

# MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

## MEETING HELD ON JUNE 12, 2000

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 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.

Dennis Lange, County Auditor, reported on the canvass of election returns for the Primary Election held on June 6, 2000.

Motion by Smith and supported by Vander Maten to approve the canvass of Primary Election returns and authorize the Board to sign Abstracts of Election in accordance with Section 53.17 of the Code of Iowa for the Primary Election held on June 6, 2000, showing the following persons nominated for the offices named below:

	<u>PARTY</u>	<u>VOTES</u>
United States Representative ((5 <sup>th</sup> District)		
Tom Latham	Republican	2,409
Thomas D. Hall	Republican	171
Mike Palecek	Democratic	57
Conrad Lawlor	Democratic	58
State Representative (5 <sup>th</sup> District)		
Dwayne Arlan Alons	Republican	1,894
Scattering	Republican	1
State Representative (6 <sup>th</sup> District)		
David J. Johnson	Republican	213
Board of Supervisors (1 <sup>st</sup> District)		
Bernard L. Smith	Republican	162 Nominated
Scattering	Democratic	1
Board of Supervisors (3 <sup>rd</sup> District)		
Dallas Apol	Republican	284
Vernon Beernink	Republican	503 Nominated
Irwin De Boer	Republican	179
Gary Te Stroete	Republican	188
Don Vander Schaaf	Republican	106

Board of Supervisors (4 <sup>th</sup> District)			
Robert Boote	Republican	38	
Clark Moret	Republican	155	
Mark Sybesma	Republican	480	Nominated
Marvin Van't Hul	Republican	267	
Mark Warntjes	Republican	125	
County Auditor			
Dennis Lange	Republican	2,328	Nominated
Scattering	Democratic	1	
	Republican	1	
County Sheriff			
Jim R. Schwiesow	Republican	2,160	Nominated
Scattering	Republican	1	
Township Officers:			
Buncombe Township			
John Degen, Trustee	Republican	1	Nominated
Robert Hodoway, Trustee	Democratic	1	Nominated
Jerry Jensen, Trustee (Vacancy)	Republican (write-in)	1	Nominated
Capel Township			
Ben Koerselman, Trustee	Republican	109	Nominated
Center Township			
William R. Davelaar, Trustee	Republican	46	Nominated
Roger Feekes, Trustee	Republican	44	Nominated
Eagle Township			
Lester Dorhout, Trustee	Republican	4	Nominated
Wallace Vander Hamm, Trustee	Democratic	0	Nominated
East Orange Township			
Gary M. Hansen, Trustee	Democratic	1	Nominated
Lyle A. Schroeder, Trustee	Democratic	4	Nominated
Floyd Township			
Peter L. Van Kley, Trustee	Republican	69	Nominated
Garfield Township			
Jeff Rehder, Trustee	Republican	10	Nominated
Merle Solberg, Trustee	Democratic	1	Nominated
Grant Township			
Leroy A. Kreykes, Trustee	Republican	30	Nominated
Jeen Boer, Trustee	Republican	51	Nominated
Holland Township			
Ronald Van Kalsbeek, Trustee	Republican	51	Nominated
Lincoln Township			
Stanley Zylstra, Trustee	Republican	16	Nominated
Ronald Boote, Trustee	Republican	18	Nominated
Logan Township			
Lorna Easton, Trustee	Republican	0	Nominated
Lynn Township			
Esther Warntjes, Trustee	Democrat	2	Nominated

Nassau Township			
Dave Aalbers, Trustee	Republican	9	Nominated
Kenneth Konz, Trustee	Democratic	3	Nominated
Plato Township			
Paul R. Kleyer, Trustee	Republican	62	Nominated
John E. Miller, Trustee	Democratic	2	Nominated
Reading Township			
Wesley J. Westra, Trustee	Republican	7	Nominated
Douglas Houlton, Trustee	Republican	9	Nominated
Rock Township			
Rolland L. Mulder, Trustee	Republican	13	Nominated
Carl L. Vande Weerd, Trustee	Republican	10	Nominated
Settlers Township			
Gilbert J. Van De Stroet, Trustee	Republican	2	Nominated
Sheridan Township			
Wallace Winter, Trustee	Democratic	1	Nominated
Charles Oelrich, Trustee	Republican	57	Nominated
Sherman Township			
Lloyd Cleveringa, Trustee	Republican	19	Nominated
Roy Hawkins, Trustee	Democratic	1	Nominated
Sioux Township			
Henry Kooima, Trustee	Democratic	2	Nominated
William Termaat, Trustee	Republican	5	Nominated
Washington Township			
Paul M. Trageser, Trustee	Republican	3	Nominated
Sylvan Byker, Trustee	Republican	3	Nominated
Welcome Township			
West Branch Township			
Dennis Oolman, Trustee	Republican	86	Nominated
Arlyn Kleinwolterink, Trustee	Republican	90	Nominated

Carried, unanimous in favor.

Shane Walter, County Central Point of Coordination Administrator, met with the Board this date to review the status of the county Mental Health, MR & DD Department budget as of May 31, 2000. He also reviewed the status of the proposed Northwest Iowa Contracting Consortium 28E Agreement between eleven participating counties. It is the intent of the 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.

At 10:00 o'clock a.m. Chairman Bouma announced that the purpose of the meeting was to hold a public hearing on the proposal to issue not to exceed \$5,000,000 aggregate principal amount of the County's Senior Housing Bonds (Sioux Center Community Hospital and Health Center Project) Series 2000, pursuant to the provisions of Chapter 419, Code of Iowa, for the purpose of defraying all or a portion of the cost of (i) acquisition of land; (ii) constructing and equipping approximately 48 units of assisted and independent housing for seniors to be located at 1400 7<sup>th</sup> Avenue Southeast, Sioux Center, Iowa (the "Project"),(iii) funding a reserve fund, and (iv) paying costs of issuance and related costs incurred in connection with the foregoing and the issuance of such bonds. It is proposed that the proceeds from the sale of said Bonds be loaned by the County to Sioux Center Community Hospital and Health Center, with loan payments sufficient to pay principal of, interest and premium, if any, on such Bonds as the same shall fall due.

Chairman Bouma then asked if there was any person or persons present to express views for or against the proposal to issue said Bonds, notice of said hearing having been published as required by law. Written objections or other comments were filed by the following:

None

Oral objections or other comments were made by the following:

Marla Toering, Administrator of Sioux Center Community Hospital and Health Center; Bobbi Pekelder, Director of Finance of Sioux Center Community Hospital and Health Center; and Dan Zomermaand, Representative for RUAN Securities Corporation, were present for the hearing and expressed support for the issuance of said Bonds.

After ample opportunity had been given to all persons who appeared at the hearing to express their views for or against the proposal to issue the Bonds, Board Member Beernink proposed the following Resolution and moved its adoption. Board Member Vander Maten 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

Ayes: None

The Resolution was thereupon signed by the Chairperson and in evidence of approval attested by the County Auditor and declared to be effective. The Resolution is as follows:

#### **RESOLUTION NO. 2000-16**

“RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF SENIOR HOUSING REVENUE BONDS OF SIOUX COUNTY, IOWA; THE EXECUTION AND DELIVERY OF A TRUST INDENTURE TO SECURE SAID BONDS; THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN SAID COUNTY AND SIOUX CENTER COMMUNITY HOSPITAL AND HEALTH CENTER PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID BONDS AND THE SECURING OF SAID REPAYMENT OBLIGATION; THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT RELATING TO THE SALE OF SAID BONDS; AND RELATED MATTERS.”

WHEREAS, Sioux County, Iowa (the “Issuer”), is an incorporated municipality authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, 2000, as amended (the ”Act”) to issue revenue bonds and to loan the proceeds to one or more parties to be used to pay the cost of acquiring, constructing, installing and equipping a “project’, as that term is defined in the Act, including a facility for an organization described in Section 501 (c)(3) of the Internal Revenue Code (the “Code”) which is

exempt from Federal income tax under Section 501 (a) of the Code (a “Tax Exempt Organization”); and

WHEREAS, the Issuer has been requested by Sioux Center Community Hospital and Health Center, an Iowa nonprofit corporation which is a Tax Exempt Organization (the “Borrower”) to issue its revenue bonds pursuant to the Act in order to provide funds to pay all or a portion of the costs of (i) acquisition of land; (ii) constructing and equipping approximately 48 units of assisted and independent housing for seniors to be located at 1400 7<sup>th</sup> Avenue Southeast, Sioux Center, Iowa (the “Project”), (iii) funding a reserve fund, and (iv) paying costs of issuance and related costs incurred in connection with the foregoing and the issuance of such bonds; and

WHEREAS, the Issuer has determined that the amount necessary for the foregoing purposes require the issuance by the Issuer of its Senior Housing Revenue Bonds (Sioux Center Community Hospital and Health Center Project) Series 2000, in an aggregate principal amount not to exceed \$5,000,000 (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 and interest and premium, if any on the Bonds, as and when the same shall be due; and

WHEREAS, pursuant to published notice of intention, this Board of Supervisors has conducted a public hearing, as required by Section 419.9 of the Act and Section 147(f) of the Code, and this Board of Supervisors deems it necessary and advisable to proceed with the issuance of the Bonds, and the loan of the proceeds of the Bonds to the Borrower for the foregoing purposes; and

WHEREAS, the Issuer proposes to sell the Bonds to Ruan Securities Corporation (the “Underwriter”).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Sioux County, Iowa, as follows:

Section 1. In order to provide for the financing of the Project, the Bonds are hereby authorized and ordered to be issued pursuant to the Trust Indenture (the “Indenture”) by and between the Issuer and Bankers Trust Company, N.A. (the “Trustee”), in substantially the form as has been presented to and considered by this Board and containing substantially the terms and provisions set forth therein, with some changes therein as shall be approved by the officers of the Issuer executing the Bonds, and the forms, terms and provisions of the Bonds and the Indenture are hereby approved, and the Chairman and the County Auditor are hereby authorized and directed to execute, attest, seal and deliver the Indenture, and the Chairperson and the County Auditor are further authorized to execute, attest, seal and deliver the Bonds as provided in the Indenture, including the use of facsimile signatures as therein provided; the Bonds shall be in an aggregate principal amount not to exceed \$5,000,000 and shall bear interest at an average interest rate not to exceed 8.0% per annum, shall be sold at such prices, shall

mature on the dates and in the amounts and shall be subject to redemption on such dates and in such amounts as provided in the Indenture. The execution and delivery by the Chairperson and County Auditor of the Indenture on behalf of the Issuer shall constitute approval by the Issuer of such interest rates, aggregate principal amount, and provisions thereof.

Section 2. The Issuer will loan the proceeds of the Bonds to the Borrower to provide for the financing of the Project, such loan of the proceeds of the Bonds to be pursuant to the Loan Agreement (the "Agreement"), by and between the Issuer and the Borrower, in substantially the form as has been presented to and considered by this Board and containing substantially the terms and provisions set forth therein, and the form, terms and provisions of the Agreement are hereby approved, and the Chairperson and the County Auditor are hereby authorized and directed to execute, attest, seal and deliver the agreement.

Section 3. The sale of the Bonds to the Underwriter pursuant to the Bond Purchase Agreement (the "Bond Purchase Agreement"), by and among the Issuer, the Borrower and the Underwriter, within the parameters set forth in Section 1 hereof and in substantially the form as has been presented to this Board and containing substantially the terms and provisions set forth therein, but with such changes therein as shall be approved by the officers executing the Bond Purchase Agreement on behalf of the Issuer, is hereby authorized and approved and the form, terms, and provisions of the Bond Purchase Agreement are hereby approved, and the execution and delivery of the Bond Purchase Agreement by the Chairperson is hereby authorized and approved.

Section 4. The use by the Underwriter of the Preliminary Official Statement and the final Official Statement, with such changes and additions as are necessary to reflect the final terms of the transaction (together the "Official Statement") in connection with the purchase of the Bonds is hereby authorized and approved; provided that such authorization and approval shall not be deemed to include authorization and approval of information contained in the Official Statement other than information describing the Issuer, but nothing contained in this Resolution shall be construed as prohibiting or limiting the Underwriter and the Borrower from including such information as they deem appropriate. The Preliminary Official Statement as of its date is deemed final by the Issuer within the meaning of Rule 15c2-12(b)(1) of the Securities and Exchange Commission.

Section 5. It is hereby found, determined and declared that the Bonds and interest and premium, if any, thereon shall never constitute the debt or indebtedness of the Issuer within the meaning of any constitutional or statutory provision or 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, but the Bonds and interest and premium, if any, thereon shall be payable solely and only from the revenues derived from the Agreement and the debt obligations of the Borrower thereunder; and no part of the cost of financing the Project will be payable out of the general funds or other contributions of the Issuer except the proceeds of the Bonds and any subsequent issues of bonds permitted under the Agreement and the Indenture.

Section 6. The Issuer hereby determines that based upon data provided by the Underwriter, the amount necessary in each year to pay the principal of, premium, if any, and interest on the Bonds proposed to be issued is set forth in the Agreement and the debt

obligations of the Borrower thereunder insures that the Borrower is obligated to pay amounts sufficient to pay the principal of, premium, in any, and interest on the Bonds and the payment of such amounts by the Borrower to the Trustee pursuant to the Agreement is hereby authorized, approved and confirmed.

Section 7. The Chairperson and the County Auditor and any County officer or Board member designated by either of them to act in their place are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary to effect the issuance and sale of the Bonds and the execution and delivery of the Agreement, the Indenture and the Bond Purchase Agreement, and to carry out the intent and purposes of this Resolution, including the preamble hereto; and the execution by the Chairperson and, if required, the County Auditor, of the Bonds, the Indenture, the Agreement and the Bond Purchase Agreement shall constitute conclusive evidence of their approval and this Board of Supervisors' approval thereof and of any and all changes, modifications, additions or deletions therein from the respective forms thereof now before this meeting.

Section 8. In order to qualify the Bonds as "qualified tax exempt obligations" within the meaning of Section 265(b)(3) of the Code, the Issuer hereby makes the following factual statements and representations:

- (A) The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code;
- (B) The reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Section 265(b)(3)(c) of the Code) which will be issued by the Issuer (and all entities whose obligations will be aggregated with those of the Issuer) during this calendar year 2000 will not exceed \$10,000,000; and
- (C) Not more than \$10,000,000 of obligations issued by the Issuer during this calendar year 2000 have been designated for purposes of Section 265(b)(3) of the Code.

The Issuer shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

Section 9. The provisions of this Resolution are hereby declared to be separable and if any action, phrase or provisions shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 10. This Resolution shall become effective immediately upon its passage and approval.

Passed this 12<sup>th</sup> day of June, 2000.

/s/ Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange

Sioux County Auditor

The Board discussed proposed salaries for clerical, custodial and appointed county employees. The consensus of the Board was to make a final determination on said salaries at the next Board meeting scheduled for June 27, 2000.

Jim Schwiesow, County Sheriff; and Robert Hagey, County Treasurer, were present for the aforementioned proposed salary discussions.

Doug Julius, County Engineer, met with the Board this date to review a proposed construction plan for fiscal year 2001 and a proposed five year construction plan for fiscal years 2001 through 2005. He also requested approval and a Chairman's signature on two documents.

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

Iowa Department of Transportation Universal Payment Voucher in a total amount of \$4,722.16 for materials inspection for Project Numbers BROS-84(66)--5F-84, STP-S-84(78)--5E-84 and FM-84(79)(80)--55-84.

Iowa Department of Transportation Universal Payment Voucher in a total amount of \$9.45 for reproduction services charges for Project BROS-C084(87)--5F-84.

The consensus of the Board pertaining to a quote from Van Maanen's Radio Shack of Orange City for the purchase of mail server, firewall, office 2000 upgrade and installation in an approximate total amount of \$27,310.88 was to approve the claim when submitted for payment.

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

The Chairman adjourned the meeting until Tuesday, June 27, 2000.

Loren Bouma, Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor