

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON OCTOBER 17, 2017

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Sybesma presiding. Members present were John Degen, Mark Sybesma, Dennis Wright, Arlyn Kleinwolterink, and Al Bloemendaal.
- 2) Minutes of the meeting held on October 3, 2017, were submitted, and the Chairman declared them approved.
- 3) Claims were approved as submitted by the County Auditor.
- 4) Tom Kunstle, Sioux County Attorney, provided general office updates and is in discussion with Shane Walter in regards to the 28E agreement with the Sioux Rivers Mental Health Region.
- 5) Micah Van Maanen, Sioux County IT Director,
 - Updated the Board on the status of computer and network switch replacement
 - Will plan on doing a computer equipment auction in December or January
 - Mentioned that October is National Cyber Security Month
- 6) Doug Julius, Sioux County Engineer,
 - Requested approval of the following resolution. Motion by Kleinwolterink and supported by Degen to approve the resolution. Roll Call on Vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimously.

SIOUX COUNTY RESOLUTION NO.: 2017-26

CITY OF HOSPERS, IOWA RESOLUTION NO. 2017-10

WHEREAS: The Board of Supervisors of Sioux County, Iowa are empowered under authority of Sections 321.236 and 321.255 of the Code of Iowa to study and determine the safety condition on any secondary road/extension under their jurisdiction from conditions existing and may determine the proper safety measures

WHEREAS: Sioux County, Iowa and the City of Hopers, Iowa have concurrent jurisdiction over the extension of 400th Street (B40) from the intersection of 400th Street and Hopers Drive South to the intersection of 400th Street (B40) and Iowa Hwy. #60

WHEREAS: The City of Hopers, Iowa has requested that “No Parking This Side of Street” signs be placed on the northside of Birch Street (400th Street/B40 Extension) for the safety of the traveling public, pedestrians, adjacent residences

NOW THEREFORE BE IT RESOLVED by the Sioux County Board of Supervisors and the City Council of Hopers, Iowa that designated “No Parking This Side of Street” signs be furnished, erected, and maintained by the City of Hopers, Iowa at the following location.

- Requested approval of the Certificate of Completion for project L-2-2017—73-84 near Boyden. Motion by Degen and supported by Bloemendaal to approve the Certificate of Completion. Motion carried unanimously.
 - Updated the Board on secondary road activities as well as the status of the projects on the construction map.
 - Distributed a proposed letter of thanks to the Iowa DOT for their approval of the RISE project for the Sioux County Regional Airport project. Motion by Degen and supported by Kleinwolterink to send the letters of thanks to the Iowa DOT. Motion carried unanimously.
- 7) Ryan Dokter, Sioux County Auditor, presented the following resolution for Board consideration. Motion by Bloemendaal and supported by Wright to approve the resolution. Roll Call on Vote: Kleinwolterink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimously.

RESOLUTION 2017 -28

WHEREAS, a request has been made to the Sioux County Board of Supervisors by Nyhof Dairy for approval for a waiver of Sioux County’s right to appeal the issuance by the Iowa Department of Natural Resources(DNR), of a final construction permit for the construction of a confined animal feeding operation,

BE IT RESOLVED by the Sioux County Board of Supervisors as follows:

WHEREAS, The Sioux County Board of Supervisors has received a notice from the Iowa DNR that Nyhof Dairy DNR #57520 has been issued a draft permit, AND

WHEREAS, The Sioux County Board of Supervisors has reviewed the construction permit application and the manure management plan and recommended approval of said application on September 25, 2017, AND

WHEREAS, The Sioux County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit, AND

WHEREAS, The Sioux County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver, AND

WHEREAS, The Sioux County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver, AND

WHEREAS, This resolution shall take effect immediately,

RESOLVED, this 17 day of October, 2017.

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

Attest: /s/Ryan Dokter
Sioux County Auditor

- 8) Ryan Dokter, Sioux County Auditor, distributed the following agreement for Board consideration. Motion by Bloemendaal and supported by Wright to approve the agreement. Motion carried unanimously.

FIRST AMENDMENT TO NOTE AND LOAN AGREEMENT

This First Amendment to Note and Loan Agreement (“Amendment”) is entered into October 17, 2017, by and between Sioux County, Iowa (the “County”) acting through its Board of Supervisors and American Bank, NA, Le Mars, Iowa (the “Lender”).

RECITALS

A. The Lender and the County are parties to a Loan Agreement dated March 15, 2017 (the “Loan Agreement”), pursuant to which the Lender agreed to loan the County the sum of \$4,850,000.00, subject to the terms and conditions of the Loan Agreement (the “Loan”). The Loan is evidenced by an Urban Renewal Revenue Capital Loan Note Series 2017 (Certificate No. 1) in the original principal amount of \$4,850,000.00 (the “Note”).

B. The County issued the Note pursuant to a Resolution adopted by the County on February 28, 2017, which resolution is entitled “A Resolution Approving and Authorizing a Form of Loan Agreement and Authorizing and Providing for the Issuance and Securing the Payment of \$4,850,000 Urban Renewal Revenue Capital Loan Notes, Series 2017, of Sioux County, State of Iowa, Under the Provisions of the Code of Iowa, Providing for a Method of Payment of the Notes and Approval of the Tax Exemption Certificate (the “Resolution”). The Note is the only Urban Renewal Revenue Capital Loan Note issued pursuant to the Resolution.

C. The Loan Agreement and the Note each provide that the County must repay the Loan in accordance with the payment schedule attached to the Note as Exhibit A.

D. The County desires to alter the payment schedule to provide for certain accelerated payments without altering the maturity date of the Note, and the Lender is agreeable to such changes to the payment schedule, as set forth in this Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, the Lender and the County agree as follows:

1. Repayment Schedule. The Lender and the County agree that the Loan shall be repaid by the County in accordance with the attached payment schedule marked as “First Amended Exhibit A”, which shall supersede and replace Exhibit A to the Note.

2. Consent to Amendment. By executing this Amendment, the Lender consents to the modification of the terms of repayment of the Note as set forth in this Amendment.

3. No Novation. This Amendment does not constitute a novation of the Note. All of the terms and conditions of the Note and the Loan Agreement remain in full force and effect, except as expressly modified herein.

4. Binding Obligation. The County acknowledges the Note and the Loan Agreement remain the legal and binding obligations of the County.

IN WITNESS WHEREOF, we have hereunto affixed our signatures as of the date first above written.

SIOUX COUNTY, STATE OF IOWA
By: /s/Mark Sybesma, Chairperson

ATTEST:
By: /s/Ryan Dokter, County Auditor

AMERICAN BANK, NA
Le Mars, Iowa
/s/Paul Jacobson, President

FIRST AMENDED EXHIBIT A
PAYMENT SCHEDULE
SIOUX COUNTY
URBAN RENEWAL CAPITAL LOAN NOTE SIOUX
COUNTY REGIONAL AIRPORT PROJECT

Payment Date	Principal Payment	Interest Payment	Interest Accrued	Principal Balance
8/1/2017		59,547.22	59,547.22	4,850,000.00
11/1/2017	360,000.00		39,406.25	4,490,000.00
2/1/2018		75,887.50	36,481.25	4,490,000.00
8/1/2018	300,000.00	72,962.50	72,962.50	4,190,000.00
2/1/2019		68,087.50	68,087.50	4,190,000.00
8/1/2019	310,000.00	68,087.50	68,087.50	3,880,000.00
2/1/2020		63,050.00	63,050.00	3,880,000.00
8/1/2020	255,000.00	63,050.00	63,050.00	3,625,000.00
2/1/2021		58,906.25	58,906.25	3,625,000.00
8/1/2021	260,000.00	58,906.25	58,906.25	3,365,000.00
2/1/2022		54,681.25	54,681.25	3,365,000.00
8/1/2022	270,000.00	54,681.25	54,681.25	3,095,000.00
2/1/2023		50,293.75	50,293.75	3,095,000.00
8/1/2023	280,000.00	50,293.75	50,293.75	2,815,000.00
2/1/2024		45,743.75	45,743.75	2,815,000.00
8/1/2024	295,000.00	45,743.75	45,743.75	2,520,000.00
2/1/2025		40,950.00	40,950.00	2,520,000.00
8/1/2025	307,000.00	40,950.00	40,950.00	2,213,000.00
2/1/2026		35,961.25	35,961.25	2,213,000.00
8/1/2026	332,000.00	35,961.25	35,961.25	1,881,000.00
2/1/2027		30,566.25	30,566.25	1,881,000.00
8/1/2027	345,000.00	30,566.25	30,566.25	1,536,000.00
2/1/2028		24,960.00	24,960.00	1,536,000.00

8/1/2028	365,000.00	24,960.00	24,960.00	1,171,000.00
2/1/2029		19,028.75	19,028.75	1,171,000.00
8/1/2029	370,000.00	19,028.75	19,028.75	801,000.00
2/1/2030		13,016.25	13,016.25	801,000.00
8/1/2030	394,000.00	13,016.25	13,016.25	407,000.00
2/1/2031		6,613.75	6,613.75	407,000.00
8/1/2031	407,000.00	6,613.75	6,613.75	0.00

Revised October 2017

9) Ryan Dokter, Sioux County Auditor, requested that the Board set a date and time for a Public Hearing to amend the Sioux County FY17/18 budget, due to the First Amendment to the Note and Loan Agreement, which makes it necessary to make a principal payment during the FY17/18 fiscal year on the Sioux County Urban Renewal Capital Loan Note. The County budgeted only for interest payments. Motion by Degen and supported by Kleinwolterink to set Thursday, November 9, at 1:15 PM for a Public Hearing to amend the Sioux County FY17/18 budget. Motion carried unanimously.

10) Committee Reports,

- **Wright & Degen** – Attended the Orange City Fire Station open house on October 13.
- **Degen** – Reported on the trick or treat night at Oak Grove
- **Kleinwolterink** – Reported on the good work that Wellness Coordinator, Joy Poppema has done with the wellness program. County employees have completed enough wellness activities to qualify the County for a 5% reduction in health insurance premiums for FY2019. Motion by Kleinwolterink and supported by Wright to have the County Auditor acknowledge Joy Poppema’s work on the wellness program with a certificate. Motion carried unanimously.
- **Bloemendaal** – Attended a Sioux County Trails meeting on October 3. The proposed trail path from Sandy Hollow to Orange City will need to be adjusted based on input from landowners.
- **Wright** – 1) Reported on the Compass Pointe meeting from October 4. They are still waiting on RFP’s for contracts and are extending the current ones, 2) attended the Creative Living meeting, and reported that over the past several years, their patients have doubled, 3) on October 11, attended the Northwest Iowa Developers meeting in which the State Director of Home Base Iowa presented, 4) on October 12, attended the Sioux Rivers Mental Health Advisory meeting, 5) on October 6, attended the Family Crisis Center Board meeting and reported on many pledges for their building acquisition.
- **Sybesma** – Attend the Northwest Iowa Housing and Trust meeting. Reported that there is approximately \$39,000 of unspent funds from FY15.

11) The Chairman adjourned the meeting at 9:50 a.m. until 9:00 a.m. Tuesday, October 31, 2017.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor