

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON MAY 16, 2000

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock a.m. with Chairman Loren Bouma presiding. Members present were William Vander Maten, Vernon Beernink, Loren Bouma, Bernard L. Smith and Stanley L. De Haan.

Committee reports were given this date.

Motion by Beernink and supported by Vander Maten to amend the Tentative Agenda to include the addition of an executive session with Harvey Wiltsey, County Labor Negotiator by teleconference at 11:00 o'clock a.m. to discuss labor negotiations according to Section 20.17(3), 1999 Iowa Code. Carried, unanimous in favor.

Deanna McCord, Child Support Recovery Unit Supervisor, met with the Board this date to request approval and a Chairman's signature on a three year Chapter 28E Multi-County Cooperative Reimbursement Agreement for Child Support and Establishment of Paternity with the Iowa Department of Human Services.

Motion by Vander Maten and supported by De Haan to approve and authorize the Chairman to sign a three year Chapter 28E Multi-County Cooperative Reimbursement Agreement for Child Support and Establishment of Paternity with the Iowa Department of Human Services. Carried, unanimous in favor.

Dennis Sassman, County Community Services Director, met with the Board this date to report that county general relief activity has increased. He also reported on two pending general relief cases.

Motion by De Haan and supported by Beernink to increase the hourly rate for precinct election officials to \$6.00 effective May 16, 2000. Carried, unanimous in favor.

The Board visited with Linda Kniep, attorney for Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C., by teleconference at 10:00 o'clock a.m. pertaining to a request from the Sioux Center Community Hospital and Health Center to utilize \$5,000,000 of Sioux County's bonding capacity for the issuance of tax-exempt revenue bonds to help finance construction of a proposed senior housing project.

The following persons were also in attendance for the aforementioned tax-exempt revenue bond matter:

Mark Schouten, County Attorney
Marla Toering, Administrator of Sioux Center Community Hospital and Health Center
Bobbi Pekelder, Director of Finance of Sioux County Community Hospital and Health Center
Harold Schiebout, Sioux Center City Administrator

Matters were discussed relative to the request from the Sioux Center Community Hospital and Health Center regarding the issuance of not to exceed \$5,000,000 in aggregate principal amount of the County's Senior Housing Revenue Bonds (Sioux Center Community Hospital and Health Center Project) Series 2000. Following a discussion of the proposal, Board Member Beernink introduced the following Resolution in written form and moved its adoption. Board Member Smith seconded the motion to adopt. After due consideration of said motion, the roll was called and the Resolution was adopted by the following vote:

AYES: Loren Bouma, Chairman
William Vander Maten, Member
Vernon Beernink, Member
Bernard L. Smith, Member
Stanley L. De Haan, Member

NAYS: None

The resolution was thereupon signed by the Chairperson and in evidence of approval was attested by the County Auditor and declared to be effective. The

Resolution is as follows:

RESOLUTION NO. 2000-11

A RESOLUTION REGARDING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF SENIOR HOUSING REVENUE BONDS (SIOUX CENTER COMMUNITY HOSPITAL AND HEALTH CENTER PROJECT) SERIES 2000, OF SIOUX COUNTY, IOWA, DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE, CALLING A PUBLIC HEARING ON THE PROPOSAL TO ISSUE SAID BONDS AND AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT.

WHEREAS, Sioux County, Iowa (the "Issuer") is a municipal corporation organized and existing under the Constitution and laws of the State of Iowa, and is authorized and empowered by Chapter 419 of the Code of Iowa (the "Act"), to issue revenue bonds and loan the proceeds from the sale of said bonds to one or more parties to be used to defray all or a portion of the cost of acquiring, constructing, improving and equipping a "Project", as that term is defined in the Act, including a housing unit or complex for persons who are elderly; and

WHEREAS, the Issuer has been requested by Sioux Center Community Hospital and Health Center, an Iowa nonprofit corporation (the "Borrower"), to authorize and issue its Senior Housing Revenue Bonds pursuant to the provisions of the Act for the purpose of defraying all or a portion of the cost of (i) acquisition of land, (ii) constructing and equipping of approximately 48 units of assisted and independent living facilities located at 1400 7th Avenue Southeast, Sioux Center, Iowa (the "Project") and paying costs of issuance of the Bonds; and

WHEREAS, the Issuer has determined that the amount necessary to defray the cost of the Project, including necessary expenses incidental thereto, will require the issuance by the Issuer of not to exceed \$5,000,000 aggregate principal amount of its Senior Housing Revenue Bonds, Series 2000 (the "Bonds" pursuant to the provisions of the Act, and it is proposed that the Issuer loan said amount to the borrower under a Loan Agreement between the Issuer and Borrower pursuant to which loan payments will be made by the Borrower in amounts sufficient to pay the principal of, interest and premium, if any, on said Bonds, as and when the same shall be due; and

WHEREAS, the Bonds, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general

credit or taxing powers, and the principal of, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, there has been presented to the Board of Supervisors (the “Governing Body”) a Memorandum of Agreement, attached hereto as Exhibit A which sets forth certain mutual undertakings and agreements between the Issuer and the Borrower, relating to the further processing and issuance of said Bonds, and the Issuer believes it desirable and in its best interest that said Memorandum of Agreement be executed for and on behalf of the Issuer; and

WHEREAS, before the Bonds may be issued, it is necessary to conduct a public hearing on the proposal to issue the Bonds, all as required and provided by Section 419.9 of the Act and Section 147(f) of the Code.

NOW, THEREFORE, be it and it is hereby resolved by the Governing Body of the Issuer as follows:

Section 1. A public hearing shall be conducted on June 12, 2000, at 10:00 o’clock a.m., before this Governing Body in the Board of Supervisors’ Room at the Sioux County Courthouse on the proposal to issue not to exceed \$5,000,000 aggregate principal amount of the Issuer’s Senior Housing Revenue Bonds (Sioux Center Community Hospital and Health Center Project) Series 2000, pursuant to the provisions of the Act, for the purpose of defraying a portion of the cost of the Project, including necessary expenses incidental thereto, and all local residents who appear at said hearing shall be given an opportunity to express their views for or against the proposal to issue such Bonds; and at said hearing, or any adjournment thereof, this Governing Body shall adopt a Resolution determining whether or not to proceed with the issuance of said Bonds.

Section 2. The County Auditor of the Issuer is hereby directed to publish one time, not less than 15 days prior to the date fixed for said hearing, in a legal newspaper published and having a general circulation within the Issuer, a Notice of Intention to issue said Bond in substantially the following form:

NOTICE OF PUBLIC HEARING ON INTENTION
TO ISSUE SENIOR HOUSING REVENUE BONDS
(SIOUX CENTER COMMUNITY HOSPITAL AND HEALTH CENTER PROJECT)

Notice is hereby given that a public hearing will be conducted before the Board of Supervisors of Sioux County, Iowa (the “Issuer”), in the Board of Supervisors Room at the Sioux County Courthouse in Orange City, Iowa at 10:00 o’clock a.m., on June 12, 2000, on the proposal to issue not to exceed \$5,000,000 aggregate principal amount of the County’s Senior Housing Revenue Bonds (Sioux Center Community Hospital and Health Center Project) Series 2000 (the “Bonds”) and to loan said amount to Sioux Center Community Hospital and Health Center (the “Borrower”), pursuant to the provisions of Chapter 419 of the Code of Iowa, for the purpose of (i) acquisition of land, (ii) constructing and equipping of approximately 48 units of assisted and independent

living facilities located at 1400 7th Avenue Southeast, Sioux Center, Iowa and paying costs of issuance of the Bonds. It is contemplated that a Loan Agreement will be entered into between the Issuer and the Borrower, under which the Issuer will loan to said Borrower the proceeds from the sale of the Bonds in return for loan payments from the Borrower sufficient to pay the principal of, interest and premium, if any, on such Bonds as the same shall fall due.

Such Bonds, if issued, and the interest thereon, will be payable solely out of the revenues derived from the Loan Agreement and shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers.

All local residents who appear at the hearing shall be given an opportunity to express their views for or against the proposal to issue the Bonds, and at the hearing, or any adjournment thereof, the Board of Supervisors of the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds.

By Order of the Board of Supervisors

Dennis Lange, County Auditor

Section 3. In order to assure the financing of the Project, it is deemed necessary and advisable that the Memorandum of Agreement, in the form attached hereto as Exhibit A, be approved and that the Chairperson of the Issuer be and hereby is authorized and directed to execute said Memorandum of Agreement and the County Auditor of the Issuer be and hereby is authorized to attest the same and to affix the seal of the Issuer thereto and said Memorandum of Agreement is hereby made a part of this Resolution.

Section 4. Officials of the Issuer are hereby authorized to take such further action as may be necessary to carry out the intent and purpose of the Memorandum of Agreement.

Section 5. All Resolutions and Orders or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this Resolution shall be in full force and effect immediately upon its adoption.

Adopted and approved May 16, 2000.

Sioux County, Iowa

(SEAL)

/s/ Loren B. Bouma, Chairperson
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange

Sioux County Auditor

Mark Dunlop, County Emergency Management Services Administrator and Zoning Administrator, met with the Board this date to report that the City of Sioux City is requesting an amount of \$.75 per capita for the remaining seven years of an Agreement for the Provision of Hazardous Materials Response Services Between the City of Sioux City, Iowa and Sioux County Under Chapter 28E, Code of Iowa that will expire on June 30, 2007.

The consensus of the Board was to instruct Mark Dunlop, County Emergency Management Services Administrator and Zoning Administrator, to inquire whether the residents of the City of Sioux City were also contributing the \$.75 per capita for hazardous materials response services. The Board will make a decision at a later date.

Shane Walter, County Central Point of Coordination Administrator, met with the Board this date to review the contents of a proposed Northwest Iowa Contracting Consortium 28E Agreement. He stated that it is the desire of eleven counties to contract with providers of mental health, mental retardation and developmental disabilities services as a single entity in order to save county and provider resources, establish uniform rates for like services, and have a consistent provider contract review process.

Motion by Smith and supported by Beernink to approve and authorize the Chairman to approve and authorize the Chairman to sign an application for diagnostic evaluation services, admission, and re-evaluation to state hospital-school at Glenwood for a Sioux County resident. Carried, unanimous in favor.

Motion by Vander Maten and supported by Beernink to go into executive session according to Section 20.17(3), 1999 Code of Iowa, to discuss proposed labor negotiations

by teleconference with Harvey Wiltsey, Labor Negotiator for Sioux County. Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and De Haan, Yes.

Carried, unanimous in favor.

Motion by Vander Maten and supported by Beernink to go out of executive session according to Section 20.17(3), 1999 Iowa Code. Roll Call on Vote: Vander Maten, Yes; Beernink, Yes; Bouma, Yes; Smith, Yes; and De Haan, Yes. Carried, unanimous in favor.

The following persons were also present for the aforementioned executive session:

Melissa O'Rourke, Assistant County Attorney
Doug Julius, County Engineer

Doug Julius County Engineer, met with the Board this date to request approval and a Chairman's signature on various documents.

Motion by Smith and supported by De Haan to approve and authorize the Chairman to sign the following documents:

Contracts and Contractor's Bonds with Graves Construction Company, Inc., of Melvin, for Project No. BROS-CO84(87)--5F-84 in an amount of \$147,397.50.

Contracts and Contractor's Bonds with Kooiker, Inc. of Le Mars, for Project No. L-1-2000--73-84-CULV EXT in an amount of \$38,469.62.

Contracts and Contractor's Bonds with Kooiker, Inc. of Le Mars, for Project No. L-2-2000--73-84-CULV in an amount of \$38,683.80.

Contracts and Contractor's Bonds with Kooiker, Inc. of Le Mars, for Project No. L-2-99--73-84-CULV in an amount of \$77,830.70.

Contracts and Contractor's Bonds with Petit Construction of South Sioux City, Nebraska, for Project No. L-5-2000--3-84-CULV in an amount of \$43,081.70.

Permit Agreement with Heartland Telecom of Rock Rapids, for a road right-of-way crossing in Section 8 of Lincoln Township.

Permit Agreement with Heartland Telecom of Rock Rapids, for a road right-of-way crossing in Section 15 of Eagle Township.

Permit Agreement with Heartland Telecom of Rock Rapids, for a road right-of-way crossing in Section 34 of Center Township.

Permit Agreement with Frontier Communications of Iowa, Inc., for road right-of-way crossings in Section 4 of Holland Township and Section 33 of Capel Township.

Carried, unanimous in favor.

The consensus of the Board was to approve and authorize Doug Julius, County Engineer, to sign an agreement with Chem-Trol, Inc. of West Des Moines, to spot spray weeds in the east one-half of Sioux County in an amount of \$33,316.69.

Motion by Vander Maten and supported by Beernink to approve and authorize Doug Julius, County Engineer, to purchase a John Deere 7210 two wheel drive tractor and a rear and side mounted Tiger rotary mower and roto-screen in a total amount of \$68,490.00. Carried, unanimous in favor.

Doug Julius, County Engineer, reported on the following Iowa Department of Transportation letting results for Project No. BROS-CO84(87)--5F-84:

<u>Company</u>	<u>Amount</u>
Graves Construction Company, Inc.	\$147,397.50
Merryman Bridge Construction Company	149,253.50
Godbersen-Smith Construction Company	165,691.88
Christensen Bros., Inc.	197,147.10

The Board approved payment of claims as presented by the County Auditor from all departments this date.

The Chairman adjourned the meeting until Tuesday, May 30, 2000.

Loren Bouma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor