

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON JANUARY 26, 2021

- 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 Jerry Muilenburg, Al Bloemendaal, Mark Sybesma, John Degen, and Carl Vande Weerd.
- 2) Minutes of the meeting held on January 19, 2021 were submitted and the Chairman declared them approved.
- 3) Motion by Vande Weerd and supported by Degen to approve the claims for January 26, 2021 as submitted by the County Auditor. Motion carried unanimously.
- 4) Marty Guthmiller, CEO Orange City Area Health System,
 - Reviewed the Public Health budget for FY22.
 - Reported that FEMA funding for COVID-19 is a variable with the budget.
 - Reported that CARES funding is complicated as different rules apply to the funding depending upon the service.
 - Updated the Board on the COVID-19 vaccine distribution and the bottleneck in the process is the supply of the vaccine.
- 5) Kathi Wetter, Sioux County Veteran's Affairs Director, reviewed the FY22 Veteran's Affairs budget with the Board and provided a status update of her office.
- 6) Shane Walter, Sioux County Zoning Director,
 - Reviewed the following budgets with the Board: Social Services, Zoning, Environmental Health, Mental Health, Juvenile Probation, and General Welfare.
 - Presented the following resolution for Board approval to rezone a parcel from commercial to heavy industrial. Motion by Bloemendaal and supported by Vande Weerd to approve the rezone resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2021-07

WHEREAS, a petition has been received from the Sioux County Zoning Office requesting an amendment to the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the Zoning Classification of the property described herein, from a Commercial (C) District to a Heavy Industrial (HI) District,

PROPERTY DESCRIPTION

Parcel Number 12-01-427-002, in its entirety located in the NE ¼ of the SE ¼ of Section 1, Lynn Township, Sioux County, Iowa, 3355 McKinley Ave. Sheldon, IA

WHEREAS, the above described property and surrounding area has a significant history of Industrial usage, and is not in conflict with the Sioux County Land Use Plan, and,

WHEREAS, while the usage of the above described property is not an allowed activity in a Commercial District, it is an allowed usage in a Heavy Industrial District with a Conditional Use Permit, and,

WHEREAS, said change does not appear to have a detrimental effect on other properties adjacent to this site, and no major effect on the majority of the property owners in the area, and,

WHEREAS, the Sioux County Zoning Commission recommended, on January 21, 2021, approval of the proposed zoning classification change of the property described and shown on the area site plan attached to this petition.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property be changed from a Commercial (C) District to a Heavy Industrial (HI) District, and that said change shall be effective on publication of this resolution.

RESOLVED, this 26th day of January, 2021.

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

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- Presented the following resolution for Board approval to rezone a parcel from light industrial to heavy industrial. Motion by Sybesma and supported by Degen to approve the rezone resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2021-08

WHEREAS, a petition has been received from the Sioux County Zoning Office requesting an amendment to the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the Zoning Classification of the property described herein, from a Light Industrial (LI) District to a Heavy Industrial (HI) District,

PROPERTY DESCRIPTION

Parcel Number 23-08-476-004, in its entirety located in the SE ¼ of the SE ¼ of Section 8, Nassau Township, Sioux County, Iowa, 3698 470th Street, Orange City, IA,

WHEREAS, the above described property and surrounding area has a significant history of Industrial usage, and is not in conflict with the Sioux County Land Use Plan, and,

WHEREAS, while the usage of the above described property is not an allowed activity in a Light Industrial District, it is an allowed usage in a Heavy Industrial District with a Conditional Use Permit, and,

WHEREAS, said change does not appear to have a detrimental effect on other properties adjacent to this site, and no major effect on the majority of the property owners in the area, and,

WHEREAS, the Sioux County Zoning Commission recommended, on January 21, 2021, approval of the proposed zoning classification change of the property described and shown on the area site plan attached to this petition.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property be changed from a Light Industrial (LI) District to a Heavy Industrial (HI) District, and that said change shall be effective on publication of this resolution.

RESOLVED, this 26th day of January, 2021.

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

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- 7) As this was the date, January 26, 2021, and time, 9:45 a.m. for a public hearing regarding amending Ordinance No. 21, the Chairman opened the public hearing. Sioux County Zoning Director reviewed the amendment to the Nuisance Ordinance. No oral or written comments were received from the public. The Chairman closed the public hearing. Motion by Vande Weerd and supported by Degen to approve the following resolution amending Ordinance No. 21. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2021-003

A RESOLUTION OF THE SIOUX COUNTY BOARD OF SUPERVISORS TO APPROVE AND ADOPT THE 2021 NUISANCE ORDINANCE.

WHEREAS: The Board of Supervisors of Sioux County, Iowa has decided in the best interests of the county to request the Planning and Zoning Commission undergo, through a formal planning and public input process, development of an ordinance to deal with those situations in the county that are deemed to be a nuisance and/or a threat to public health and safety; and

WHEREAS: The Sioux County Planning and Zoning Commission in keeping with their prescribed responsibility has undergone the development of a nuisance ordinance and has subsequently recommended this ordinance for formal adoption by the Board of Supervisors; and

WHEREAS: The Board of Supervisors, having reviewed this ordinance, feels it is in the best interests of the county to adopt this ordinance to deal more effectively with nuisance situations;

NOW THEREFORE BE IT RESOLVED BY THE SIOUX COUNTY BOARD OF SUPERVISORS, that the adoption of the 2021 Nuisance Ordinance is hereby authorized.

PASSED AND APPROVED THIS 26th DAY of JANUARY, 2021.

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

Attest: /s/Ryan Dokter, County Auditor

- 8) Ryan Berven, Group Benefit Partners, reviewed the FY22 Sioux County Health Insurance renewal with the Board. Berven discussed the factors contributing to the changes in the premiums, which were very minimal. The Board received the report for information.
- 9) Kurt Frederes, City of Orange City, presented a proposed 80/20 annexation to the City of Orange City. Iowa Code requires the City to consult with the Board and the township board for this type of annexation. There is one landowner who has not agreed to the annexation which is why this is an 80/20 annexation. Motion by Sybesma and supported by Bloemendaal to give a favorable recommendation to the City of Orange City for the 80/20 annexation. Motion carried unanimously.

10) Abby Rook, Sioux County Human Resources Director, reviewed the provisions of the FFCRA employee paid leave due to COVID-19 with the Board. Rook reminded the Board of the Board's decision at the end of December 2020 to extend the FFCRA to the end of January 2021 in hopes that the federal government would determine what the FFCRA provisions would be for 2021. There has been no movement from the federal government on this issue, so Rook recommended that the Board extend the FFCRA employee paid leave provisions to the end of March 2021. Motion by Bloemendaal and supported by Vande Weerd to extend the FFCRA employee paid leave until March 31, 2021. Motion carried unanimously.

11) Ryan Dokter, Sioux County Auditor,

- Informed the Board that a resolution is needed in order to terminate the agreement with the Iowa Precinct Atlas Consortium (IPAC), to avoid paying additional software support costs into FY22. The deadline to withdraw from IPAC is January 31, 2021. Dokter reminded the Board that they approved the funding for a new electronic poll book program for the County at the January 12, 2021 meeting, which prompted this further action. Motion by Bloemendaal and supported by Vande Weerd to approve the resolution terminating the agreement with IPAC. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

**RESOLUTION 2021-04
RESOLUTION TERMINATING AGREEMENT WITH IPAC**

A resolution by Sioux County to terminate its use of Iowa Precinct Atlas Consortium ("IPAC").

WHEREAS, the Sioux County Board of Supervisors approved Resolution 2017-13 dated the 2nd day of May, 2017, and Sioux County signed the 28E Agreement for IPAC on the 2nd day of May, 2017.

WHEREAS, the above-referenced 28E Agreement, pursuant to Section 3.2, requires termination be submitted to the Board of Supervisors and termination to be accomplished by resolution.

WHEREAS, the Sioux County Board of Supervisors deems it necessary to terminate the 28E Agreement between Sioux County and IPAC, thereby also terminating its use of IPAC. Pursuant to 28E Agreement Section 3.3, this resolution shall be effective immediately upon passage.

WHEREAS, the Sioux County Board of Supervisors deems it desirable to instead utilize Tenex electronic pollbook software and devices due to the products features and cost, and Sioux County approved the use of Tenex products on January 12, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY that the Board of Supervisors hereby adopts this resolution to terminate the 28E Agreement between Sioux County and IPAC per the terms of the 28E Agreement.

/s/Jerry Muilenburg, Chair, Board of Supervisors

Date: January 26, 2021

ATTEST: /s/Ryan Dokter, County Auditor

Date: January 26, 2021

- Presented the following resolution to set a public hearing on the vacation and closure of a portion of 385th Street. Motion by Sybesma and supported by Degen to approve the

resolution as presented. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2021-05

RESOLUTION PROPOSING AND SETTING HEARING ON
THE VACATION AND CLOSURE OF A PORTION OF 385th STREET
AND ITS SUBSEQUENT DISPOSAL TO COREY N. DIEKEVERS AND BILLIE N. DIEKEVERS.

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

That the Board of Supervisors of Sioux County, Iowa (the "Board"), upon the recommendation of the Sioux County Engineer, hereby proposes to vacate and close a portion of 385th Street in said County described as follows:

All of 385th Street located within Parcel E of the South Half (S1/2) of Section 34, Township 96 North, Range 43 West of the 5th P.M., Sioux County, Iowa, which roadway is more particularly described in Detail A of said Parcel E, all of which are shown by the Plat of Survey recorded as Instrument No. 2020-07085 in the office of the Sioux County Recorder.

That, if the above-described street is vacated and closed, the vacated portion thereof shall be offered for sale to Corey N. Diekevers and Billie N. Diekevers ("Diekevers") for the sum of one dollar (\$1.00). Said sale shall be subject to the following condition: That Diekevers be required to pay all legal fees and other costs associated with the vacation and disposal of the above-described portion of 385th Street. If said sale is approved, the above-described vacated portion of 385th Street shall be conveyed by special warranty deed to Diekevers in accordance with the terms set forth in this resolution.

That a public hearing will be held on February 9, 2021, at 9:00 a.m. in the Sioux County Courthouse at 210 Central Avenue SW, Orange City, Iowa, at which time the Board will hear objections to the proposed vacation, closure, and disposal of the above-described portion of 385th Street from any interested parties.

That the Sioux County Auditor is directed to publish and mail notice of the aforementioned hearing in conformance with sections 306.11, 306.12, 306.13, 331.305, and 331.361 of the Iowa Code (2019). All adjoining landowners and utility companies whose facilities adjoin or are on the above-described portion of 385th Street shall be notified by certified mail.

PASSED, APPROVED, AND ADOPTED this 26th day of January, 2021.

/s/Jerry Muilenburg
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, County Auditor

12) Committee Reports:

- **Degen**– 1) Reported that there are some areas between second and third floor of the courthouse that need to be repainted. The quote for work is between \$2,700 and \$2,800 and will proceed to have the work done. 2) Reported that the VA Director office temperature gets close to 80 degrees by the afternoon, even when the furnace is not running and is making office uncomfortable. A window will be replaced on the second floor of the building, which will allow cold air to help manage the temperature. 3) Reported that a pump was recently replaced on the courthouse geothermal system.
- **Bloemendaal** – Reported the RIDES meeting from January 21. The agency reviewed the audit report, which showed the agency's fund balance is good. The agency has accessed

CARES funding which has helped their finances. Drivers are starting to be rehired as more transports are being performed.

- **Muilenburg** – 1) Attended a Landfill meeting. The agency approved their FY22 budget as well as their short-term plans. \$8.5 million in funds are designated for larger projects. 2) Attended a recent Zoning meeting and approvals were given for a new home near Fairview and approved a conditional use permit for Agropur. 3) Attended a Safety Committee meeting.
- **Sybesma & Vande Weerd** – Reported on the Sioux Rivers meeting from January 19. The process for setting up a new access center for the Region is currently on hold until decisions are made from the Rolling Hills Region as well as Northwest Iowa Care Connections. The current access center will be put up for sale. The Sioux Rivers Region will need to work with another mental health region in order to share the operational costs of an access center.

13) Doug Julius, Sioux County Engineer,

- Updated the Board on secondary road activities.
- Stockpiling of gravel to Ireton has been completed.
- Reported that 40 private haulers have been lined up to start stockpiling gravel next week.
- Updated the Board on the bridge bundling project near Hospers and Fairview. The east pier was poured last Thursday near Hospers. There was no activity for the bridge near Fairview.

14) Motion by Degen and supported by Vande Weerd to adjourn the meeting. Motion carried and the meeting was adjourned at 11:07 a.m. until Tuesday, February 2, 2021.

Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor