

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON MAY 31, 2022

- 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, Mark Sybesma, John Degen, Al Bloemendaal, and Carl Vande Weerd.
- 2) Minutes of the meetings held on May 17, 2022 were submitted. Motion by Vande Weerd and supported by Bloemendaal to approve the minutes as submitted. Motion carried unanimously.
- 3) As this was the date, May 31, 2022, and time, 9:00 a.m. for a public hearing regarding a construction permit application for a confinement feed operation, the Chairman opened the public hearing. Shane Walter, Sioux County Zoning Director shared the following: Name of Applicant: Aaron Maassen, Location of the operation: Section 15, Sherman Township, Sioux County, Iowa. Type of confinement feeding operation structure proposed: An addition onto an existing dairy cattle free stall confinement building and two new bedded dairy calf confinement buildings as part of an expansion to an existing dairy cattle confinement/open lot facility. An anaerobic digester system will be added in the near future. Animal Unit Capacity of the confinement operation after construction: 3995 animal units. (2050 head of mature dairy cattle, 1075 head of immature dairy cattle and 500 head of nursery swine). No written or oral comments were received. The Chairman closed the public hearing. Motion by Sybesma and supported by Degen to send favorable opinion to the Iowa DNR regarding this construction permit application. Motion carried unanimously.
- 4) Shane Walter, Sioux County Zoning Director, presented the following resolutions for rezoning two properties for Board consideration:

Motion by Sybesma and supported by Vande Weerd 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. 2022-32

WHEREAS, a request has been made by Sioux County Planning and Zoning office to amend the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the classification of the portion of the property described herein, from a Agriculture (AG) District to Rural Residential (RR)

PROPERTY DESCRIPTION

2.05 acres, more or less, portion of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Sherman Township, Section 2 Sioux County, Iowa, subject to survey, public highways and easements of record.

WHEREAS, the above described property is a suitable area for single family residential development due to the close proximity of similar uses. It is further determined that a rural residential use in this area is not in conflict with the Sioux County Comprehensive Land Use Plan, and,

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

WHEREAS, the Sioux County Planning and Zoning Commission has recommended approval of the proposed zoning classification change on the property described and shown on the area site plan submitted with the petition.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property shall be changed from an Agriculture District (AG) to a Rural Residential (RR) District, and that said change shall be effective upon publication of this resolution.

RESOLVED, this 31st day of May 2022.

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

ATTEST: /s/Ryan Dokter
Sioux County Auditor

Motion by Vande Weerd and supported by Bloemendaal 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. 2022-33

WHEREAS, a request has been made by John Emerick to amend the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the classification of the portion of the property described herein, from an Agriculture (AG) District to Rural Residential (RR)

PROPERTY DESCRIPTION

4.24 acres, more or less, portion of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Lincoln Township, Section 25 Sioux County, Iowa, subject to survey, public highways and easements of record.

WHEREAS, the above described property is a suitable area for single family residential development due to the close proximity of similar uses. It is further determined that a rural residential use in this area is not in conflict with the Sioux County Comprehensive Land Use Plan

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

WHEREAS, the Sioux County Planning and Zoning Commission has recommended approval of the proposed zoning classification change on the property described and shown on the area site plan submitted with the petition.

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property shall be changed from an Agriculture District (AG) to a Rural Residential (RR) District, and that said change shall be effective upon publication of this resolution.

RESOLVED, this 31st day of May 2022.

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

ATTEST: /s/Ryan Dokter
Sioux County Auditor

- 5) Shane Walter, Sioux Rivers Mental Health, CEO, discussed the proposed changes to the 28E agreement between the Sioux Rivers Mental Health Region and its member counties. The changes to the 28E are regarding the State of Iowa fully funding the mental health system in

the state starting July 1, 2022 and the agreement needed to accurately reflect those changes. Motion by Sybesma and supported by Vande Weerd to approve the updated 28E agreement. Motion carried unanimously.

- 6) Motion by Sybesma and supported by Degen to appoint Corey Diekevers to fill a vacancy as the Lynn Township Clerk. Motion carried unanimously. This now creates a vacancy in a trustee position in the township, which the Board will need to fill.
- 7) Motion by Vande Weerd and supported by Bloemendaal to appoint Sherri Bootsma to fill a vacancy on the Planning and Zoning Commission. Motion carried unanimously.
- 8) Ryan Dokter, Sioux County Auditor, discussed the current reimbursement policy for county employees when traveling for business, for meal and mileage costs. Dokter requested discussion on this topic due to the current inflationary environment. Motion by Sybesma and supported by Vande Weerd to modify the reimbursement policy as follows: Breakfast \$10, Lunch \$10, and Dinner \$20. Motion carried unanimously. The Board declined to change the mileage reimbursement which is \$.50/mile.
- 9) Joel Sikkema, Sioux County Engineer,
 - Presented a permit application agreement for Board consideration from Solsma Excavating and Tiling for placing a sanitary sewer line in section 2 of Lynn Township and section 11 in Floyd Township. Motion by Sybesma and supported by Degen to approve the permit application agreement as presented. Motion carried unanimously.
 - Requested Board approval and signatures on the plans for project BRS-SWAP-C084(170)—FF-84. Motion by Degen and supported by Bloemendaal to approve and sign the plans. Motion carried unanimously.
 - Updated the Board on the box culvert project LFM-2-2022—7X-84 which is anticipated to start on June 6.
 - Updated the Board on project L-2-2019—73-84 for a structural plate culvert and that work begins today.
 - Updated the Board on the Fairview bridge deck overlay project LFM-3-2021—73-84. The barrier rail is scheduled for June 8.
 - Updated the Board on secondary road activities which include blading, graveling, and ditch cleaning.
 - Reported that he is working with the insurance carrier on the Hawarden shop roof as a storm blew that roof off.
- 10) Motion by Bloemendaal and supported by Vande Weerd to go into closed session per the Code of Iowa 21.5(1)(j). Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.
- 11) Motion by Bloemendaal and supported by Vande Weerd to go out of closed. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously. Regular session resumed at 9:58 a.m.
- 12) Ryan Dokter, Sioux County Auditor, presented a proposal to purchase a public engagement service called TextMyGov. Dokter explained that this service would reside on the county's website and the public would text a phrase to a local phone number in order to opt-in to the service. This service does not require an app to download and is an active prompt to those who

opt-in. The public could ask questions through a text message and get automated responses, which often times directs the person to the county website. The county could also push notifications to the public if opted in, for reminders about voting or other issues. The cost of the service could be paid from the ARPA funds and the proposal was \$17,500 for two years of service which includes the setup fee. The Board declined to move forward with the service but would revisit this if ARPA funds remain towards the end of 2024 as the service is still new and has few clients in government in the state.

13) Motion by Vande Weerd and supported by Degen to approve the claims for May 31, 2022, as presented by the County Auditor. Motion carried unanimously.

14) Committee Reports:

- **Vande Weerd**–1) Attended a YES Board meeting in Cherokee on May 20. The agency is averaging 13 clients/day. More vehicles are needed for the transportation service. 2) Attended a NACo steering committee meeting on May 23.
- **Degen** – Reported that some trees need to be removed on the courthouse property due to wind damage and because some trees have died. Also reported that new concrete will be poured around the flag pole area as the old concrete was heaving badly.
- **Sybesma & Vande Weerd** – Reported on the Sioux Rivers meeting from May 24 in Primghar. The Region’s fund balance needs to be spent down or will have to send funds back to the state. The Region is getting close to meeting the mandates for services the legislature approved in recent years.

15) Tom Kunstle, Sioux County Attorney,

- Presented the following resolution for Board approval regarding the open records policy. The policy needed to be updated to reflect the law change that is effective July 1, 2022. What is changing in the policy is that the county will need to make every reasonable effort to produce public records at no cost, other than copying costs, for responses which take less than 30 minutes to produce. 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. 2022-34

Sioux County, Iowa
Open Records Policy

Intent & Goal

This policy is intended to implement the provisions of Iowa Code Chapter 22 by providing assistance to citizens requesting examination of public records and to employees in fulfilling those requests. The goal is to assist citizens making requests and assure that responses to open records requests are made appropriately and timely.

Parameters

The County is committed to the concept of open government exemplified by Iowa Code Chapter 22. Records deemed confidential pursuant to Iowa Code Section 22.7, or other applicable statutes, are not required to be released in response to a request. Confidential records include, but are not limited to, medical reports, employee related files, documents concerning litigation or claims, and names and addresses of complainants. Iowa Code Chapter 22 lists or describes various categories and types of documents and information exempt from the open records law. In addition, the County has a separate policy for disclosing security related information (See

Policy for Disclosure of Security Related Information). Other portions of state and federal law may also govern access to public records.

Making a Request for Public Records

Requests for access to public records may be made in any format and the custodian shall not require the physical presence of a person requesting or receiving a copy of a public record. Citizens are encouraged, but not required, to make requests in writing. Unless otherwise required by law, anyone may make a request for public records without providing identification, reason, or motive for the request.

Responding to Requests

Requests for access to public records may be made in any manner. Employees may not ask why the record is being requested or require the identity of the requestor. Employees should try to collect as much information as possible about what records are being requested and in what format the requestor wishes to receive the data. If a specific format is requested, please see the section below on "Formatting Electronic Records." An employee receiving a request in person or by telephone should immediately reduce the request to writing, noting:

- the specifics of the information requested;
- the date and time of the request;
- whether the request is for copying, inspection, or both; and
- how the requestor expects the request be fulfilled.

Upon receipt of a request for access to public records employees should promptly take all reasonable steps to preserve the public record while the request is pending. Requests will be fulfilled as soon as possible. Iowa Code allows for a delay of twenty (20) calendar days if it is necessary to consult with legal counsel regarding whether a record is confidential; however, the delay should normally take no longer than ten (10) business days. If the request involves substantial research or the delay is expected to go beyond 10 business days, this should be communicated to the requestor as soon as possible.

Formatting Electronic Records

An electronic record shall be made available in the format in which it is readily accessible to the County, provided the format is usable with commonly available data processing or database management software. If responding to the request will exceed 30 minutes to produce, and if the County chooses to provide the record in a different format for the requestor, the County may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other actual costs allowed.

Availability

If the public record requested does not exist, this fact should be communicated to the requestor. If possible, the information contained in a record that is deemed confidential by law should be redacted so that the remaining record may be disclosed. The statutory authority for each redaction should be provided to the requestor. Requests and responses for examination of public records or copies of records shall be documented.

Public records will be available for public examination and/or copying during customary office hours, which are 8:00 am to 4:30 pm, Monday through Friday, excluding designated holidays. Immediate access to records may be affected by good faith efforts to identify and locate the correct records, or determine whether the request seeks disclosure of confidential records. The requesting party should be promptly notified if any delays are experienced or expected.

Fees

The County shall make every reasonable effort to produce public records at no cost, other than copying costs, for responses which take less than 30 minutes to produce.

For requests which will take more than 30 minutes reasonable fees may be charged to the requestor for the actual costs of producing a public record for inspection and/or copying. Actual costs only include costs that are directly attributed to the work to respond to a records request, but do not include charges for employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office.

In addition, if an electronic record is being provided in a format that is different from that in which the public record is readily accessible to the County because the requestor has asked for such a format, the County may charge the reasonable costs of any required processing, programming or other work required to produce the public record in that format. This includes both the cost of time for employees and charges incurred from third-parties to put the record into the requested format.

If the estimated total fees exceed \$50.00 the County may ask the requestor to prepay expected fees. Estimated fees and payment terms must be clearly communicated to the requestor as soon as possible. Requestors with a history of nonpayment will be required to pay upfront for any record request.

To the extent inconsistent with this policy, the Board of Supervisors hereby repeals the County’s prior open records policy passed on July 7, 2015.

PASSED AND APPROVED this 31st day of May, 2022.

/s/Jerry Muilenburg
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- Reported that the new assistant county attorney will begin June 1.

16) Motion by Bloemendaal and supported by Vande Weerd to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:25 a.m. until Tuesday, June 14, 2022.

Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor