

**MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**  
**MEETING HELD ON SEPTEMBER 21, 2021**

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Jerry Muilenburg presiding via Zoom. Members present were Jerry Muilenburg, Al Bloemendaal, Mark Sybesma, and Carl Vande Weerd. Supervisor John Degen was absent.
- 2) Minutes of the meeting held on September 7, 2021 were submitted. Motion by Vande Weerd and supported by Bloemendaal to approve the minutes as present. Motion carried, one member absent.
- 3) Motion by Bloemendaal and supported by Vande Weerd to approve the claims for September 21, 2021 as submitted by the County Auditor. Motion carried, one member absent.
- 4) Kalyn Decker, Sioux County Elections Administrator, presented the special election results for the City of Hawarden regarding the sale of their telecommunications utility from September 14, 2021. The public measure needed 50% approval in order to pass.

Public Measure B

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

Shall the City of Hawarden, in the County of Sioux, State of Iowa, be authorized to discontinue and dispose of the municipally-owned telecommunications utility by sale?

Yes: 204 39.30%      No: 315 60.70%

The public measure failed to pass. Motion by Bloemendaal and supported by Sybesma to approve the canvass of the City of Hawarden Special Election results and to approve the following resolution. Roll call on vote: Bloemendaal, Yes; Sybesma, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried, 4-0, one member absent.

R E S O L U T I O N 2021-34

WHEREAS, the City Council of the City of Hawarden, Iowa, heretofore did legally call for a special proposition to be submitted at the Special Election to be held on Tuesday, September 14, 2021, to be submitted to the registered voters of said City, the following special measure proposition:

"Shall the City of Hawarden, in the County of Sioux, State of Iowa, be authorized to discontinue and dispose of the municipally-owned telecommunications utility by sale?"

WHEREAS, legal, sufficient and timely notice of the submission of the proposition at the election and of the date and hours of the election, and of the voting precinct or precincts thereof, with their corresponding polling place or places, was duly published and a correct and complete copy of said proposition was posted at each polling place or places during the day of election throughout the hours thereof, all in strict compliance with the orders of the Board of Supervisors.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SIOUX, IN THE STATE OF IOWA, AS FOLLOWS:

Section 1. That it is hereby found, determined and declared:

First - That said election was held and conducted in each of the voting precincts or precinct of said City at the respective polling place or places, pursuant to due notice, and in strict compliance with law, and that said proposition and the vote thereon complies strictly with law.

Second - That at said election, on the proposition above set out, there were cast 519 ballots, of which 204 votes were cast "YES" and 315 votes were cast "NO" and 0 ballots were cast blank or defectively marked, the vote by precinct or precincts being as set forth and abstracted in the official tally list a copy of which is attached hereto.

That the total number of persons voting in the precinct or precincts at said election on said date, as is shown by the election registers and poll tally lists, was 519.

Third - Neither the above proposition nor any proposal incorporating any portion thereof, was submitted to the registered voters of such City within the four years preceding the date of the election canvassed hereby.

Section 2. That said proposition and the results of the vote thereon, shall be entered at large in the minutes book, all in conformity with Chapter 50, and in particular Section 50.24 of the Code of Iowa.

Section 3. That a copy of this Resolution, the Abstract of Votes and the original tally lists, are hereby delivered to the Commissioner of Elections for filing as required by law.

PASSED AND APPROVED, this 21st day of September, 2021.

/s/Jerry Muilenburg  
Chairperson, Board of Supervisors

ATTEST: /s/Ryan Dokter  
County Auditor and Commissioner of Elections

The total cost for the City of Hawarden Special Election was \$1,775.99.

Decker also presented the results from the City of Rock Valley Special Election from September 14, 2021 regarding a public measure for a \$3,500,000 bond for a swimming pool. There were 549 votes cast and the public measure needed 60% approval in order to pass.

Public Measure C

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

Shall the City of Rock Valley, in Sioux County, State of Iowa, enter into a loan agreement and issue its bonds in an amount not exceeding the amount of \$3,500,000 for the purpose of paying the cost, to that extent, of constructing, furnishing and equipping a municipal swimming pool, including a bath house?

Yes: 499 90.90 % No: 50 9.10%

The public measure passed.

Motion by Motion by Bloemendaal and supported by Sybesma to approve the canvass of the City of Rock Valley Special Election results. Motion carried, one member absent.

The total cost of the City of Rock Valley Special Election was \$2,111.11.

- 5) Tom Kunstle, Sioux County Attorney, reported that his office is very busy as the case load has increased and will be discussing staffing needs with the Board at a future date. There are some bigger cases upcoming which include a vehicular homicide case, sexual assault cases, and a murder re-trial.

The Board encouraged Kunstle to review and report the staffing of other counties in the state to the Board when making the proposal.

Supervisor Vande Weerd raised questions regarding OWI repeat offenders and Kunstle provided input regarding those cases.

Supervisor Bloemendaal raised a question regarding trail easements whether the cities or county should be holding those easements. Kunstle stated that language could be drafted in order to hold the county harmless or limit liability for trails that run through the unincorporated areas of the county and will work with Brian Van Engen on that issue. Supervisor Vande Weerd questioned if the Iowa DNR could hold the easement or liability on those trails and recommended Kunstle contact Conservation Director, Rob Klocke regarding that possibility.

- 6) Shane Walter, Sioux County Zoning Director, reviewed the requirements from the Sioux County Zoning Ordinance a company would need to address prior to getting approval from the Board of Adjustment to construct commercial wind turbines. Walter stated that the county has not been approached by any company to construct wind turbines in the county. He is aware that some landowners have been approached regarding wind turbines. Walter further explained the approval process and stressed the importance that commercial wind turbine applicants should have the finances to deconstruct the wind turbines when the time comes, so that the expense does not fall on the landowner or county.

Darrel and Luke Wielenga were in attendance for this discussion. Darrel Wielenga was approached by a company from Alabama recently regarding the construction of wind turbines. Luke Wielenga distributed information regarding potential negative health affects to those who live near wind turbines.

Supervisor Sybesma relayed the importance of striking the proper balance between the rights of property owners versus how much restrictions are implemented from the Zoning Ordinance regarding commercial wind turbines.

Chairman Muilenburg stated that he would like to see money set aside by the commercial wind turbine applicant to address the decommissioning of their wind turbines.

The Board had discussion surrounding how to best address the Zoning Ordinance prior to receiving any applications to construct commercial wind turbines.

Supervisor Vande Weerd made a motion to place a moratorium on accepting applications for commercial wind turbines, which would allow further research by the Board and Board of Adjustment with the purpose of further protecting the public of Sioux County, motion was supported by Supervisor Bloemendaal. Motion carried, one member absent.

- 7) Ryan Dokter, Sioux County Auditor,
- Requested Board input regarding the timing of a budget amendment in order to begin spending the ARPA funding. Dokter reported that half of the \$6.7 million has been

received from the federal government and suggested that one amendment be implemented in order to have the authority to spend that half. The Board directed Dokter to begin the process of implementing an amendment to the FY2022 County Budget.

- Reported that Bob Bonderson has resigned from the Judicial Magistrate Appointing Commission and a replacement will need to be found. The Board will work on finding a replacement to fill the remaining term.
- 8) Dan Zomermaand, Sioux County Treasurer, discussed his application to use ARPA funds in order to potentially remodel the Treasurer's Office, in order to create better space for the public and his employees. The space currently does not allow for social distancing. The hope would also be to provide a shared restroom for the public and employees. A remodel would likely mean that the driver's license personnel would need to be relocated to a different space in Orange City. The preliminary estimate of cost is between \$400,000 and \$500,000. County Attorney, Tom Kunstle stated that if he adds staff, he made need to have work done on his office so it would be good to coordinate in this effort for remodeling needs. The Board is open to researching the spacing needs of the Treasurer and took no formal action on the funding request at this time.
- 9) Doug Julius, Sioux County Engineer,
- Presented a permit agreement from Northwest REC for consideration, to place an underground electric cable in Section 16 of Holland Township to service a new hog building. Motion by Sybesma and supported by Vande Weerd to approve the permit agreement. Motion carried, one member absent.
  - Attended the informational meeting on September 15 regarding the Midwest Carbon pipe line project. The project is structured similarly to the Dakota Access project. There were many good questions asked at the meeting. He reported that the County does not need to hire an inspection company until the Iowa Utility Board approves the project.
  - Updated the Board on secondary road activities.
  - Reported that all construction projects for 2021 have been completed.
- 10) Joel Sikkema, Sioux County Assistant Engineer, updated the Board on the status of the asbestos abatement in the County Home. The company who is removing the asbestos is looking to begin their work the first week of October and complete the first week of November, but has the flexibility to complete the work this spring.
- 11) Chairman Muilenburg introduced the agenda item for approving a new communications employee, Samantha Kooiker. Motion by Sybesma and supported by Bloemendaal to approve the new employee. Motion carried, one member absent.
- 12) Committee Reports:
- **Sybesma** – Attended a Housing Trust meeting via Zoom last Thursday. Sioux County has spent quite a bit of the 2020 funds and received some applications for down payment assistance but those applications fell through.
  - **Bloemendaal** – 1) Attended a RIDES meeting in Spencer on the September 16. The year-end financial report showed a net gain of \$1 million dollars. The funding they are receiving for COVID-19 is in anticipation for loss in transportation services. A new garage will be

constructed in Spencer. 2) Reported on the Northwest Iowa Development partner meeting in Hawarden. The guest speaker was Debi Durham with the Iowa Finance Authority. He reported Supervisor Degen was also there.

- **Vande Weerd** – 1) Reported on a recent YES Board meeting. Some of their funding has not come in as they expected \$150,000 but only received \$50,000. The transportation service is very busy and are working on an ARPA funding application. 2) Reported on the NACo Rural Action Committee meeting and the federal government’s \$3.5 trillion infrastructure bill includes funding for the rural partnership program. That bill is currently at a standstill. 3) Reported that Love Inc has introduced a transportation service and is working on getting volunteer drivers. This service would provide transportation for medical and mental health appointments.
- **Muilenburg & Vande Weerd** – Reported on the ARPA committee meeting from September 9.
- **Muilenburg, Sybesma, & Vande Weerd** – Reported on the Midwest Carbon pipe line meeting from September 15. Supervisor Vande Weerd spoke with the Iowa Utility Board regarding eminent domain, but the IUB is awaiting further input regarding that.

13) Motion by Bloemendaal and supported by Vande Weerd to adjourn the meeting. Motion carried, one member absent, and the meeting was adjourned at 10:46 a.m. until Tuesday, September 28, 2021.

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Jerry Muilenburg, Chairman  
Sioux County Board of Supervisors

ATTEST: \_\_\_\_\_  
Ryan Dokter  
Sioux County Auditor