

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON MAY 12, 2020

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Jerry Muilenburg presiding. Members present were John Degen, Jerry Muilenburg, Carl Vande Weerd, Al Bloemendaal and Mark Sybesma.
- 2) Motion by Sybesma and supported by Degen to go into closed session pursuant to Iowa Code 21.5(1)(c). Roll call on vote: Sybesma, Yes; Degen, Yes; Vande Weerd, Yes; Bloemendaal, Yes; Muilenburg, Yes. Motion carried unanimously.
- 3) Motion by Sybesma and supported by Vande Weerd to exit closed session. Roll call on vote: Sybesma, Yes; Vande Weerd, Yes; Degen, Yes; Bloemendaal, Yes; Muilenburg, Yes. Motion carried unanimously.
- 4) Motion by Sybesma and supported by Degen to approval the tentative agreement negotiated by ICAP legal counsel in the matter of Herbst Estate vs. Sioux County and others for the sum of \$50,000 of which the County pays a \$5,000 deductible. Motion carried unanimously.
- 5) Motion by Sybesma and supported by Bloemendaal to approve the tentative agreement negotiated by ICAP legal counsel in the matter of Schiebout vs. Sioux County and others for the sum of \$50,000 of which the County pays a \$5,000 deductible. Motion carried unanimously.
- 6) Minutes of the meetings held on April 21 and April 28, 2020, were submitted and the Chairman declared them approved.
- 7) Motion by Degen and supported by Bloemendaal to approve the claims for May 12, 2020 as presented by the County Auditor. Motion carried unanimously.
- 8) Motion by Vande Weerd and supported by Bloemendaal to appoint Matt Visser to the vacancy left by Calvin Helmus on the Board of Health. Motion carried unanimously.
- 9) Ryan Dokter, Sioux County Auditor,
 - Reviewed the process the Board will follow to interview for the vacant County Treasurer office.
 - Reviewed the final compensation with the Board for Randy Jacobsma.
 - Discussed the courthouse closure status due to COVID-19. Department heads reported that business continues to be conducted by appointments, mail, email, and the drop box. The Board tentatively plans to reopen on a partial basis on June 15, 2020, but will discuss this again on June 9.
- 10) Dan Altena, Sioux County Sheriff,
 - Requested approval of the FY2021 contract law contracts. The contracts went up about 2% from FY2020, with the exception of Matlock and Chatsworth. Those stayed at \$1,000. Motion by Bloemendaal and supported by Vande Weerd to approve the contract law contracts for FY2021. Motion carried unanimously.
 - Reported that weapon permits are being done online.

- Noted that his office is currently fully staffed but reported that an employee will be leaving in June. That position is likely to be filled internally.
- Commended IT Director, Micah Van Maanen and his staff for their work in the Sheriff's office.

11) Doug Julius, Sioux County Engineer,

- Requested Board approval of a new employee, Joel Sikkema as the Assistant to the Sioux County Engineer. Motion by Bloemendaal and supported by Degen to approve the new employee. Motion carried unanimously.
- Requested Board approval of the following permit agreements: 1) Premier Communications to bury fiber optic cable in sections 30 and 31 of Welcome Township, 2) Frontier Communications to bury fiber optic cable in section 4 and 31 of Holland Township, sections 6, 20, and 29 of Nassau Township, 3) Southern Sioux Rural Water to bury water line in sections 5 and 6 of Sherman Township, 4) Meadowvale Dairy to bury irrigation culvert in section 36 of Settlers Township and section 31 of Sioux Township. Motion by Bloemendaal and supported by Vande Weerd to approve the proposed permit agreements. Motion carried unanimously.
- Requested Board approval of a Certificate of Completion and Final Acceptance for project M-42-2019, which was a patching work on K42 south of Carmel in the amount of \$208,185.16. Motion by Sybesma and supported by Degen to approve and sign the Certificate of Completion and Final Acceptance for the aforementioned project. Motion carried unanimously.
- Requested Board approval and signatures on Title Sheets for projects L-3-2020—73-84 culvert and L-1-2020—73-84 bridge deck overlay. Motion by Vande Weerd and supported by Bloemendaal to approve and sign the Title Sheets for the aforementioned projects. Motion carried unanimously.
- Shared a map with the Board for gravel needs and restocking gravel piles.
- Requested Board approval of a purchase of a new Caterpillar 938M Wheel Loader for a total cost after trade of \$185,580. Motion by Sybesma and supported by Degen to approve the purchase of the new Wheel Loader. Motion carried unanimously.
- Updated the Board on secondary road activities.
- Reported that problems continue with people entering the County Home and that the facility needs to be addressed.
- Discussed the request from Lyon County to utilize Julius for engineering services for their county since Lyon County does not currently have an Engineer. The Board is supportive of what decision Julius would like to make in response to their inquiry.
- Requested Board approval of the 2020 Weed Control Resolution. Motion by Sybesma and supported by Degen to approve the following resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

**RESOLUTION No. 2020-25
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 land shall cut, burn or otherwise destroy all 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 bearing seeds 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, burned 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 has discontinued the Annual Spot Spraying Program of noxious weeds and other weed types growing in Sioux County Secondary Road ditches. It will be the responsibility of each owner and each person in the possession or control of land to destroy said weeds in Sioux County Secondary Road Ditches.**
- 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 12th day of May, 2020

/s/Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST:/s/Ryan Dokter
Sioux County Auditor

12) Supervisor Sybesma left the meeting at 10:15 a.m.

13) Committee Reports:

- **Bloemendaal** – 1) Reported on the RIDES meeting held by teleconference. The agency continues to serve people who need transportation for dialysis and ended service for workers for SIG in Boyden.
- **Degen** – 1) Reported on the recent Conservation Board meeting. Park restrooms and playground equipment remains closed as well as the Nature Center. Employees have been working on controlled burns. 2) Reported that the new boilers have been installed for the

courthouse and the programming for the new system is in progress, and also that the courthouse garage roof has been replaced.

14) The following resolution was approved via email on April 21, 2020.

RESOLUTION 2020 - 22

WHEREAS, a request has been made to the Sioux County Board of Supervisors by John Horstman for approval for a waiver of Sioux County's right to appeal the issuance by the Iowa Department of Natural Resources (DNR), of a final construction permit for the construction of a confined animal feeding operation,

BE IT RESOLVED by the Sioux County Board of Supervisors as follows:

WHEREAS, The Sioux County Board of Supervisors has received a notice from the Iowa DNR that John Horstman DNR #56430 has been issued a draft permit, AND

WHEREAS, The Sioux County Board of Supervisors has reviewed the construction permit application and the manure management plan and recommended approval of said application on March 24, 2020, AND

WHEREAS, The Sioux County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit, AND

WHEREAS, The Sioux County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver, AND

WHEREAS, The Sioux County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver, AND

WHEREAS, This resolution shall take effect immediately,

RESOLVED, this 21st day of April, 2020.

/s/Jerry Muilenburg
Chairman, Sioux County Board of

Supervisors

Attest: /s/Ryan Dokter
Sioux County Auditor

15) Motion by Bloemendaal and supported by Vande Weerd to approve the following transfer of funds resolution. Roll on vote: Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried one member absent.

**RESOLUTION 2020-24
SECONDARY ROAD FUND TRANSFER**

WHEREAS, it is desired to make the following inter-fund operating transfer:

\$1,209,839.50 from the Rural Basic Fund to the Secondary Road Fund, and
\$127,616 from the General Basic Fund to the Secondary Road Fund

WHEREAS, said operating transfer is made in accordance with Section 331.432 Iowa Code,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Sioux County as follows:

Section 1. The following inter-fund operating transfer is to be made effective May 12, 2020.

\$1,209,839.50 from the Rural Basic Fund to the Secondary Road Fund and
\$127,616 from the General Basic Fund to the Secondary Road Fund

Section 2. The County Auditor is directed to correct the books accordingly and to notify the County Treasurer of these inter-fund operating transfers, accompanied by a copy of this resolution and the record of its adoption.

Signed and dated this 12th day of May, 2020.

/s/Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: /s/Ryan Dokter
Sioux County Auditor

16) Motion by Bloemendaal and supported by Vande Weerd to adjourn the meeting. Motion carried, one member absent, and the meeting was adjourned at 10:28 a.m. until Tuesday, May 19, 2020.

Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor