

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON AUGUST 9, 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 26, 2022 were submitted. Motion by Bloemendaal and supported by Degen to approve the minutes as submitted. Motion carried unanimously.
- 3) Derrick Montgomery with Turnkey Logistics is representing the Summit Carbon Pipeline project and distributed information regarding the pipeline project and provided an overall update on the project as it relates to Sioux County. The need for the project is to enhance the ethanol industry economic opportunities. To date, Summit Carbon has attained 46% of the land acquisition needed and their hope is to obtain 100%. They plan to have completed the land acquisition and obtain the permits from the Iowa Utilities Board by June of 2023. In terms of pipeline depth, under roads the depth will be 5' otherwise it is 3' to 4'. Summit Carbon will address issues with drain tile and terraces for life. With this particular project, Summit Carbon when negotiating land acquisition, is paying 100% of the acquisition upfront plus 3 years of crop damage.

Supervisor Vande Weerd expressed concerns about the depth of the pipeline in his district as he's seen significant erosion in areas where now a pipeline is only 18" below the surface when originally placed at 5'.

- 4) Motion by Sybesma and supported by Bloemendaal to approve the claims for August 9, 2022, as presented by the County Auditor. Motion carried unanimously.
- 5) Motion by Vande Weerd and supported by Degen to approve the ARPA application for the courthouse window replacement project, as well as the contract and performance bonds. Motion carried unanimously.
- 6) As this was the date, August 9, 2022, and time 9:15 a.m. for a public hearing, the Chairman opened the public hearing. Dan Zomermaand, Sioux County Treasurer, reported that this public hearing and resolution to follow are the last steps to dispose of the county's interest in 6 properties the county owned, as these were unclaimed from a previous tax sale. No written or oral comments were received. The Chairman closed the public hearing. Motion by Sybesma and supported by Vande Weerd to approve the following resolution to dispose of the 6 properties. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2022-46

SALE OF COUNTY'S INTEREST IN CERTAIN REAL PROPERTY

WHEREAS, Sioux County has an interest in certain real property 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 (NW¼SE¼) 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 (NW¼SW¼) 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 (NE¼SW¼) 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 ¼ of Section 33, T94N, R48W of the 5th 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 ¼ of said Section 33 to the point of beginning; thence continuing due west 70.0 feet along the north line of the NE ¼ 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 5th 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 property 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

all its right, title, interest, estate, claim and demand, in the above described real estate

WHEREAS, the Board is desirous of disposing of the County's interest in the real property as required by Iowa Code Section 331.361; has held a public hearing on the proposed property sale in accordance with Iowa Code Section 331.305; has published notice of the time and place of the public hearing on the proposed property sale; and has solicited public comment and input on the proposed property sale prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED that, after a public hearing on the matter, the Sioux County Board of Supervisors resolves to transfer any ownership it may have to the owners named above, all its right, title, interest, estate, claim and demand, in the above described real estate in Sioux County, Iowa.

PASSED AND APPROVED this 9th day of August, 2022.

/s/Jerry Muilenburg
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- 7) Chairman Muilenburg initiated discussion regarding the former Sioux Center Airport. The purpose of the discussion was to review the current rental agreement for the home on the property, rental agreement with Mark Zomer, and land lease agreements for the 33 acres being farmed, as well as ground that is mowed and baled. With the impending sale of this property to the County, the City of Sioux Center will notify current renters and lessors of the sale and the County will need to notify those folks in the coming weeks of its intention.
- 8) Present for discussion on the RNG (Renewable Natural Gas) Project were Adam Fedders and Murray Hulstein from the City of Sioux Center, Sioux County Zoning Director Shane Walter, Mark Hill with Novilla, and dairy producers Aaron Maassen and Junior Hoogland. The concept of this project is to capture methane gas for utility use. The methane would be captured at dairy sites and piped to a location to clean it, then connect to the City of Sioux Center's natural gas line. The gas would be used for the City of Sioux Center's customers and possibly the City of Maurice.

Supervisor Sybesma stated that he is unsure if the county can legally allow this proposed pipeline in the county right-of way and it would need to meet the legal definition of a public utility. Sybesma shared he is open to the project but would prefer to see if private easements could be obtained.

Supervisor Vande Weerd would also like to see private easements for this project.

Hill presented information regarding the project and stated that if there is no pipeline for this project, the gas would need to be trucked to Minnesota or South Dakota, which makes the project more costly over a 20-year period. The advantage of having the pipeline in the county right-of-way is that the route is marked, versus going through a field, and also it takes several years to get all of the private easements for a project this size. There is also benefits to the City of Sioux Center as well as potentially getting the City of Maurice on natural gas versus the propane they currently use.

Fedders answered a question regarding ownership of the pipeline, which the City of Sioux Center would own. He also stated that the depth of the pipeline would be 3' to 5' deep.

Walter stated that in his opinion this project would meet the legal definition of a utility as it ties into the City of Sioux Center's natural gas line.

Chairman Muilenburg appreciated the discussion but the county will need to do some further research to determine if this project can be considered a public utility.

- 9) Deb Fischer, Sioux County Clerk of Court and Peggy Frericks, District Court Administrator reported that the District Associate Judge position was approved by the State, along with a court reporter position. Deadline to apply for the District Associate Judge is August 30. Interviews will be conducted on September 7 and possibly September 8, depending upon the number of applicants. The list will be paired down to two candidates and the Governor will appoint from that list. There are offices available for these two positions on the second floor of the courthouse.

Further discussion ensued regarding the records on the 3rd floor of the courthouse and if those could be scanned to free up the office space. Frericks reported that there have been some

instances where the State worked with a county to get documents scanned but it takes a lot of money to make that happen. Frericks or Fischer will see if a cost estimate can be obtained from the vendor that the State has used for scanning and report back to the Board.

10) Joel Sikkema, Sioux County Engineer,

- Requested Board approval for a utility permit application from Frontier Communications in section 4 of Nassau Township to move a line due to grading work on Jay Avenue. Motion by Bloemendaal and supported by Degen to approve the permit agreement. Motion carried unanimously.
- Requested Board approval for a new employee who will be filling the Office Manager position. Becky Visser will be filling this position starting September 6. Motion by Sybesma and supported by Bloemendaal to approve the new employee. Motion carried unanimously.
- Updated the Board on the following construction projects: the box culvert near Carmel is about 50% complete, the B46 PCC overlay is about 30% complete, the county home demolition is about 95% complete, and the Jay Avenue grading is scheduled to start August 15.
- Updated the Board on secondary road activities which include blading, dirt work in a variety of locations, and reported that Loren Wakeman plans to retire this fall. Wakeman is the current foreman at the Hawarden shop. Advertising for this position will begin soon.

11) Ryan Dokter, Sioux County Auditor, reviewed the County Cash Report for FY2022 and also reviewed the ending fund balances between FY21 and FY22 and reasons for changes in those balances. The Board received the documents for information.

12) Supervisor Vande Weerd initiated discussion on a potential 28E agreement involving two Board of Supervisors, five city economic development directors, two members of the county fair board, Mark Zomer, and two members of the saddle club, which would be for the development of the property for the county youth fair. There was discussion on whether a 28E agreement was necessary or if an advisory committee could be formed. Vande Weerd has another meeting later this month with the parties involved and will bring more information at a later date.

13) Chairman Muilenburg initiated discussion regarding filling the upcoming Sheriff vacancy. The Board reported that they have not heard from any other interested parties, other than Captain Jamie Van Voorst who has interest. County Auditor, Ryan Dokter, reported that civil service testing was completed four weeks ago and the Sheriff's Office would like to have direction on whether to hire one or two deputies to keep that process moving. If Van Voorst will be appointed, the Sheriff can then pursue hiring two candidates. The Board is supportive of appointing Van Voorst but had questions about the timing of making the appointment, whether they could pass a motion effective at a later date if passed at the August 23 meeting. The County Attorney will be consulted for further direction.

14) Motion by Sybesma and supported by Degen to appoint Rachel Granstra to fill a vacancy as Lynn Township Trustee. Motion carried unanimously.

15) Committee Reports:

- **Vande Weerd** – Provided an update on the progress of the county building remodel for Public Health. Distributed a map concerning the property line and possibility of disposing of some of the property to the adjacent landowner. Further direction is needed from the County Attorney before proceeding to dispose of any of the property.
- **Muilenburg**– Attended a recent Wellness Committee meeting and reminded the Board members to get their physical done and to complete the assessment to help ensure that enough county employees participate to earn the 5% discount on health insurance premiums.
- **Vande Weerd & Sybesma** – Attended a Sioux Rivers Mental Health meeting on July 26.

16) Motion by Bloemendaal and supported by Degen to adjourn the meeting. Motion carried and the meeting was adjourned at 11:02 a.m. until Tuesday, August 23, 2022.

Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor