

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON MAY 21, 2013

- 13-05-21 1** The Board of Supervisors of Sioux County, Iowa, met on May 21, 2013, at 9:00 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Al Bloemendaal, John Degen, Arlyn Kleinwolterink, Mark Sybesma and Dennis Wright.
- 13-05-21 2** Minutes of the meeting held on May 14, 2013, were submitted and the Chairman declared them approved.
- 13-05-21 3** Motion by Bloemendaal and supported by Wright to sign a resolution authorizing the execution of a Memorandum of Agreement with Dordt College, Incorporated and fixing June 18, 2013, at 10:00 a.m. for a hearing on the proposed issuance of Private College Revenue Refunding Bonds (Dordt College Project), Series 2013 in one or more series. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright Yes; and Sybesma, Yes. Motion carried unanimous in favor.

RESOLUTION NO. 2012-13

A Resolution authorizing the execution of a Memorandum of Agreement with Dordt College, Incorporated and fixing a date for a hearing on the proposed issuance of Private College Revenue Refunding Bonds (Dordt College Project), Series 2013 in one or more series.

WHEREAS, the Issuer is authorized under the provisions of Chapter 419 of the Code of Iowa (the "Act"), among other things, to issue revenue bonds and loan the proceeds thereof pursuant to a loan agreement to one or more contracting parties (as defined in the Act) to be used to pay the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for use of any organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(d) of the Code (a "Tax Exempt Organization") or to issue revenue bonds for the purpose of retiring existing indebtedness on a facility for an organization described in Section 501(c)(3) of the Code; and

WHEREAS, Dordt College, Incorporated (the "College") is a Tax Exempt Organization and has requested the Issuer to issue its Private College Revenue Refunding Bonds (Dordt College Project), Series 2013, in one or more series, (the "Series 2013 Bonds") in an aggregate principal amount not to exceed \$7,000,000, pursuant to the Act for the purpose of refunding the outstanding \$12,000,000 City of Sioux Center, Iowa Private College Revenue Bonds (Dordt College Project), Series 2009A (the "Series 2009A Bonds"). The Series 2009A Bond proceeds were originally issued to fund the construction, furnishing and equipping of a student dormitory complex and related ancillary improvements all located on the campus of the College at 498 Fourth Avenue, N.E., Sioux Center, Iowa (collectively, the "Original Project"); and

WHEREAS, it is proposed to finance the foregoing through the issuance of the Series 2013 Bonds and to loan the proceeds from the sale of the Series 2013 Bonds to the College under a Loan Agreement between the Issuer and the College, the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Series 2013 Bonds as and when the same shall be due and payable; and

WHEREAS, before the Series 2013 Bonds may be issued, it is necessary to conduct a public hearing on the proposal to issue the Series 2013 Bonds, all as required and provided for by Section 419.9 of the Act and Section 147(f) of the Internal Revenue Code; and

WHEREAS, a Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto, has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such Agreement, to pursue proceedings necessary under the Act to issue the Series 2013 Bonds for such purpose;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the Issuer, as follows:

Section 1. The Memorandum of Agreement in the form and with the contents set forth in Exhibit A attached hereto is hereby approved, and the Chairperson is hereby authorized to execute said Memorandum of Agreement and the County Auditor is hereby authorized to attest the same and to affix the seal of the Issuer thereto; said Memorandum of Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in Exhibit A attached hereto.

Section 2. 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 3. This Board of Supervisors shall meet on the 18th day of June, 2013, at the Board of Supervisors Room, in the Sioux County Courthouse, 210 Central Avenue, SW, Orange City, Iowa, at 10 o'clock a.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Series 2013 Bonds referred to in the preamble hereof.

Section 4. The Auditor is hereby directed to give notice of intention to issue the Series 2013 Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE PRIVATE COLLEGE REVENUE REFUNDING BONDS (DORDT COLLEGE PROJECT), SERIES 2013

The Board of Supervisors of Sioux County, Iowa, (the "Issuer") will meet on the 18th day of June, 2013, at 10 o'clock a.m., at the Board of Supervisor's Room, in the Sioux County Courthouse in Orange City, Iowa, for the purpose of conducting a public hearing on the proposal to issue Private College Revenue Refunding Bonds (Dordt College Project), Series 2013, in one or more series, of the Issuer, in the aggregate principal amount not to exceed \$7,000,000 (the "Series 2013 Bonds") and to loan the proceeds of the Series 2013 Bonds to Dordt College, Incorporated (the "College") for the purpose of refunding the outstanding \$12,000,000 City of Sioux Center, Iowa Private College Revenue Bonds (Dordt College Project), Series 2009A (the "Series 2009A Bonds"). The Series 2009A Bond proceeds were originally issued to fund the construction, furnishing and equipping of a student dormitory complex and related ancillary improvements all located on the campus of the College at 498 Fourth Avenue, N.E., Sioux Center, Iowa.

The Series 2013 Bonds, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Series 2013 Bonds will be payable solely and only from amounts received by the Issuer under a Loan Agreement between the Issuer and the College, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Series 2013 Bonds as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Series 2013 Bonds. Written comments may

also be submitted to the Issuer at the Sioux County Courthouse, P.O. Box 18, 210 Central Ave. SW, Orange City, Iowa 51041. Written comments must be received by the above hearing date.

By order of the Board of Supervisors of Sioux County, Iowa

Lois Huitink, County Auditor

Section 5. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 21, 2013.

/s/ Mark Sybesma, Chairperson
Sioux County Board of Supervisors

Attest: /s/ Lois Huitink, Sioux County Auditor

13-05-21 4 Kim Dykstra, Sioux County Budget Clerk requested that the Board approve a department amendment for a new department – Environmental Health. Motion by Degen and supported by Kleinwolterink to approve an amendment in the amount of \$2,000.00 to fund the Environmental Health department. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright Yes; and Sybesma, Yes. Motion carried unanimous in favor.

RESOLUTION 2013-14

RESOLUTION TO AMEND ENVIRONMENTAL HEALTH & PHYSICAL PLANNING DEPARTMENT BUDGETS

WHEREAS, it is unlawful for a Department Head to authorize the expenditure of a sum for a Department larger than the amount which has been appropriated for that Department by the Board; and

WHEREAS, proposed expenditures for the Environmental Health Department will cause this Department to exceed the amount budgeted for the fiscal year 2012-2013; and

WHEREAS, it is deemed necessary to increase the appropriations for the Environmental Health Department to not be in violation of Iowa Code Section 331.437; and

THEREFORE, BE IT RESOLVED by the Board of Supervisors that the appropriation for the following Departments be changed as follows:

Environmental Health Department be increased from \$0 to \$2,000

Physical Planning Department be decreased from \$135,760 to \$133,760

The above and foregoing Resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on May 21, 2013.

/s/ Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/ Lois Huitink
Sioux County Auditor

13-05-21 5 Shane Walter, Sioux County Community Services Director will attend a regional mental health meeting this afternoon in LeMars. Walter reported that mental health legislation will need to be dealt with in special session.

13-05-21 6 Kim Dykstra, Sioux County Budget Clerk provided documentation for service area amendments for Service Areas 6 (County Environment and Education) and 9 (Administration). As this is the date and time set for a public hearing to amend the 2012/2013 budget, the Chairman opened the public hearing. Rob Klocke, Sioux County Conservation Director explained that grant funding for special projects has been received. The conservation budget needs to be amended to account for the added revenue and the expenditures for those special projects. Present for this discussion were Conservation Board Members, Gordon Pottebaum and Don Brommer. Kim Dykstra explained that an amendment to Service Area 9 was necessary to provide necessary funding to complete the Air Conditioning Project at the Courthouse. The Chairman closed the public hearing. Motion by Degen and supported by Kleinwolterink the approve amendments to Service Areas 6 and 9. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright Yes; and Sybesma, Yes. Motion carried unanimous in favor.

COUNTY NAME: SIoux		RECORD OF HEARING AND DETERMINATION ON THE AMENDMENT TO COUNTY BUDGET		COUNTY NO: 84
Date budget amendment was adopted: May 21, 2013		For Fiscal Year Ending: June 30, 2013		
The County Board of Supervisors met on the date specified immediately above to adopt an amendment to the current County budget as summarized below. The amendment was adopted after compliance with the public notice, public hearing, and public meeting provisions as required by law.				
Iowa Department of Management Form 653 A-R Sheet 2 of 2 (revised 04/30/12)		Total Budget as Certified or Last Amended	Adopted Current Amendment	Total Budget After Current Amendment
REVENUES & OTHER FINANCING SOURCES				
Taxes Levied on Property	1	8,029,983	0	8,029,983
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0
Less: Credits to Taxpayers	3	251,640	0	251,640
Net Current Property Taxes	4	7,778,343	0	7,778,343
Delinquent Property Tax Revenue	5	710	0	710
Penalties, Interest & Costs on Taxes	6	20,550	0	20,550
Other County Taxes/TIF Tax Revenues	7	1,885,853	0	1,885,853
Intergovernmental	8	12,162,038	45,321	12,207,359
Licenses & Permits	9	15,450	0	15,450
Charges for Service	10	710,390	0	710,390
Use of Money & Property	11	122,674	0	122,674
Miscellaneous	12	564,860	0	564,860
Subtotal Revenues	13	23,260,868	45,321	23,306,189
Other Financing Sources:				
General Long-Term Debt Proceeds	14	0	0	0
Operating Transfers In	15	3,015,550	0	3,015,550
Proceeds of Fixed Asset Sales	16	5,000	0	5,000
Total Revenues & Other Sources	17	26,281,418	45,321	26,326,739
EXPENDITURES & OTHER FINANCING				

USES				
Operating:				
Public Safety & Legal Services	18	4,252,921	0	4,252,921
Physical Health & Social Services	19	1,547,368	0	1,547,368
Mental Health, MR & DD	20	2,762,316	0	2,762,316
County Environment & Education	21	1,138,144	86,482	1,224,626
Roads & Transportation	22	5,715,960	0	5,715,960
Government Services to Residents	23	910,832	0	910,832
Administration	24	2,215,102	200,000	2,415,102
Nonprogram Current	25	37,000	0	37,000
Debt Service	26	888,625	0	888,625
Capital Projects	27	9,849,800	0	9,849,800
Subtotal Expenditures	28	29,318,068	286,482	29,604,550
Other Financing Uses:				
Operating Transfers Out	29	3,015,550	0	3,015,550
Refunded Debt/Payments to Escrow	30	0	0	0
Total Expenditures & Other Uses	31	32,333,618	286,482	32,620,100
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	32	(6,052,200)	(241,161)	(6,293,361)
Beginning Fund Balance - July 1,	33	12,261,023	0	12,261,023
Increase (Decrease) in Reserves (GAAP Budgeting)	34	0	0	0
Fund Balance - Nonspendable	35	0	0	0
Fund Balance - Restricted	36	0	0	0
Fund Balance - Committed	37	0	0	0
Fund Balance - Assigned	38	333,529	0	333,529
Fund Balance - Unassigned	39	5,875,294	(241,161)	5,634,133
Total Ending Fund Balance - June 30,	40	6,208,823	(241,161)	5,967,662

Date original budget adopted:

05/01/12

Date(s) current budget was subsequently amended:

02/05/13

05/21/13

The below-signed certify that proof of publication of the hearing notice and proposed amendment is on file for each official County newspaper, that all public hearing notices were published not less than 10, nor more than 20 days prior to the public hearing, and that adopted expenditures do not exceed published amounts for any of the 10 individual expenditure classes, or in total.

13-05-21 7 Rob Klocke, Sioux County Conservation Director reported on the condition of the County's parks. Gordon Pottebaum gave an update on the Sandy Hollow facility. The Conservation Board is negotiating with the city of Sioux Center to consider a transfer of ownership of the Sandy Hollow Recreation Area to the Conservation Board. Discussions have been held at which various other parks owned by Conservation Board were visited. Grant money may be utilized to help purchase 70 acres.

13-05-21 8 Doug Julius, Sioux County Engineer opened bids to grade and drain 470th Street from K64 east to Highway 10 and Ironwood Avenue from Highway 10 north to 440th Street.

Contractor	Project Number		Total
	L-1-2006--73-84-GR	L-7-2008--73-84-GR	
Beck Excavating	214,073.64	111,732.47	325,806.11
K&L Landscape & Construction	259,095.77	112,995.72	372,091.49
Joy Dirt Company	144,820.19	77,065.09	221,885.28

Motion by Kleinwolterink and supported by Degen to accept the low bid subject to review by the Engineer. Motion carried, unanimous in favor.

- Requested approval of the following permit agreements:
 - a. **Long Lines:** Run fiber optic cable in Sections 10 and 11 of Floyd Township. Motion by Bloemendaal and supported by Wright to approve the aforementioned permit. Motion carried, unanimous in favor.
 - b. **Rock Valley Rural Water:** Run water line along County Right of Way in Section 14 of Welcome Township. Motion by Wright and supported by Bloemendaal to approve the aforementioned permit. Motion carried, unanimous in favor.
 - c. Motion by Degen and supported by Kleinwolterink to approve the Annual Weed Resolution for 2013. Roll call on vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright Yes; and Sybesma, Yes. Motion carried unanimous in favor.

RESOLUTION No. 2013-15

WEED CONTROL RESOLUTION

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA:

That pursuant to provisions of Chapter 317, Code of Iowa, it is hereby ordered

- 1) That each owner and each person in the possession or control of any land shall cut, burn or otherwise destroy all noxious weeds thereon, as defined in this Chapter, at such times in each year and in such manner as shall prevent said weeds from blooming bearing seeds or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut, burned or otherwise destroyed on or before the following dates and as often thereafter as necessary to prevent seed production:

Group 1: July 1 for Leafy Spurge; Marijuana Plants; Perennial Pepper-grass; Buckthorn (Rhamnus, not to include Rhamnus Frangula); Sour Dock Perennial, Smooth Dock Perennial and Sheep Sorrel Perennial.

Group 2: July 1, for Canada Thistle; Russian Knapweed; Buckhorn; Perennial and Wild Mustard Annual.

Group 3: July 15 for European Morning Glory or Field Bindweed; Wild Carrot Biennial, also known as Queen Anne's Lace; Poison Hemlock and Multiflora Rose.

Group 4: July 15 for Horse Nettle; Perennial Sow Thistle; Quack Gras; Butterprint Annual; Cocklebur; Bull Thistle; Wild Sunflower Annual; Teasel Biennial; Puncture Vine Annual; Shattercane Annual and all other species of thistles belonging in genera of Cirsium and Carduus.

- 2) That each owner and each person in the possession or control of land including right of way in Sioux County infested with any noxious weeds listed above shall adopt a program of weed destruction described by the Weed Commissioner which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.
- 3) That if the owners or persons in possession or control of any land including right of way in Sioux County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the real estate.
- 4) **Sioux County has discontinued the Annual Spot Spraying Program of noxious weeds and other weed types growing in Sioux County Secondary Road ditches. It will be the responsibility of each owner and each person in the possession or control of land to destroy said weeds in Sioux County Secondary Road Ditches.**
- 5) That the County Auditor be and is hereby directed to cause notice of the making and entering the foregoing order by one publication in each of the official newspapers of the County.

BE IT FURTHER RESOLVED that Sioux County be designated as a weed control unit.

BY ORDER OF THE SIOUX COUNTY BOARD OF SUPERVISORS

Signed and dated this 21st day of May, 2013

/s/Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: /s/Lois Huitink
Sioux County Auditor

- Updated the Board on road work currently being done.

13-05-21 9 Dan Altena, Sioux County Sheriff

- Requested that the Board sign contract law contracts for 6 cities within the County. Cities contracting with the Sheriff for Law Enforcement Services are: Chatsworth, Boyden, Granville, Hospers, Hull and Maurice. The amount of the contracts increased about 3.3% from last year. Motion by Kleinwolterink and supported by Bloemendaal to approve and authorize the Chairman to sign Law Enforcement Contracts for 2013/2014 as presented by the Sheriff. Motion carries, unanimous in favor.
- Told the Board about criminal activity within the County. Reported that 40 text-a-tips messages have been received so far this year.
- Reported that bad weather in April led to a lot of accidents.
- In January, 183 weapons permits were issued. Since that time permit requests have been down. Altena attributes the large number of permits issued in January to the shooting at Sandy Hook Elementary School.

13-05-21 10 COMMITTEE REPORTS:

- **Bloemendaal** – went to the County Community Funding meeting at which distribution of gambling revenue was announced. The Sioux County Fireman’s Association received \$9,940.00 in funding. A total of approximately \$100,000.00 was distributed within the County.

- **Sybesma** – addressed the Board about pending property tax legislation.
- **Kleinwolterink** – shared that he attended a safety committee meeting.

13-05-21 11 Claims as submitted by the Auditor were approved for payment.

13-05-21 12 The meeting was adjourned at 10:55 a.m. The next meeting will be held on June 4, 2013, beginning at 9:00 a.m.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor