

## MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

### MEETING HELD ON JULY 26, 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 July 12, 2022 were submitted. Motion by Vande Weerd and supported by Degen to approve the minutes as submitted. Motion carried unanimously.
- 3) Rachel Brunsting, Sioux County Elections Administrator, brought forth the canvass for the West Sioux CSD Special Election held on July 19, 2022, to fill a vacancy. Voter turnout was 7.8% with a total of 210 votes cast. There were no provisional or rejected ballots. The total cost of the election was \$2,454.10, which will be billed to West Sioux CSD. Motion by Degen and supported by Sybesma to approve the canvass of the West Sioux CSD Special Election from July 19, 2022. Motion carried unanimously.

#### West Sioux Community School District Director District 4

<u>Candidate</u>	<u>Total Votes</u>	
Ken Koch	111	Elected
Marissa Rehder	96	
Scattering	3	

- 4) Ross Simmelink, Sioux County Assessor, brought forth a military exemption application for parcel 1903229014 for denial. The reason for denial was the applicant was already receiving the exemption on another parcel and only one credit per veteran is allowed. Motion by Vande Weerd and supported by Bloemendaal to deny the military exemption application for the aforementioned parcel. Motion carried unanimously.
- 5) Motion by Sybesma and supported by Degen to approve the FY2022 Audit Engagement Agreement with Williams & Company to perform the County's audit. Motion carried unanimously.
- 6) Motion by Vande Weerd and supported by Sybesma to approve the liquor license renewal application for the Rock Valley Gun Club located at 2378 310<sup>th</sup> St, Rock Valley, IA 51247 and the Rock Valley Golf Club located at 701 Golf Course Rd, Rock Valley, IA 51247. Motion carried unanimously.
- 7) Motion by Bloemendaal and supported by Degen to approve the FY2023 Service Contract Agreement with Mid-Sioux Opportunity. Motion carried unanimously.
- 8) Chairman Muilenburg initiated discussion regarding the north property line of the county owned property located at 705 Highway 10 W, Orange City. Part of the retaining wall along the north side of the property has collapsed, as the adjacent property owner was adding dirt and part of the wall caved in. Supervisor Vande Weerd recommended that the county quit claim deed a portion of the property to the adjacent property owner and the county will have less maintenance of the property by deeding it over. The Board will consult with the County Attorney to determine the process in order to do a quit claim deed before proceeding.
- 9) As this was the date, July 26, 2022, and time 9:15 a.m. for a public hearing, the Chairman opened the public hearing. Shane Walter, Sioux County Zoning Director, presented the following information: Name of Applicant: Peter Hoogland. Location of the proposed

construction: Section 7 and 18 of Sherman Township. Type of confinement feeding operation structure proposed: A new sand separator building and several small concrete reception pits at the Dairy Home site (Section 7) and a new dairy cattle free stall confinement building with a new earthen manure storage basin at a new adjacent site (Section 18) 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: 7860 animal units. (5150 head of mature dairy cattle and 650 head of immature dairy cattle). No written or oral comments were received. The Chairman closed the public hearing. Motion by Degen and supported by Sybesma to send a favorable recommendation to the Iowa DNR for this application. Motion carried unanimously.

**10) Dan Zomermaand, Sioux County Treasurer,**

- Presented the Treasurer's Semi-Annual Report to the Board. The Board accepted the report for information.
- Requested approval for the following resolution setting a public hearing on proposed sale of county's interest in certain real property. Motion by Bloemendaal and supported by Vande Weerd 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. 2022-42  
RESOLUTION OF THE SIOUX COUNTY BOARD  
OF SUPERVISORS SETTING PUBLIC HEARING  
ON PROPOSED SALE OF COUNTY'S INTEREST  
IN CERTAIN REAL PROPERTY

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

1. All that part of the 100 foot wide abandoned right of way of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company located in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 26, Township 97 North, Range 46 West, Sioux County, Iowa.
2. All that part of the 100 foot wide abandoned right of way of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company located in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 29, Township 97 North, Range 44 West, Sioux County, Iowa.
3. All that part of the 100 foot wide abandoned right of way of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company located in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 29, Township 97 North, Range 44 West, Sioux County, Iowa.
4. A parcel of land located in Lot Three (3), Block Eleven (11), Western Town Lot Company's First Addition to the City of Hawarden, Iowa, a/k/a PARCEL # 1902127004.
5. A parcel of land located in the NE  $\frac{1}{4}$  of Section 33, T94N, R48W of the 5<sup>th</sup> P.M., Sioux County, Iowa, as shown on the Property Plat recorded in Book 1977, Page 2836 in the Sioux County Recorder's Office further described as follows:

Commencing at the NE corner of said Section 33; thence due west 1656.9 feet along the north line of the NE  $\frac{1}{4}$  of said Section 33 to the point of beginning; thence continuing due west 70.0 feet along the north line of the NE  $\frac{1}{4}$  of said Section 33; thence southerly 237.3 feet along a 5650.0 foot radius curve concave easterly having a long chord of 237.3 feet and bearing S0°-

21' E; thence S1°-33'E 693.6 feet; thence N88°-27'E 400.0 feet; thence N1°-33'W 500.7 feet; thence N38°-44 ½' W 537.7 feet to the point of beginning.  
Said parcel contains 6.93 acres, more or less.

6. One square acre of land in the Northwest corner of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Thirty-Six (36), Township Ninety-Four (94) North, Range Forty-Eight (48) West of the 5<sup>th</sup> P.M., as conveyed by Deed recorded in Book 35 Page 204, subject to public highways.

WHEREAS, Sioux County is desirous of disposing of its interest in the above legally described properties by transferring ownership to:

1. Parcel 1: Grant and Jessica Post.
2. Parcel 2: Vernon & Hester De Jongh Revocable Trust
3. Parcel 3: Vernon & Hester De Jongh Revocable Trust
4. Parcel 4: Alfonso Daniel Martinez Camacho
5. Parcel 5: Casey John and Valerie Margaret Westergard
6. Parcel 6: Alfonso Daniel Martinez Camacho

WHEREAS, as more particularly described above, the Board is desirous of describing and setting forth the proposed land transaction prior to disposing of the County's interest in the real property as required by Iowa Code Section 333.361; setting a public hearing on the proposed property sale in accordance with Iowa Code Section 331.305; publishing notice of the time and place of the public hearing on the proposed property sale; and soliciting public comment and input on the proposed property sale prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED that the Sioux County Board of Supervisors will hold a public hearing to discuss the proposed property disposition and the proposed real estate transfer to effectuate such real estate transfer, and to discuss whether or not to pass and approve the proposed property disposition. Such public hearing will be held on August 9, 2022 at 9:15 a.m. in the Sioux County Courthouse at 210 Central Avenue SW, Orange City, Iowa.

PASSED AND APPROVED this 26th day of July, 2022.

/s/Jerry Muilenburg  
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- Requested approval on the following property tax suspension resolution. Motion by Sybesma and supported by Bloemendaal 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. 2022-43**  
**SIOUX COUNTY BOARD OF SUPERVISORS**

Date: 7/26/2022

**PROPERTY TAX SUSPENSION**

Whereas, The Director of Human Services has verified the eligibility for property tax suspension of the following individual(s),

Name	Address	Parcel	Legal	Year Payable
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<b>130- Sioux Center</b> Koops, Gloria J	119 2 <sup>nd</sup> Ave NE Sioux Center, IA 51250	1604160014	L4 Blk 1 Aud Subd Reisma's Reserve NSC	2022-2023
		1335126009	L1 Blk 2 Parkview Add	2022-2023
<b>050- Hawarden</b> Smith, Robert & Diane	2104 Central Ave Hawarden, IA 51023	0321306005	L1 N77' & L2 N77' of E2' Blk 1 Original	2022-2023
<b>120-Rock Valley</b> Ryan, Jilayne	1820 16 <sup>th</sup> St Rock Valley, IA 51247			

**THEREFORE**, the Sioux County Board of Supervisors does on this 26<sup>th</sup> day of July, 2022, direct the Sioux County Treasurer to suspend taxes on the aforementioned parcels of property.

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

ATTEST: /s/Ryan Dokter  
Sioux County Auditor

**11)** Chairman Muilenburg initiated discussion regarding the procedure for filling the upcoming vacancy of County Sheriff. Ryan Dokter, Sioux County Auditor reported that once the vacancy exists, the Board has 40 days to appoint, or could choose to conduct a special election, which the county would bear the cost for. The public could also petition for a special election by submitting a petition of 1,906 eligible electors which would need to be submitted within 14 days following the appointment of a new county sheriff. Provisions for a candidate for county sheriff include 60 days of residency in the county prior to the appointment and must have the proper credentials for a law enforcement officer. The Board has the option to accept applications and could decide to conduct interviews, but Iowa Code does not require the Board to accept applications or conduct interviews. The Board preferred to wait a couple weeks to see if anyone shows interest in the position. Captain Jamie Van Voorst was present for the discussion and expressed his interest in filling the position.

**12)** Jessica Kooiker, Sioux County Recorder, submitted the Recorder Quarterly Report covering April to June 2022 as well as the annual report. The Board received the report for information.

**13)** Ryan Dokter, Sioux County Auditor,

- Updated the Board on the status of the opioid litigation and the settlement. Dokter recently completed the requirements on the settlement portal for the county to receive funds. The settlement is set to pay out over the course of 18 years and year 1 and 2 may be paid in the next few months. The estimated settlement for Sioux County per year is around \$11,000. Dokter requested direction on the administration of funds in terms of which department or entity would take on the responsibility of the funds. The Board instructed Dokter to contact Public Health to start a conversation with them regarding the administration of the funds.
- Requested Board approval of the following utilities resolution. Motion by Vande Weerd 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 2022-44**

BE IT HEREBY RESOLVED by the Board of Supervisors of Sioux County, Iowa that it is hereby ordered that the lengths of the mileage of the several railroads, telephone, telegraph, electric, and gas companies in Sioux County, Iowa, and the assessed value and taxable value thereof, fixed according to the following schedule and the County Auditor is hereby ordered to spread the same upon the tax books of said county for the year 2021, payable in fiscal year 2022/2023.

<b>Utility Name</b>	<b>Miles/Type</b>	<b>Rate</b>	<b>Assessed Value</b>	<b>Taxable Value</b>
<b>Commercial Telephone &amp; Telegraph</b>				
Alliance Communications/East Plains Telephone	51.53		68,921	68,921
City of Hawarden/Hi-Tec	40.80		53,300	53,300
Fibernet Communications	95.72		103,145	103,145
Frontier Communications	154.14		403,741	403,741
Heartland Telecommunications	1154.93		206,800	206,800
Hospers Telephone Exchange	97.32		59,065	59,065
MCI/Verizon	27.28		62,269	62,269
McLeod Network	26.30		49,376	49,376
Mutual Telephone Co of Sioux Center	541.50		1,031,084	1,031,084
Northern Iowa Telephone Co	204.92		12,249	12,249
Northwest Iowa Power Cooperative	73.28		49,750	49,750
Orange City Communications	45.23		119,700	119,700
Premier Communications	169.99		335,515	335,515
Qwest Corporation	39.06		176,292	176,292
US Sprint Communications	17.64		41,492	41,492
West Iowa Telephone Co	55.44		68,675	68,675
Zayo Group LLC	22.70		66,566	66,566
<b>Pipelines</b>				
Dakota Access			91,255,550	91,255,550
Magellan Pipeline			783,636	772,265
Northern Natural Gas Co Pipeline			4,799,802	4,799,802
Nustar Energy Pipeline			701,504	701,504
<b>Railroad</b>				
Burlington Northern & Santa Fe Railroad	27.30	985086.30	26,892,856	24,203,570
Union Pacific Railroad	22.17	1202825.17	26,666,634	23,999,971
<b>Sub-Total Non Gas &amp; Electric</b>			<b>154,007,924</b>	<b>148,640,604</b>
<b>Gas &amp; Electric</b>				
<b>Utility Name</b>	<b>Type</b>		<b>Assessed Value</b>	<b>Taxable Value</b>
Interstate Power & Light Co	Electric		405,229	67,952
ITC Midwest LLC	Transmission		730,319	55,459
Lyon Rural Electric Cooperative	Distribution		33,099	7,373

Mid American Energy	Elec/Trans	28,245,810	14,081,997
Northwest Iowa Power Coop	Transmission	26,246,482	4,265,264
Northwest Rural Electric Coop	Distribution	12,461,238	2,551,373
Sioux Center Municipal Electric	Transmission	2,950	0
Alton Municipal Utilities	Gas	369,863	211,206
Mid American Energy	Gas	2,156,513	602,800
Orange City Municipal Gas	Gas	1,127,042	593,030
Western Minnesota Municipal Gas	Gas	0	7,869
<b>County Total</b>		<b>71,778,545</b>	<b>22,444,323</b>

**VALUES CERTIFIED BY THE IOWA DEPARTMENT OF REVENUE**

**Grand Total of all Utilities in Sioux County**

<b>County Total</b>	<b>225,786,469</b>	<b>171,084,927</b>
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Dated this 26th day of July, 2022.

Sioux County Board of Supervisors

/s/Jerry Muilenburg, Chairperson

ATTEST: /s/Ryan Dokter, Sioux County Auditor

**14) Motion by Sybesma and supported by Vande Weerd to approve the claims for July 26, 2022, as presented by the County Auditor. Motion carried unanimously.**

**15) Committee Reports:**

- **Vande Weerd** – 1) Reported on the NACO conference that he attended recently in Aurora, Colorado. There were 2,500 to 3,000 in attendance and there were 15 people that attended from Iowa. The big topic during the conference was mental health issues as well as gun control. He attended a session regarding parliamentary procedures and received information regarding a green light initiative for supporting the military on November 11. He will provide more information on the green light initiative at a later date. The 2023 NACO Annual Conference will be in Austin, Texas, July 21 through 24, 2023. 2) Reported that a permit has been approved from the City of Orange City for the remodel of the property at 705 Highway 10 W, Orange City and reported on the progress of the remodel project.
- **Bloemendaal** – 1) Attended a Northwest Iowa Planning meeting on July 21. The agency adopted a 3-year transportation improvement program. 2) Attended a Trails Committee meeting. The Agency submitted an application to the Destination Iowa Grant Program in June, but have not heard back. A final route between Sandy Hollow and Orange City has not been determined as there are concerns around the shooting range at the Sheriff's Office and how to address the height of the berm.
- **Degen** – Reported that some trees were removed from the courthouse property as they were dying.
- **Muilenburg** – Reported on the recent Landfill meeting. The agency increased wages for office staff and machine operators in order to stay competitive. A new cell has been completed and the agency is also getting price estimates for additional fencing to control debris when there are windy conditions.

**16) Joel Sikkema, Sioux County Engineer,**

- Introduced Sara Vaske who filled the open Engineering Technician position in June.
- Requested Board approval for an easement and no spray agreement with Lyon & Sioux Rural Water System. Motion by Sybesma and supported by Bloemendaal to approve the agreement as presented. Motion carried unanimously.
- Requested Board approval of the low bid to repair the roof of the Hawarden shop. C2C Construction had the low bid of \$105,300 and can get started in the next month. The insurance company gave the approval to proceed with the repair as well.
- Discussed the master agreement for professional service agreement for the carbon dioxide pipeline inspection and will work on language in the agreement to clarify communication expectations.
- Provided information regarding the West Branch RNG project. The City of Sioux Center will present further information at the August 9 Board meeting. The request will be to use the ditch for placing this pipeline.
- Updated the Board on the purchase of a side dump trailer and reported his findings when he followed up on the Demco quote. Sikkema awarded the bid to the bidder who met the specifications.
- Reported that work continues on the land purchase for a gravel pit. Terms for crop damage are being negotiated with the tenant for damage done during gravel sampling activities. The family who currently owns the property may contribute some funds for crop damage as well.
- Updated the Board on the following projects: box culvert south of Carmel, B46 PCC overlay project, Jay Avenue grading project, and the county home demolition progress.
- Updated the Board on secondary road activities which include dirt work, ditch cleaning and culvert extensions.

**17) Tom Kunstle, Sioux County Attorney,**

- Reported on the jury trial from June 28 through July 1. The defendant was acquitted of the attempted murder charges.
- Reported that on July 13 he gave a public presentation to the Sioux Center chamber to discuss duties of his office and case load.
- Informed the Board of the sentencing of Seth De Jong for a vehicular homicide for reckless driving.
- Discussed the ATV ordinance with respect to new laws in Iowa for ATVs. Further review of the county ordinance is needed, which may result in implementing a moratorium on the County's ordinance. The County Recorder may still charge for the ATV sticker as this is set through a separate resolution as the county is required to register ATVs for the State of Iowa.

**18) Chairman Muilenburg** discussed the quote from Otis Elevator to replace the oil in the courthouse elevator and the annex building elevator. The quote totaled \$14,881.54. Supervisor Vande Weerd suggested doing a test of the oil to see if it really needs to be replaced and make a decision following the test. The Board agreed to pursue a test of the elevator oil.

**19) Chairman Muilenburg** started discussion on the Iowa Businesses Against Trafficking proclamation and program. This program was developed by the Iowa Secretary of State and the Iowa State Association of Counties has joined this initiative. If the county were to sign on,

the two things IBAT members would be asked to do are “learn something” and “do something”. The Board will revisit this topic after the ISAC Annual Conference to learn more about the initiative.

**20) Motion by Bloemendaal and supported by Degen to adjourn the meeting. Motion carried and the meeting was adjourned at 11:15 a.m. until Tuesday, August 9, 2022.**

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Jerry Muilenburg, Chairman  
Sioux County Board of Supervisors

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