

## MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

### MEETING HELD ON AUGUST 16, 2004

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 o'clock a.m. with Vice-Chairman Vernon Beernink presiding. Members present were Loren Bouma, Vernon Beernink; Bernard L. Smith and Stanley L. De Haan. Chairman Mark Sybesma was absent.

Minutes of August 3, 2004 were on motion and vote stand approved as submitted.

Committee reports were given this date.

Dennis Lange, County Auditor, reported on the canvass of election returns for the Special Orange City Hotel/Motel Tax Election held on August 10, 2004.

The Board of Supervisors proceeded to canvass the results of the votes of the special measure proposition cast at a special City election held on August 10, 2004, and now embodies its findings and conclusions in the resolution next hereinafter set out, which was introduced by Supervisor Stanley L. De Haan, who moved its adoption, seconded by Supervisor Loren Bouma. After due consideration of said resolution by the Board of Supervisors, the Vice-Chairperson put the question upon the adoption of the resolution, and the roll being called, the following named Supervisors voted:

AYES: Loren Bouma, Vernon Beernink, Bernard L. Smith and Stanley L. De Haan.

NAYS: None

ABSENT: Mark Sybesma

### RESOLUTION NO. 2004-19

Whereupon, the Vice-Chairperson declared said resolution duly adopted as follows:

WHEREAS, the City Council of the City of Orange City, Iowa, heretofore did legally call a special election to be held on Tuesday, August 10, 2004, and ordered submitted thereat to the registered voters of said City, the following special measure proposition:

#### ***"SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?"***

*Shall the City of Orange City, Iowa be authorized to impose a hotel and motel tax at the rate of 5% as provided in Chapter 422A, Code of Iowa, 2003, as amended, in accordance with the terms and provisions of a certain ordinance of the City of Orange City, Iowa, hereinafter stated:*

ORDINANCE NO. \_\_\_\_\_

*AN ORDINANCE providing for the imposition of a hotel and motel tax at the rate of five percent (5%) of the gross receipts derived from the rental of hotel and motel rooms, apartments and sleeping quarters.*

*Be it Ordained by the City Council of the City of Orange City, Iowa:*

*That the Municipal Code of Orange City be and is hereby amended by adding thereto a new chapter to be known as Chapter \_\_\_\_\_, relating to hotel and motel tax, as follows:*

CHAPTER \_\_\_\_\_  
HOTEL AND MOTEL TAX

Definitions.

- Tax rate.
- Effective date.
- Payment of tax.

Section \_\_\_\_\_. DEFINITIONS.

*Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings in this section:*

*"Hotel" and "Motel" shall be deemed to mean any hotel, motel, inn, public lodging house, rooming house, mobile home which is tangible personal property, or tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals; except the renting of sleeping rooms in dormitories and in memorial unions at all universities and colleges in the state of Iowa and the guests of a religious institution if the property is exempt under section 427.1, subsection 8 of the Code of Iowa, and the purpose of renting is to provide a place for a religious retreat or function and not a place for transient guests generally.*

*"Renting" and "rent" shall include any kind of direct or indirect charge for such sleeping rooms, apartments, or sleeping quarters, or their use.*

Section \_\_\_\_\_. TAX RATE.

*A tax is hereby imposed upon the gross receipts from the renting of any and all rooms, apartments or sleeping quarters in any hotel or motel as defined in this chapter at the rate of five percent of such gross receipts derived from the renting of a room, apartment or sleeping quarter while rented by the same person for a*

*period of not more than 31 consecutive days.*

*Section \_\_\_\_ .EFFECTIVE DATE.*

*The tax herein above established shall be imposed only after an election at which a majority of those voting on the question favor the imposition of such tax. In the event that the tax is approved at such election, it shall then be imposed upon the 1st day of October, 2004, following the notification of the director of revenue and finance.*

*Section \_\_\_\_ .PAYMENT OF TAX.*

*Such tax shall be paid as is provided in Chapter 422A.2, Code of Iowa, 2003, as amended, and the proceeds of such tax shall be used for the purposes stated in subsection 4 thereof, as follows:*

*"4. The revenue derived from any hotel and motel tax authorized by this chapter shall be used as follows:*

*a. Each county or city which levies the tax shall spend at least fifty percent of the revenues derived therefrom for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the county or city for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the city or county and surrounding areas.*

*b. The remaining revenues may be spent by the city or county which levies the tax for any city or county operations authorized by law as a proper purpose for the expenditure within statutory limitations of city or county revenues derived from ad valorem taxes.*

*c. Any city or county which levies and collects the hotel and motel tax authorized by this chapter may pledge irrevocably an amount of the revenues derived therefrom for each of the years the bonds remain outstanding to the payment of bonds which the city or county may issue for one or more of the purposes set forth in paragraph 'a' of this subsection. Any revenue pledged to the payment of such bonds may be credited to the spending requirement of paragraph 'a' of this subsection."*

*Section \_\_\_\_ .*

*This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law."*

and

WHEREAS, legal, sufficient and timely notice of the submission of the proposition at the election and of the date and hours of the election, and of the voting precinct or precincts thereof, with their corresponding polling place or places, was duly published and a correct and complete copy of said proposition was posted at each polling place or places during the day of election throughout the hours thereof, all in strict compliance with the orders of the Board of Supervisors:

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SIOUX, IN THE STATE OF IOWA, AS FOLLOWS:

Section 1. That it is hereby found, determined and declared:

First - That said election was held and conducted in each of the voting precincts or precinct of said City at the respective polling place or places, pursuant to due notice, and in strict compliance with law, and that said proposition and the vote thereon complies strictly with law.

Second - That at said election, on the proposition above set out, there were cast 585 ballots, of which 354 votes were cast "YES" and 231 votes were cast "NO" and 0 ballots were cast blank or defectively marked, the vote by precinct or precincts being as set forth and abstracted in the official tally list a copy of which is attached hereto.

That the total number of persons voting in the precinct or precincts at said election on said date, as is shown by the election registers and poll tally lists, was 585.

Third - Neither the above proposition nor any proposal incorporating any portion thereof, was submitted to the registered voters of such City within the six months preceding the date of the election canvassed hereby.

Section 2. That said proposition and the results of the vote thereon, shall be entered at large in the minutes book, all in conformity with Chapter 50, and in particular Section 50.24 of the Code of Iowa.

Section 3. That a copy of this Resolution, the Abstract of Votes and the original tally lists, are hereby delivered to the Commissioner of Elections for filing as required by law.

PASSED AND APPROVED, this 16th day of August, 2004.

/s/ Vernon Beernink, Vice-Chairperson  
Sioux County Board of Supervisors

ATTEST: /s/ Dennis Lange  
Sioux County Auditor and Commissioner of Elections

(SEAL)

Melissa O'Rourke, County Attorney, met with the Board this date to report that thirty-one persons have taken out civil service applications for testing to be administered by the County Civil Service Commission on September 24, 2004.

Melissa O'Rourke, County Attorney, also reported on a domestic abuse court case.

Pam Hein, Alton Economic Development Director, met with the Board this date to invite the County Board of Supervisors to the following events to be held on August 17, 2004:

Opening of Cenex Pump 24 Fueling Center – 9:30 a.m.  
Groundbreaking for Northwest Iowa Agronomy, LLC 10:00 a.m.  
Groundbreaking for Alton's Builder's Trade Program – 5:00 p.m.

Shane Walter, County Community Services Director, met with the Board this date to report on a MH/DD Service Expenditure Report through the month of June, 2004.

Karen Mitchell, O'Brien County Economic Development Director; and Mark Gaul, Sheldon Economic Development Director, met with the Board this date to review a proposed resolution approving an application by Sioux County to the Iowa Department of Economic Development requesting certification of an enterprise zone in Sioux County and providing for the exemption from taxation of the improvements made by businesses within the zone. They also reviewed a Chapter 28E agreement between the County of O'Brien, Iowa and the County of Sioux, Iowa regarding establishment of an enterprise zone.

Lois Huitink, County Deputy Auditor, was also present for the aforementioned enterprise zone discussion.

The Board of Supervisors will further discuss the aforementioned enterprise zone request when all Board members are present.

Robert Hagey, County Treasurer, met with the Board this date to report on the Semi-Annual Settlement of the Board of Supervisors of Sioux County, Iowa with Robert Hagey, County Treasurer, for the period from July 1, 2003 to June 30 2004.

The Board accepted the Semi-Annual Settlement of the Board of Supervisors of Sioux County, Iowa with Robert Hagey, County Treasurer, for the period from July 1, 2003 to June 30, 2004, inclusive as shown below:

EXHIBIT

I, Robert Hagey, Treasurer of Sioux County, Iowa, do hereby certify that the report given is a correct summary of the business transacted by me as said during the period therein specified.

/s/ Robert R. Hagey  
Sioux County Treasurer

Carried, unanimous in favor with one member absent.

Robert Hagey, County Treasurer, also reported on the annual review of the Sioux County driver's license station conducted by the Iowa Department of Transportation.

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

Motion by Bouma and supported by Smith to approve and authorize the Vice-Chairman to sign the following documents:

Permit Agreement with MidAmerican Energy for a road right-of-way crossing located in Section 35 of Holland Township.

Permit Agreement with MidAmerican Energy for road right-of-way crossings located in Sections 5 and 8 of Nassau Township.

Certification as to Completion of Work and Final Acceptance by Board of Supervisors with Gus Construction Company of Casey for Project No. L-6-2004--73-84-CULV in an amount of \$77,034.98.

Carried, unanimous in favor with one member absent.

Doug Julius, County Engineer, met with the Board this date to open up the following bids for maintenance pipe for six Sioux County sites:

<u>Companies</u>	<u>Amounts</u>	
	<u>Spiral</u>	<u>Riveted</u>
Midwestern Culvert, Ltd., Ankeny	\$26,466.18	
Metal Culverts, Inc., Jefferson City, MO	30,455.10	
Ace/Eaton Metal Metals, Kearny, NE	37,805.22	\$43,419.90
Northern IA Construction, Cedar Falls	29,951.00	

Motion by De Haan and supported by Smith to accept the low bid submitted by Midwestern Culvert, Ltd., Ankeny in an amount of \$26,466.18 for the purchase of maintenance pipe at six sites in Sioux County, subject to final review and approval by Doug Julius, County Engineer. Carried, unanimous in favor with one member absent.

Doug Julius, County Engineer, reported on the following documents pertaining to the salvage and removal of the old Sioux County Jail Building:

Notice to Bidders  
Proposal Form Proposal Details  
Proposal Schedule of Prices  
Proposal Special Provisions Text

The Board approved the aforementioned documents with a couple of minor language changes pertaining to the procedure to be used for the salvage and removal of the old Sioux County Jail Building. The bid letting is scheduled for 10:00 a.m. on September 7, 2004 in the County Board of Supervisors Room in the Court House.

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

The Vice-Chairman adjourned the meeting until Tuesday, August 24, 2004.

Vernon Beernink, Vice-Chairman  
Sioux County Board of Supervisors

ATTEST: Dennis Lange  
Sioux County Auditor