

## **MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS**

### **MEETING HELD ON SEPTEMBER 6, 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-via Zoom, John Degen, Al Bloemendaal, and Carl Vande Weerd.
- 2) Minutes of the meeting held on August 23, 2022 were submitted. Motion by Vande Weerd and supported by Degen to approve the minutes as submitted. Motion carried unanimously.
- 3) Minutes of the special meeting held on September 1, 2022 were submitted. Motion by Degen and supported by Bloemendaal to approve the minutes as submitted. Motion carried unanimously.
- 4) Motion by Vande Weerd and supported by Bloemendaal to approve the claims for September 6, 2022 as presented by the County Auditor. Motion carried unanimously.
- 5) Jessica Kooiker, Sioux County Recorder, requested Board approval of a new employee, Mavis Anema, to her office. Motion by Bloemendaal and supported by Vande Weerd to approve Mavis Anema to the Recorder's Office. Motion carried unanimously.
- 6) Shane Walter, Sioux Rivers Mental Health Region CEO, introduced Jim McManaman as Jim was recently hired as a Service Coordinator for the Region.
- 7) Shane Walter, Sioux County Zoning Director,
  - Submitted an ARPA application for the purchase of 17 iPads for the use of the Planning and Zoning Board, as well as the Board of Adjustment, in the amount of \$20,000. Walter explained that the iPads will be equipped with a data plan so that if the member does not have internet access at home, the device can still connect to the internet. The need for the devices is the large amount of paper it takes to pass along the information to the members and the delay created by mailing those documents. Motion by Vande Weerd to approve the application for \$20,000 provided that the IT Department can lock down the devices so that they cannot be used for personal use, Bloemendaal supported the motion. Motion carried unanimously.
  - Submitted an ARPA application for the purchase of a Zoning/Environmental Health vehicle for \$35,000. The current vehicle needs repairs which cost more than the vehicle is worth. The vehicle will be used to transport county planning & zoning and environmental health staff throughout the county and state for zoning, environmental health and nuisance ordinance violation enforcement, DNR site visits, flood zone inspection and enforcement, and meetings. After some discussion, the Board tabled the discussion to research used vehicle costs.
  - Reported that the next Planning & Zoning meeting will be September 12 at 7:00 PM.
- 8) Micah Van Maanen, Sioux County IT Director, requested Board approval of an IT MOU between Sioux County and the Sioux Rivers Mental Health Region. Van Maanen explained that currently there is no central management of technology for the Region and that this MOU lays out the parameters for Sioux County IT staff to assist the Region in their technology needs, and does the same for IT staff in member counties who also will support the Region. There are essentially two parts to the MOU, the first is the regular support IT staff will provide, which is covered in the annual service fee of \$1,200/IT staff. The second part are any projects the

Region would need IT staff to work on, which would be billed at \$150/hour. Motion by Vande Weerd and supported by Degen to approve the MOU. Motion carried unanimously.

9) Ryan Dokter, Sioux County Auditor, requested approval to set a date of September 27, 2022 and time 9:00 a.m. for a public hearing on a county budget amendment. Motion by Vande Weerd and supported by Degen to set September 27, 2022 and time of 9:00 a.m. for a county budget amendment. Motion carried unanimously.

10) Chairman Muilenburg initiated discussion on the following regarding an ARPA applications:

- 1) \$250,000 for scanning the Clerk of Court records being stored in the courthouse, once scanned, will free up office space and limit costs for further remodeling for office space. Motion by Vande Weerd and supported by Bloemendaal to approve the application. Motion carried unanimously.
- 2) \$100,000 for remodeling the new Public Health building in preparation for relocating Public Health. Motion by Vande Weerd and supported by Degen to approve the application. Motion carried unanimously.

11) Motion by Degen and supported by Bloemendaal to approve the FY2022 Urban Renewal report. Motion carried unanimously.

12) Committee Reports:

- **Vande Weerd** – 1) Reported that Supervisor Bloemendaal attended in his place for the Fair/Saddle Club meeting from August 29. A Board will be formed for the Fair relocation project and are planning to apply for Destination Iowa Grant funds. Fundraising efforts have also begun. 2) Reported that ISAC will send a survey to all county supervisors regarding eminent domain provisions for the proposed carbon pipelines. 3) Reported that interviews were conducted for the Sioux Rivers Mental Health Region CEO position and an offer for employment was extended.
- **Bloemendaal** – Attended the Fair/Saddle Club meeting on August 29.
- **Sybesma** – Attended a SRFDC meeting on August 25. Funding is readily available due to the increasing number of vehicle registrations statewide.
- **Bloemendaal, Muilenburg, & Vande Weerd** – Attended the ISAC Annual Conference August 24-26. There were many good sessions but the topic discussed most was carbon pipelines.

13) Joel Sikkema, Sioux County Engineer,

- Requested Board approval for the following resolution to amend the County's 5-year plan. Motion by Bloemendaal and supported by Vande Weerd to approve the resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

### 2023 County Five Year Program Resolution

0.1

2022-50

### Sioux County Secondary Roads

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Five Year Program and previous revisions, requiring changes to the sequence, funding, and timing of the proposed work plan.

The Board of Supervisors of Sioux County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2023), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

The following projects shall be ADDED to the Program's Accomplishment year:

Project Number Name Project ID	Project Location Description of Work	AADT Length Bridge ID	Type of Work Fund	Total
LFM-172 --7X-84 B56, Jackson to 3rd 45811	On 460th St (B56), from Jackson Ave E 2.2 miles to 3rd Ave (B62) S4 T94 R44	760 2.220 miles	366 HMA Paving Local	\$790,000
L-171--73-84  Jefferson, 450th S 0.6 mi 47179	On Jefferson Ave, from 450th St South approximately 0.6 mile	10 0.560 miles 308341	366 HMA Paving Local	\$105,000
STBG-SWAP- C084(173)-- FG-84 L14, 460th St. to 510th St. 36066	On L14 (Kiwi Ave), from IA Hwy #10 W. of Alton S 5 miles to Sioux/Plymouth Co. Line	710 4.930 miles	366 HMA Paving SWAP	\$1,835,000

The following projects shall be MODIFIED as follows:

Project Number Name Project ID	Project Location Description of Work	AADT Length Bridge ID	Type of Work Fund	Modifications	Total
STP-S-C084(177)-- 5E-84 PCC, B40, SC to K64 37582	On 400th St. (B40), from near 7th Ave. SE in Sioux Center east approximately 5.5 miles to Jefferson Ave. (K64)	3000 5.580 miles	367 PCC Paving FA	Project Number updated	\$2,504,000

Fund	Accomplishment Year		
	Previous Amount	New Amount	Net Change
Local	\$902,000	\$1,801,00	\$899,000
Farm-to-Market	\$4,315,40	\$5,346,40	\$1,031,000
Special	\$0	\$0	\$0
SWAP	\$2,729,60	\$3,529,60	\$800,000
Federal Aid	\$1,080,00	\$1,080,00	\$0
Totals	\$9,027,00	\$11,757,00	\$2,730,000

**Recommended**

/s/Joel Sikkema, County Engineer

Date: 9/6/2022

**Approved**

/s/Jerry Muilenburg, Chair Board of Supervisors

Date: 9/6/2022

**Attested**

I, Ryan Dokter, Auditor in and for Sioux County, Iowa, do hereby certify the above and foregoing to be a true and exact copy of a resolution passed and approved by the Board of Supervisors of Sioux County, Iowa, at its meeting held on the 6<sup>th</sup> day of September, 2022.

/s/Ryan Dokter, County Auditor

- Requested Board approval and signatures on HMA resurfacing plans for projects STBG-SWAP-C084(173)—FG-84, LFM-172—7X-84, and L-171—73-84. Motion by Sybesma and supported by Degen to approve and sign the plans. Motion carried unanimously.
- Requested Board approval for a fiber optic utility permit application from Northwest REC in section 7 of Nassau Township. Motion by Bloemendaal and supported by Vande Weerd to approve the permit agreement. Motion carried unanimously.
- Requested Board approval of an agreement with Rock Valley Rural Water to move a water line in preparation for the use of a gravel pit. Motion by Bloemendaal and supported by Sybesma to approve the agreement as presented. Motion carried unanimously.
- Updated the Board on the purchase of the gravel pit. Onsite testing has been completed which found the gravel matched the boring results and survey work has begun to identify new parcels.
- Updated the Board on the following construction projects: the box culvert near Carmel has been completed and reopened August 29, the B46 PCC overlay is about 80% complete, gravel crushing will take place at the Chatsworth Pit this fall, and the Jay Avenue project is about 90% complete and will be seeded this week.
- Reported that Becky Visser started today and is training with Twila Oolman, and applications are being received for the open Hawarden foreman position.

**14) Chairman Muilenburg addressed the following resolutions:**

- 1) Resolution to formally place a moratorium on the commercial wind turbine ordinance. Motion by Bloemendaal and supported by Degen 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. 48

WHEREAS, Sioux County has previously enacted Sioux County Ordinance No. 26 regulating the installation and development of Wind Energy Conversion Property, more commonly known as wind turbines; and

WHEREAS, such regulations are designed to provide for the safety of Sioux County's citizens, the general public, and promoting landowner rights;

WHEREAS, there are no current wind turbines installed or being developed in Sioux County, Iowa;

WHEREAS, Sioux County Board of Supervisors, Sioux County's Zoning Board, and Sioux County Board of Adjustment desire to place a one-year moratorium on the development of any wind turbine installations, prohibiting such projects from being received, reviewed, considered, or developed by the Sioux County Board of Supervisors, Sioux County's Zoning Board, or Sioux County's Board of Adjustment;

WHEREAS the Sioux County Board of Supervisors desires to prohibit the application of all commercial Wind Energy Conversion Property, more commonly known as wind turbine developments, in Sioux County, Iowa for the period of one (1) year, allowing additional time to review Ordinance No. 26.

THEREFORE BE IT RESOLVED by the Sioux County Board of Supervisors:

1. Sioux County, Iowa is hereby prohibited from receiving, reviewing, considering, or approving any application of any commercial Wind Energy Conversion Property or wind turbine developments, in Sioux County, Iowa. This includes, but is not limited to, prohibiting the Sioux County Zoning Board, and Sioux County Board of Adjustment from receiving, reviewing, considering, or approving any new applications, approving special use permits or variances, for any Wind Energy Conversion Property or wind turbine developments.
2. Such moratorium shall be effected immediately upon passage. This moratorium shall sunset, automatically terminating one-year after passage.

**PASSED AND APPROVED** this 6th day of September, 2022.

/s/Jerry Muilenburg  
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- 2) Resolution to place a moratorium on the County's Utility Vehicle Ordinance due to recent legislative changes. Motion by Vande Weerd and supported by Degen 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. 49

WHEREAS, Sioux County has previously enacted Sioux County Ordinance No. 27 regulating the operation of all-terrain and off-road utility vehicles in Sioux County, Iowa; and

WHEREAS, such regulations are designed to provide for the safety of Sioux County's citizens, the general public, and promote roadway safety;

WHEREAS, when Ordinance No. 27 was enacted in 2018, State law permitted such county regulation, but the 89<sup>th</sup> General Assembly of the Iowa Legislature, found in HF 2130, made significant modifications to Iowa law regulating such vehicles as of July 1, 2022, specifically Iowa Code section 321I.10(2) which now permits such vehicles to be operated on any unpaved secondary road, among other changes, conflicting with Sioux County Ordinance No. 27;

WHEREAS, the Sioux County Board of Supervisors must and desires to maintain ordinances in compliance with Iowa law;

WHEREAS, the Sioux County Board of Supervisors, desire to place a one (1) year moratorium on the Sioux County Ordinance No. 27, giving time to allow additional guidance to county governments from the Legislature, the Department of Natural Resources, and/or other interested associations, on precisely how counties ought to comply with the new state law;

WHEREAS the Sioux County Board of Supervisors desires to achieve a one (1) year moratorium on Sioux County Ordinance No. 27, temporarily lawfully suspending the same for a period of one (1) year.

THEREFORE BE IT RESOLVED by the Sioux County Board of Supervisors.

1. Sioux County Ordinance No. 27, regulating the operation of all-terrain and off-road utility vehicles in Sioux County, Iowa, shall be temporarily lawfully suspended for a period of one (1) year from the date of passage.
2. Such moratorium shall be effected immediately upon passage. This moratorium shall sunset, automatically terminating one-year after passage.
3. This Moratorium Resolution shall have no effect and shall not be construed to modify or disrupt Resolution 2020-39, the Resolution setting forth the annual registration fees set by the Sioux County Board of Supervisors and collected by the Sioux County Recorder, which shall remain in full force and effect.

**PASSED AND APPROVED** this 6th day of September, 2022.

/s/Jerry Muilenburg  
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

**15) Motion by Degen and supported by Bloemendaal to adjourn the meeting. Motion carried and the meeting was adjourned at 10:15 a.m. until Tuesday, September 20, 2022.**

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Jerry Muilenburg, Chairman  
Sioux County Board of Supervisors

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