

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON MARCH 22, 2005

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

Minutes of Tuesday, March 8, 2005 were on motion and vote stand approved as submitted.

Committee reports were given this date.

Motion by Bouma and supported by De Haan to approve and authorize the Chairman to sign a liquor license renewal application for the Hull Golf Association to become effective on April 1, 2005, subject to receipt of a Dram Shop Liability Insurance Certificate including an endorsement for an outdoor service area. Carried, unanimous in favor.

Jeff Nohava, Civil Defense Director for the City of Hawarden, met with the Board this date to invite them to an emergency disaster drill in Hawarden to be held on March 29, 2005.

As this was the date and 9:45 o'clock a.m. the time set for hearing on an Iowa Department of Natural Resources construction permit application submitted by Flatland Farm Inc. (Dan De Wit of Hull) for the expansion of a swine confinement feeding operation that uses a formed manure storage structure which is located in the NW1/4NW1/4 of Section 4 in Welcome Township, said hearing was held according to law.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, was present for the public hearing to review the contents of the aforementioned Iowa Department of Natural Resources construction permit application. He stated that a matrix score was not required.

Mark Dunlop, County Emergency Management Services Director and Zoning Administrator, stated that he received no written or oral objections.

The Chairman closed the hearing.

Motion by Bouma and supported by Beernink to forward a favorable letter of recommendation to the Iowa Department of Natural Resources for a construction permit application submitted by Flatland Farm Inc. (Dan De Wit of Hull) for the expansion of a swine confinement feeding operation that uses a formed manure storage structure which is located in the NW1/4NW1/4 in Section 4 of Welcome Township, subject to final approval by the Iowa Department of Natural Resources. Carried, unanimous in favor.

The Chairperson Mark Sybesma asked the Auditor whether any petition had been filed in the Auditor's Office, as contemplated in Section 331.442 of the Code of Iowa, and the Auditor reported that no such petition had been filed, requesting that the question of issuing General Obligation Capital Loan Notes, Series 2005, be submitted to the qualified electors of the County.

The Chairperson Mark Sybesma announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of \$5,000,000 General Obligation Capital Loan Notes, Series 2005, in order to provide funds to pay costs of aiding in the planning, undertaking and carrying out of the Urban Renewal District 1 Project Area project, including road improvements in the vicinity of the Center Fresh Egg Facility, an essential county purpose, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes, had been published pursuant to the provisions of Sections 331.402 and 331.443 of the Code of Iowa, as amended.

The Chairperson then asked the Auditor whether any written objections had been filed by any county resident or property owner to the proposal. The Auditor

advised the Chairperson and the Board that no written objections had been filed. The Chairperson then called for oral objections to the proposal and none were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

No oral or written objections were received and no one appeared at said hearing.

The Board then considered the proposed action and the extent of objections thereto.

Whereupon, Board Member John Degen introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF \$5,000,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2005" and moved that the Resolution be adopted:

Board Member Vernon Beernink seconded the motion. The roll was called and the vote was,

AYES: Mark Sybesma, Chairman
Loren Bouma, Member
Vernon Beernink, Member
John Degen, Member
Stanley L. De Haan, Member

NAYS: None

Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION 2005-10

RESOLUTION INSTITUTING PROCEEDINGS TO
TAKE ADDITIONAL ACTION FOR THE
AUTHORIZATION OF A LOAN AGREEMENT
AND THE ISSUANCE OF \$5,000,000 GENERAL
OBLIGATION CAPITAL LOAN NOTES, SERIES
2005

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of \$5,000,000 General Obligation Capital Loan Notes, Series 2005, for the purpose of paying costs of

aiding in the planning, undertaking and carrying out of the Urban Renewal District 1 Project Area project, including road improvements in the vicinity of the Center Fresh Egg Facility, and has considered the extent of objections received from residents or property owners as to said proposal and no petition has been filed and, accordingly the following action is now considered to be in the best interests of the County and residents thereof:

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

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization of a Loan Agreement and issuance in the manner required by law of \$5,000,000 General Obligation Capital Loan Notes, Series 2005, to evidence the obligation thereof for the foregoing purpose.

Section 2. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2, because the County reasonably expects to reimburse with the proceeds of the Notes, all or a portion of original expenditures incurred in connection with the above purpose.

PASSED AND APPROVED this 22nd day of March, 2005.

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

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Melissa O'Rourke, County Attorney, met with the Board this date to discuss and report on a Memorandum dated February 22, 2005 that she issued pertaining to a pay issue involving County Deputy Sheriff Delmar Walinga. She stated that County Sheriff Dan Altena followed proper procedures in reassigning Deputy Walinga to a new position, and Sheriff Altena provided proper statutory notice to Walinga regarding the reasons for reassignment. Deputy Walinga did not appeal to the County Civil Service Commission as allowed by Iowa Code. The County Board of Supervisors sets the wages of sheriff's deputies via a collective bargaining agreement. She stated that Deputy Walinga should be paid pursuant to that agreement.

The consensus of the Board pertaining to the aforementioned payroll matter with County Deputy Sheriff Del Walinga was to instruct Melissa O'Rourke, County Attorney, to mail correspondence to Loren Veldhuizen, attorney for County Deputy Sheriff Del Walinga stating that the County Board of Supervisors does not plan to grant any additional remuneration to County Deputy Sheriff Del Walinga.

Robert Hagey, County Treasurer, met with the Board this date to review a Tax Abatement/Suspension Policy for Sioux County. He also stated that any suspended taxes would be a lien on the property until paid. He also reported on other property tax matters.

Motion by Beernink and supported De Haan to approve a Tax Abatement/Suspension Policy for Sioux County as recommended by Robert Hagey, County Treasurer. Carried, unanimous in favor.

Robert Hagey, County Treasurer, recommended that the following tax suspension resolution be approved.

RESOLUTION NO. 2005-11

WHEREAS, petitions have been presented to the Sioux County Board of Supervisors on the 22nd day of March, 2005,

and

WHEREAS, motion was made by Beernink, County Supervisor, seconded by John Degen, Supervisor and passed by Board roll call vote,

THEREFORE, the Sioux County Board of Supervisors does on this 22nd day of March, 2005 direct the Sioux County Treasurer to suspend the following taxes:

<u>Name</u>	<u>Address</u>	<u>Parcel</u>	<u>Tax Year</u>	
	<u>Amount</u>			
KRAMER, Frederick/Bonita	Hospers	018-03-428-0050	2003	\$ 453.00

SCHUVER, Walter/Geraldine	Granville	024-10-351-0010	2003	277.00
SMITH, Robert/Diana	Hawarden	013-35-126-0090	2003	1,128.00
OBBINK, Mary	Ireton	021-03-301-0010	2003	541.00
		021-03-351-0010	2003	237.00

ATTEST: /s/ Dennis Lange
Sioux County Auditor

Motion by De Haan and supported by Bouma to approve a property tax refund in an amount of \$280.00 to Peter Roy Westra of Hull to correct an erroneous assessment on a grain bin that was doubly assessed. The property tax refund would be for tax years 2002 and 2003. Carried, unanimous in favor.

Motion by De Haan and supported by Degen to authorize Sioux County to purchase and assign a private held tax sale certificate to a citizen in the City of Orange City. The citizen would then have adequate time to redeem the tax sale certificate in an amount of \$146.00 plus interest and penalty. The issue came about when the tax sale certificate, originally issued in June, 2002, did not carry forward on the conversion of data from an old CMS software package to the newer Invision software package. Carried, unanimous in favor.

Shane Walter, County Community Services Director, met with the Board this date to request approval and a Chairman's signature on a waiver with the Iowa Department of Human Services to utilize Creative Living Services in Rock Valley as Sioux County's mental health provider instead of an Iowa Department of Human Services community health center for fiscal year 2006.

Motion by Bouma and supported by Beernink to approve and authorize the Chairman to sign a waiver with the Iowa Department of Human Services to utilize

Creative Living Services in Rock Valley as Sioux County's mental health provider instead of an Iowa Department of Human Services community health center for fiscal year 2006. Carried, unanimous in favor.

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

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

Permit Agreement with Rock Valley Rural Water District for a road right-of-way crossing located in Section 9 of Garfield Township.
Permit Agreement with Southern Sioux County Rural Water of Ireton for a road right-of-way crossing located in Section 21 of West Branch Township.

Carried, unanimous in favor.

Doug Julius, County Engineer, reported on the bid letting held in Ames by the Iowa Department of Transportation for Project Numbers STP-S-CO84(108)--5E-84, STP-S-CO84(114)--5E-84, FM-CO84(113)--55-84 and L-7-06PAV--73-84 as follows:

<u>Company</u>	<u>Amount</u>
Rohlin Construction Co., Inc.	\$2,657,349.18
L. C. Kruse & Sons, Inc. & Subsidiary	2,830,846.88
Fred Carlson Company, LLC	2,842,055.56
Brower Construction Co.	2,936,889.09

He stated that Rohlin Construction Co., Inc. had the low bid of \$2,657,349.18 for the aforementioned project numbers.

Doug Julius, County Engineer, reported on the procedure to be used in acquiring road right-of-way for the Urban Renewal District 1 Project which would provide road improvements in the vicinity of the Center Fresh Egg Facility.

Doug Julius, County Engineer, reviewed a proposed five year secondary road construction program for (2006-2010) which includes the following areas:

Grading & widening
Resurfacing & paving
Bridges
Culverts & extensions
PCC Rehabilitation, railroad improvement and bridge overlay projects

He also reviewed a proposed secondary road construction map for (2005-2006).

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

The Chairman adjourned the meeting until Tuesday, March 29, 2005.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor