

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON AUGUST 21, 2018

- 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 and Al Bloemendaal. Supervisor Arlyn Kleinwolterink was absent for this meeting.
- 2) Minutes of the meeting held on August 6, 2018, were submitted, and the Chairman declared them approved.
- 3) Claims were approved for August 21, 2018 as submitted by the County Auditor.
- 4) As this was the date and 9:00 a.m. the time for a Public Hearing on a Resolution to Dispose the County's Interest in Real Property, the Chairman opened the public hearing. Sioux County Auditor, Ryan Dokter, explained that the County had completed this process previously, but during the process, the adjacent landowners changed, which meant this process had to be redone. No public or oral comments were received. The Chairman closed the public hearing. Motion by Degen and seconded by Bloemendaal to approve the following resolution. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Sybesma, Yes. Motion carried, unanimously, one member absent.

RESOLUTION NO. 2018-31

RESOLUTION TO DISPOSE COUNTY'S INTEREST IN REAL PROPERTY

WHEREAS, Sioux County has an interest in certain real property legally described as follows:

A parcel of land described as being part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 94 North, Range 45 West of the 5th P.M., Sioux County, Iowa, further described as follows:

BEGINNING at the Southwest corner of the SE1/4 of the SE1/4 of said Section 32; thence N89°52'16"E on the South line of the SE1/4 of the SE1/4 of said Section 32, a distance of 713.19 feet; thence N01°46'15"E, a distance of 33.02 feet; thence S89°52'16"W, a distance of 713.95 feet; thence S 00°27'39"W, a distance of 33.00 feet to the POINT OF BEGINNING; contains 0.54 Acres, and is subservient to any and all Easements, be they of record or not.

The South line of the SE1/4 of the SE1/4 of said Section 32 is assumed to bear N89°52'16"E.

WHEREAS, the Sioux County Board of Supervisors previously vacated such roadway by an Order to Vacate Road executed June 12, 2018, and further issuing a Quit Claim Deed on June 29, 2018. The Sioux County Board of Supervisors executed such Quit Claim Deed to Robert L. & Mary R. Mai, Rev Lvg Trust, however at that time, such property was owned by Patrick Mai and John Mai, each having been granted warranty deeds on May 24, 2018.

WHEREAS, Sioux County is desirous of disposing any remaining interest in the above legally described property by transferring ownership to the Patrick Mai and John Mai, all its right, title, interest, estate, claim and demand in the following described real estate in Sioux County, Iowa.

WHEREAS, a public hearing has been held on August 6, 2018 at 9:00 a.m., on the proposed property disposition in accordance with Iowa Code Section 331.305; notice has been previously published of the time and place of the above mentioned public hearing on the proposed property sale; and Sioux County has

solicited public comment and input on the proposed property disposition prior to finally acting on such proposal.

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 because there are no adjacent land owner(s) except for the landowner to whom the County desires to transfer this parcel.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors transfers any interest to Patrick Mai and John Mai, all its right, title, interest, estate, claim and demand in the above described real estate in Sioux County, Iowa, pursuant to a Quit Claim Deed signed by the Chairman of the Sioux County Board of Supervisors, Mark Sybesma, and attested to by the Sioux County Auditor Ryan Dokter.

PASSED AND APPROVED this 21st day of August, 2018.

/s/Mark Sybesma
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- Motion by Bloemendaal and seconded by Wright to approve the Quit Claim Deed on the aforementioned property described in the resolution. Motion carried unanimously, one member absent.

QUIT CLAIM DEED

For the consideration of Zero Dollars and other valuable consideration, Sioux County, Iowa, does hereby Quit Claim to Patrick Mai and John Mai, all of its rights, titles, interests, estate, claims, and demands in the following described as real estate in Sioux County, Iowa:

A parcel of land described as being part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 94 North, Range 45 West of the 5th P.M., Sioux County, Iowa, further described as follows:

BEGINNING at the Southwest corner of the SE1/4 of the SE1/4 of said Section 32; thence N89°52'16"E on the South line of the SE1/4 of the SE1/4 of said Section 32, a distance of 713.19 feet; thence N01°46'15"E, a distance of 33.02 feet; thence S89°52'16"W, a distance of 713.95 feet; thence S 00°27'39"W, a distance of 33.00 feet to the POINT OF BEGINNING; contains 0.54 Acres, and is subservient to any and all Easements, be they of record or not.

The South line of the SE1/4 of the SE1/4 of said Section 32 is assumed to bear N89°52'16"E.

This Quit Claim Deed is exempt from transfer tax per Code of Iowa Section 428A.2(21).

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated this 21st day of August, 2018.

SIOUX COUNTY BOARD OF SUPERVISORS

BY: /s/Mark Sybesma, Chairman of the Board

Attested: /s/Ryan Dokter, Auditor

- 5) Ryan Dokter, Sioux County Auditor presented a quote from Noteboom Electric for wiring three security cameras for the courthouse, which totaled \$1,800. A quote was also received from Midwest Alarm for three outdoor security cameras totaling \$3,720. Dokter stated that these expenses were budgeted for. Motion by Wright and seconded by Degen to approve the quotes. Motion carried, one member absent.
- 6) Motion by Degen and supported by Bloemendaal to set September 4, 2018 at 9:00 a.m. for a public hearing to readopt the County ordinances. Motion carried, one member absent.
- 7) As this was the date and 9:15 a.m., the time for a Public Hearing on an Animal Control and Protection Ordinance of 2018, the Chairman opened the public hearing. The Board reviewed the ordinance.

No written or oral comments were made. The Chairman closed the hearing. Motion by Wright and seconded by Bloemendaal to approve the ordinance. Roll Call on Vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; Sybesma, Yes. Motion carried, unanimously, one member absent.

**SIOUX COUNTY
ORDINANCE NO. 28**

ANIMAL CONTROL AND PROTECTION ORDINANCE OF 2018

ARTICLE 1 - REGULATION OF ANIMALS

1.1 DEFINITIONS. For use in this article the following terms are defined:

1. "ANIMAL" shall mean all living creatures not human.
2. "DOG" shall mean both male and female animals of the canine species whether altered or not.
3. "OWNER" shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.
4. "AT LARGE" shall mean off the premises of the owner and not under the control or restraint of the owner or a responsible person.
5. "RESTRAINT" shall mean that any dog shall be deemed under restraint if on the premises of its owner or accompanied by a responsible person and under his/her control.
6. "KENNEL OR DOGS" shall mean those dogs kept or raised solely for the bona fide purpose of sale and which are kept under constant

restraint.

7. "OWNER" shall mean any person owning, keeping, sheltering, or harboring an animal.
8. "VICIOUS ANIMAL" shall mean any animal, except a dangerous animal per se as listed above, that has chased or attacked or bitten or has attempted to bite or claw a person or persons while running at large and the attack was unprovoked; any animal which shall have attacked or bitten any person without provocation; any animal that has chased; killed or maimed any domestic animal or fowl, or if such animal has been deemed vicious by the court, County Board of Health, County, or other governing body; or when the propensity to attack or bite persons or to chase, kill, or maim domestic animals or fowl shall exist and is known or ought reasonably to be known to the owner.
9. "PETS" shall mean both male and female cats, dogs, horses, ponies, mules, birds, fowl, rabbits, and other pets, which are commonly kept by members of the public for family and personal enjoyment which generate waste products which may be offensive to the general public.
10. "LIVESTOCK" shall mean an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry. Common names for "livestock" are, but are not limited to: cows or cattle, sheep, swine, pigs, chickens, turkeys, horses, ducks, geese, or emus.
11. "DANGEROUS ANIMAL" shall mean: "Dangerous Animal" shall mean any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals; and having known tendencies as a species to do so. The following animals are deemed to be dangerous animals per se:
 1. All poisonous animals including rear-fang snakes
 2. Alligators and crocodiles
 3. Apes (chimpanzees, gibbons, gorillas, orangutans, and siamangs "Y"
 4. Baboon
 5. Badgers, wolverines, weasels, skunks, mink, ferrets, martens, otters and other mustelids
 6. Bats
 7. Bears
 8. Bison
 9. Bobcats
 10. Cheetahs
 11. Constrictor snakes
 12. Coyotes
 13. Deer
 14. Emu
 15. Foxes
 16. Gamecocks and other fighting birds
 17. Gila monsters
 18. Hippopotamus

19. Hyenas
20. Jaguars
21. Leopards
21. Lions
22. Lynxes
23. Monkeys
24. Mountain lions
25. Ostriches
26. Piranha fish
27. Pot-bellied pigs
28. Pumas, also known as cougars, mountain lions and panthers
29. Rhinoceroses
30. Scorpions
31. Sharks
32. Snow Leopards
33. Tigers
34. Wolves
35. Any cross breed of such animals which have similar characteristics of the animals specified above
36. Any animals declared to be dangerous by the County

12. "COUNTY" shall mean all unincorporated areas of Sioux County, Iowa.

1.2 LICENSE. Reserved for Future Use.

1.3 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. It shall be a violation of this ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

1.4 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this article if the kennel is licensed under Chapter 162, Code of Iowa.

1.5 AT LARGE PROHIBITED. No owner of any dog shall permit such dog to run at large.

1.6 ACTIONS OF DOGS CONSTITUTING A NUISANCE. It shall be unlawful for an owner of a dog to allow or permit such dog to perform the following:

1. OTHER PREMISES. To pass upon the premises of another thereby causing damage to, or interference with, the premises.
2. CAUSE ANNOYANCE. To cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.
3. CAUSE DAMAGE. To cause any damage or defilement to the public or private property. Damages, soils, defiles or defecates on public or private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed

of by the owner.

4. MOLEST PERSONS. To molest or harm any person on public or private property.
5. MOLEST ANIMALS. To molest or kill wildlife, birds, or domestic animals on public or private property.
6. TO RUN AT LARGE.

- 1.7 **IMPOUNDING.** It shall be the duty of the Sheriff or his/her authorized agent, as approved by him/her, to cause to be taken up and impounded any dog found to be at large within the County contrary to the provisions of this Code. Efforts shall be made to contact the owner if possible in all cases.

All dogs impounded shall be kept no more than three (3) days after being impounded. At the expiration of such time, if not claimed or redeemed, they may be either turned over to a society organized for the express purpose of prevention of cruelty to animals or humanely destroyed, or if deemed advisable, may be sold or given to a reliable individual at the discretion of the Sheriff. All collars and appurtenances affixed to said animal when impounded shall be disposed of as deemed necessary. Prior to release of said animals to individuals by sale or by gift, all animals shall receive proper immunization, these fees to be paid for by the new owner.

If the animal is claimed or redeemed, the owner shall immediately abide by the regulations herein established before release is made by the person having custody and an impounding fee is established by the particular veterinary clinic, shall be paid to the clinic.

- 1.8 **DOGS NOT CLAIMED.** Any impounded dogs not claimed shall be disposed of in a humane manner in accordance with the law.
(Code of Iowa, Sec. 351.37)

- 1.9 **DISPOSAL FEE.** A disposal fee on all dogs shall be at the rate as established by the particular veterinary clinic and paid for by the owner if established, or by the County in all other cases.

- 1.10 **LIABILITY FOR IMPOUNDING FEE.** If a dog is impounded for a violation of this Ordinance, the owner shall pay all impounding fees, whether they claim or redeem said dog or not, provided that it can be established who is the rightful legal owner.

- 1.11 **KEEPING OF DANGEROUS OR VICIOUS ANIMALS PROHIBITED.** It shall be unlawful for any person to keep, shelter, or harbor any dangerous or vicious animal as a pet, or act as custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the Sioux County, Iowa, except as, provided in Sections 1.11(1) and 1.11(2) of this Article.

1. **DANGEROUS ANIMAL EXCEPTIONS.** The prohibition contained in Section 1.11 of this Article shall not apply to the keeping of dangerous animals in the following circumstances:
 - a) The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit, which is of a traveling nature, is displayed before large assemblages of people, and maintains any and all required

federal or state licenses, if:

1. The animals' location conforms to the provision of the Zoning Ordinance of the County.
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained so to eliminate objectionable odors.
3. Animals are maintained in quarters so construed as to prevent their escape.
4. No person lives or resides within one hundred feet (100') of the quarters in which the animals are kept.
5. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

2. EXCEPTIONS TO THE VICIOUS ANIMALS PROHIBITION.

- a) Animals under the control of a law enforcement or military agency.
- b) The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed closure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded with a guard dog shall be prominently posted with a sign containing the wording "Guard Dog", "Vicious Dog" or words of similar import.
- c) No animal shall be deemed vicious as a result of having attacked or injured any person who, at the time of such attack or injury, was committing a willful trespass or was committing or attempting to commit other criminal conduct while on the premises occupied by the owner or keeper of such animal, or was at the time of the injury or attack, teasing, tormenting, abusing or physically assaulting the animal.
- d) No animal shall be deemed vicious as a result of having defended or protected its owner/keeper from an unjustified attack or physical assault.
- e) No animal shall be deemed vicious for causing injury or death to another animal if it was defending itself from an unprovoked attack by such other animal.

3. VIOLATIONS. Any animal found to be in violation of this Section may be immediately impounded or disposed of subject to the terms and conditions set out in this ordinance

4. SEIZURE, INPOUNDMENT, AND DISPOSITION.

- a) In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, at the discretion of a peace officer, be destroyed if it cannot be confined or captured. The County shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
- b) Upon the complaint of any individual that a person is keeping, sheltering or

harboring a dangerous animal or vicious animal on premise in the County, the Sheriff or his designee may cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the County, the Sheriff or his/her designee may order the person named in the complaint to safely remove such animal from the County or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal.

- c) The notice to remove an animal from the County or have it destroyed shall be given in writing to the person keeping, sheltering, or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required when such animal has caused serious physical harm or death to any person, in which case the Sheriff or his designee shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- d) The order to remove a dangerous animal or vicious animal issued by the Sheriff or his designee may be appealed to the County. In order to appeal such order, written notice of appeal must be filed with the County Auditor within three (3) days after receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal.
- e) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the County Auditor or his/her designee. The Auditor will subsequently notify the Board of Supervisors of said appeal. The hearing of such appeal shall be before a proper court and shall be scheduled within seven (7) days of the receipt of the notice of appeal or as soon as possible thereafter depending upon the court's schedule. The person filing the notice of appeal must be present at the hearing. Failure to attend such appeal hearing shall constitute a waiver of the right to appeal. The hearing may be continued for good cause. At the conclusion of such hearing, the court hearing the appeal may affirm or reverse the order of the Sheriff or his/her designee. Such determination shall be contained in a written decision and shall be filed with the Clerk of Court after the hearing or any continued session thereof.
- f) If the court affirms the action of the Sheriff or his/her designee, the court shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the County or destroy it. The decision and order shall immediately be served upon the person who filed the appeal. Such notice shall be given in writing and shall be served personally or by certified mail.
- g) If the original order of the Sheriff or his/her designee is not appealed and is not complied with within three (3) days or the court order after

appeal is not complied with within three (3) days of its issuance, the Sheriff or her/his designee is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Sheriff or her/his designee issued pursuant to this chapter and not appealed, or an order of the court after appeal, constitutes a violation of this ordinance and is punishable with a \$200.00 fine.

- 1.12 IMPOUNDMENT. Animals, other than vicious or dangerous animals as defined in Section 1.1, found at large in violation of this chapter shall be seized and impounded, at the discretion of the peace officer, or the owner may be served a summons to appear before a proper court to answer charges made thereunder. The impounded animal may be claimed by the owner after payment of impoundment fees and penalties. Any animal not claimed within seven (7) days after notice shall be disposed of in a humane manner in accordance with the law.
- 1.13 PENALTY. The penalty for violation of this Chapter, except for violations established in Section 1.11 which are specifically provided for therein, shall be a civil infraction punishable by a fine of \$200.00 and each separate event violating these provisions shall be considered a separate offense.

Approved and adopted this 21st day of August, 2018

Sioux County Board of Supervisors

/s/Mark Sybesma, Chairman
Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

First Reading: August 6, 2018
Second Reading: August 21, 2018
Approved: August 21, 2018

/s/Ryan Dokter
Sioux County Auditor

- 8) Randy Jacobsma, Sioux County Treasurer, presented the Treasurer's Semi-Annual report from January 1, 2018 to June 30, 2018. The Board received the report for information, and the report is on file in the Auditor's office.
- 9) Tom Kunstle, Sioux County Attorney, informed the Board that due to the size of the video files for court cases, that his office is now using flash drives to distribute large media files to defense attorneys. Kunstle also mentioned that the body cameras officers are using have been a very positive thing for Sioux County.
- 10) Doug Julius, Sioux County Engineer,
- Submitted the following permit agreements: 1) Mark Sneller, Section 15 of Center Township, to place a conduit for a cable, 2) Southern Sioux Rural Water, Sections 17 and 20 of Reading Township to place a water line to service a new hog building, 3) Rural Water, Section 17, Section 16 to 21, and Section 17 and 16 of Garfield Township

to place a 16" water line. Motion by Degen and supported by Bloemendaal to approve the proposed permit agreements. Motion carried, one member absent.

- Updated the Board on the status of Dordt's request to place a communication line in Sections 21 and 28 of Welcome Township. Dordt will need to request private easements from the landowners.
- Presented a letter from the City of Rock Valley in regards to zoning changes. These changes will not affect County property.
- Updated the Board on secondary road activity as well as the progress of 2018 construction projects.
- Reported that road patching, leveling, and crack sealing will take place in the coming weeks in the county. A map will be distributed for those areas at an upcoming meeting.
- Reported that gravel crushing is complete at the Vande Stroet Pit. 50,000 ton was crushed there and crushing will begin soon at the Chatsworth Pit.

11) Committee Reports:

- **Bloemendaal, Degen, Sybesma, Wright** – Attended the NCRS banquet at Sandy Hollow on August 15.
- **Bloemendaal & Sybesma** – Reported on the Airport Board meeting from August 20. Plans are being made for a ribbon cutting event for mid-November. All paving is done except for parking areas. The MALS system is nearing completion, fuel tanks are installed, and the terminal building is almost done. The Iowa DOT approved \$425,000 in funding for terminal area paving and parking. There is 1 billion dollars available in grant funding from the FAA and the Airport Board will be compiling some projects to submit for repayment. The grants are 100% funding for the approved projects. The airports that will close are being appraised and will be sold at a later date. The proceeds of the sale will go directly to the funding for the new airport.
- **Wright**– 1) Attended a Northwest Iowa Development meeting in Sheldon on August 8. A project has begun to find out what the needs are of companies in the five county region. 2) Attended a YES Board meeting on August 17. The facility has been full recently.
- **Bloemendaal** – Reported on the RIDES meeting from August 16. 18 new buses were purchased and are equipped with 6 cameras each. The old buses will need to be sold. The agency has a very healthy fund balance of 2.6 million dollars at year end.
- **Degen** – 1) Thanked Doug Julius for his assistance for a problem in Maurice recently. 2) Reported on the Security Committee meeting from August 8. Work on the vault window and counter area of the Clerk's office is being considered. The annual security report was completed and sent to the State Court System. Planning for employee training is taking place.

12) The Chairman adjourned the meeting at 10:30 a.m. until 9:00 a.m. Tuesday, September 4, 2018.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor