally funded projects.

/s/Mark Sybesma
County Board of Supervisors Chair

ATTEST:

/s/Ryan Dokter
County Auditor

- Reported that Emergency Management received a \$20,000 donation from Dakota Access, which will be expended to local fire departments to assist them in purchasing equipment.
- 6) Dick Sievers, CEO of MidSioux, requested \$16,500 in funding for FY2019. \$1,500 of this request is for the Family Self-Sufficiency program to help families get off state aid, and the remaining request is for \$15,000 for their finances. The Board took no action on this request at this time.
 - 7) Ryan Dokter, Sioux County Auditor, presented a resolution to the Board for consideration, to request assistance of the staff of the Northwest Iowa Planning and Development Commission, in regards to the administration of the CDBG grant for the Family Crisis Center. Motion by Wright and supported by Bloemendaal to approve the proposed resolution. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2017-37

A RESOLUTION OF THE SIOUX COUNTY, IOWA, 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...

Administration of a Community Development Block Grant (CDBG)
to assist with the Family Crisis Centers of Northwest Iowa
Housing Shelter Remodel/Renovation Project in Sioux Center

WHEREAS, the Sioux County Board of Supervisors has entered into a CDBG Subrecipient Agreement with the Family Crisis Centers of Northwest Iowa for the aforementioned CDBG funded project.

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 BE IT RESOLVED, by the Sioux County Board of Supervisors that the Planning Agency be requested to provide staff assistance in the above mentioned project; and

BE IT FURTHER RESOLVED 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 19th day of December , 2017

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

Attest:

/s/Ryan Dokter
Sioux County Auditor

- 8) Bridget Durst, Source Water Community Facilitator with the Conservation Districts of Iowa presented on the Iowa Source Water Ag Collaborative, and the work she is currently doing with the City of Rock Valley. Their goal is to provide Iowan's with information and resources to protect their drinking water sources. Durst is seeking support from the County to aid in promoting this initiative, as well as provide a Board representative to serve on the Source Water Team. She will provide the Board a commitment letter in the near future.
- 9) Shari Kastein, CEO of the Family Crisis Center, requested funding in the amount of \$17,500 for FY2018. Kastein distributed the Family Crisis Center's Annual Report from 2016-2017 and provided statistics and services provided to Sioux County and across the State. The Board took no action on the funding request at this time.
- 10) Ryan Dokter, Sioux County Auditor, presented a resolution to the Board for consideration, to make any public records related to Sioux County's Voting System Security policy a confidential record. Motion by Kleinwolverink and supported by Degen to approve the proposed resolution. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolverink, Yes; Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2017-38

WHEREAS, on 6 January 2017, the United States Department of Homeland Security (DHS) designated election infrastructure as a subsector of the existing Government Facilities critical infrastructure sector; and **WHEREAS**, the designation by DHS makes it easier for the federal government to have full and frank discussions with key stakeholders regarding sensitive vulnerability information; and **WHEREAS**, under Iowa law, sensitive vulnerability information is subject to examination by the public unless it is classified as a confidential public record per Code of Iowa, Chapter 22, subsection 7; and **WHEREAS**, Code of Iowa, Chapter 22, subsection 7, paragraph 50 identifies confidential public records as: Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

a. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.

b. This subsection shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this subsection applies and which is contained in such a record; and

WHEREAS, Iowa Administrative Rule 721-22.50(52) requires each county to maintain a written security policy which shall include detailed plans to protect election equipment and data from unauthorized access as well as describe methods to be used to preserve the integrity of the election and document the election process.

WHEREAS, the nature of the information contained in the required written security policy qualifies it as a confidential record as identified by Iowa Code 22.7(50) as outlined above

NOW, THEREFORE, BE IT RESOLVED, that the Sioux County Board of Supervisors, a government body defined in Code of Iowa Chapter 22, section 1, paragraph 1, hereby designates as a matter of public policy that any public records related to Sioux County's Voting System Security policy and the protection, security measures, response plans, emergency preparedness, security codes / combinations / passwords, restricted physical area passes, keys, audio /video systems, emergency response protocols, vulnerabilities, and any information contained in records that if disclosed would significantly increase the vulnerability of the election infrastructure shall remain confidential public records unless such public records are approved for examination or release by the Sioux County Auditor or his/her designee; and

FURTHER, BE IT RESOLVED, that this resolution is effective upon the date of approval by the Sioux County Board of Supervisors.

PASSED this 19th day of December, 2017.

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

ATTEST: /s/Ryan Dokter
Sioux County Auditor

11) Supervisor Degen introduced the agenda item of deciding on the funding request for the nature center project.

- Degen stated that this facility would serve people of all ages, and it would be an education center and that we have some of the best educators in the county with Rob Klocke, Sunday Ford, and their staff. The Sioux County Conservation Foundation is seeking an additional commitment for funding from the County.
- Sunday Ford stated that the County has 26 schools, and serve people in nursing homes and preschools once a month and are reaching nearly 100 people per day, four days a week. Relationships have been built with the teachers and schools and continue to build on the outdoor knowledge. With a nature center, that knowledge can be put together in one place, where people can experience the outdoors. A nature center would be a destination for people to go to and would lead them to other experiences such as trails.
- Cal De Ruyter spoke about how he is experiencing rising costs, but requested that the Board look past today's bills and put this in a budget for 2 or 3 years down the line and trust that this project will be a good thing. De Ruyter asked if the Board has spoken with any people in the schools.
- Bloemendaal stated that he has spoken with many people about the project.
- De Ruyter said that he thinks that the nature center would be something that the whole county would use.
- Gordon Pottebaum would like to state again that they are requesting an additional \$250,000, but if that is too steep, than asked what kind of commitment could the County do.
- Bloemendaal talked about how the County has taken the lead on the funding by committing to \$250,000 a year ago.

- Motion by Degen to provide an additional \$250,000 in funding over 7 years for the nature center and supported by Kleinwolterink. Voice vote requested by Chairman Sybesma: Wright, No, Bloemendaal No, Degen, Yes, Kleinwolterink, Yes, and Sybesma, No. Motion failed 2 to 3.

12) Doug Julius, Sioux County Engineer,

- Distributed a Title sheet for Board signatures, for an asphalt resurfacing project in 2018 STP-S-C084(157)—5E-84.
- Requested approval of the 2017 Weed Commissioner Report. Motion by Wright and supported by Bloemendaal to approve the report. Motion carried unanimously.
- Reported that stockpiling is taking place from the Chatsworth pit to the Ireton stockpile and from the Keehn pit to the Center stockpile.
- Preparation is taking place for the upcoming snow and tomorrow some holes will be dug for gravel exploration near Hudson.
- Julius continues to work on the RISE reimbursement for the airport road.

13) Committee Reports:

- **Wright** – 1) Attended a YES Board meeting on December 15. They currently have 6 people being housed. 2) Attended a Northwest Iowa Developer meeting on December 13 in Sheldon. This agency continues to encourage entities to seek out new businesses to locate in their areas, but not to pursue current businesses to relocate from within the region.
- **Bloemendaal** – Attended the retirement party for Nancy Dykstra.
- **Degen** – Reported on the E911 meeting from December 12. Informed the Board that funding is in place for the new tower and are working on plans for the old tower. Reported that funding for E911 comes from phone and cellphone fees. E911 distributes funds to the local cities for EMS, police, and fire based on the services provided and the population of those cities.
- **Kleinwolterink** – Attended a landfill meeting.
- **Sybesma** – Reported on the Housing Trust meeting and stated that there was an additional \$8,000 in leftover funds from 2015 and those were distributed to the Family Crisis Center.

14) Claims were approved as submitted by the County Auditor.

15) The Chairman adjourned the meeting at 10:35 a.m. until 9:00 a.m. Tuesday, January 2, 2018.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor