

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON JUNE 18, 2013

- 13-06-18 1** The Board of Supervisors of Sioux County, Iowa, met on June 18, 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.
- 13-06-18 2** Minutes of the meeting held on June 4, 2013, were submitted and the Chairman declared them approved.
- 13-06-18 3** Coleman McAllister, Sioux County Attorney had nothing to report.
- 13-06-18 4** Motion by Wright and supported by Bloemendaal to appropriate 50% of the total expenditures budgeted for Fiscal Year 2013/2014. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2013-16

WHEREAS, it is desired to make appropriations for each of the different offices and departments for fiscal year 2014 in accordance with Section 331.434(6), Code of Iowa,

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

SECTION 1. The amounts itemized by fund and by department or office on the attached schedule are hereby appropriated at 50% of total expenditures for each department, as listed in the last column on the same line of the attached schedule.

SECTION 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized funds.

SECTION 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money for a purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4. If at any time during the fiscal year 2014 budget year the Auditor shall ascertain that the available resources of a department for that year will be less than said department total appropriations, he or she shall immediately so inform the Board and recommend appropriate corrective action.

SECTION 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers monthly during fiscal year 2014 budget year.

SECTION 6. All appropriations authorized pursuant to this Resolution lapse at the close of business on June 30, 2014.

The above and foregoing resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on June 18, 2013.

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

13-06-18 5 Information was provided by Lisa Rowenhorst, Sioux County Election Administrator in regard to the purchase of new voting equipment. Motion by Degen and supported by Kleinwolverink to authorize Lois Huitink, Sioux County Commissioner of Elections to purchase Unisyn Voting Equipment at a cost of \$137,388.00 and to utilize an offer of interest free financing over a three year period. Motion carried, unanimous in favor.

13-06-18 6 Motion by Bloemendaal and supported by Wright to approve the following Department Amendment Resolution. Roll call on vote: Kleinwolverink, Yes; Degen, Yes; Bloemendaal, Yes; Wright, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION 2013-17

RESOLUTION TO AMEND VETERANS AFFAIRS AND GENERAL WELFARE SERVICES 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 Veteran's Affairs 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 Veteran's Affairs 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:

Veteran's Affairs Department be increased from \$80,955 to \$85,955

General Welfare Services Department be decreased from \$93,500 to \$88,500

The above and foregoing Resolution was adopted by the Board of Supervisors of Sioux County, Iowa, on June 18, 2013.

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

ATTEST: /s/ Lois Huitink
Sioux County Auditor

13-06-18 7 Shane Walter, Sioux County Community Services Director reported that funding will be received in July for the newly formed Mental Health Region.

13-06-18 8 Doug Julius, Sioux County Engineer.

- Requested Board approval on permit agreements for following projects. Motion by Kleinwolverink and supported by Degen to approve permit agreements as submitted by the County Engineer.
 - a. Long Lines - (revised route) Bury fiber optic cable in Welcome Township from 3253 390th Street east to Hickory Avenue, then south on Hickory Avenue to 410th Street, then east to Ironwood Avenue.
 - b. Rock Valley Rural Water – Run water line in Section 8 of Settlers Township.
 - c. REC – Install underground cable in Section 29 of East Orange Township.

- Reported on land sales within a five mile radius of the proposed 380th Street project and the project located south of Boyden, to determine the purchase price of right of way.
- Distributed pictures of a ditching bucket with a thumb which has been ordered for the County's backhoe. Julius is also going to purchase a flatbed trailer on which to carry various pieces of equipment.
- Asked board members to sign a release form for, Brent Kuiken who currently farms 7 acres of land belonging to Sioux County.
- Gave a progress report on various Secondary Road projects.
- Discussed payment for right of way along 470th street and Ironwood Ave. Motion by Kleinwolterink and supported by Wright to authorize payment using the 8.9 factor as presented by the Engineer. Degen cautioned the Board that the possibility of matters going to condemnation board in the future would be increased, should the board set this precedent. Other board members indicated that they thought not paying the amount calculated by the engineer's formula would lead to more condemnation proceedings. Following the discussion the chairman called the vote. Motion carried, four in favor, one member opposed.

13-06-18 9 COMMITTEE REPORTS:

- **Bloemendaal** – Went to an Agropur open house. He reported that expansion is likely to occur at that plant in a few years.
- **Degen** – Conservation Commission report: The South Pit Area is open for camping. The spillway damaged in the recent flooding will be revamped and repaired soon.
- **Kleinwolterink** – a) Reported that he attended a Northwest Iowa Landfill meeting, and that negotiations are still ongoing regarding overfilling the landfill. b) Attended a work force development meeting with Wright at Pella Window Offices in Sioux Center.
- **Sybesma** – a) Housing Trust Fund Meeting - several new applications have been approved. All 2011 money has now been used and 2012 money can now be utilized. Discussion was held on how to handle grants to Hope Haven and to Habitat for Humanity. b) Third Judicial Meeting: Funding has been received to staff the office (approximately 17 people).
- **Wright** - Reported on a YES (Youth Emergency Services) Board Meeting. Three employees belong to the union. Negotiations are taking a long time.

13-06-18 10 This being the time and place specified in the notice for the conduct of a public hearing on the proposal to issue revenue bonds or notes not to exceed \$7,000,000, the Chairperson announced that all local residents attending the hearing would now be given an opportunity to express their view for or against the proposal to issue the Bonds. Arlan Nederhoff was present for this discussion. The Chairman then closed the Public Hearing. Bloemendaal introduced the following resolution and moved its adoption, seconded by Wright. Roll call on vote: Wright, Yes; Bloemendaal, Yes; Degen, Yes; Kleinwolterink, Yes; and Sybesma, Yes. Motion carried, unanimous in favor.

RESOLUTION NO. 2013-18

Resolution authorizing the issuance and sale of Private College Revenue Refunding Bonds (Dordt College Project), of Sioux County, Iowa, in an aggregate principal amount not to exceed \$7,000,000 and Approving the Execution of Documents Relating to the Bonds and Related Matters

WHEREAS, the County of Sioux, State of Iowa (the "Issuer"), is a County authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, 2013, as amended (the "Act"), to issue revenue bonds for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any 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 to refund any bonds issued pursuant to the Act; and

WHEREAS, the Issuer has been requested by Dordt College, Incorporated (the "Borrower"), a Tax Exempt Organization, to issue its Private College Revenue Refunding Bonds (Dordt College Project), in one or more series, in an aggregate principal amount not to exceed \$7,000,000 (the "Bonds") pursuant to the Act for the purpose of (1) refunding the outstanding \$12,000,000 City of Sioux Center, Iowa Private College Revenue Bonds (Dordt College Project), Series 2009A (the "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 Borrower at 498 Fourth Avenue, N.E. Sioux Center, Iowa; and (2) financing the costs of issuance and certain other costs associated with the issuance of the Bonds; and

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

WHEREAS, the Bonds, if issued, shall be limited obligations of the Issuer, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and the principal of, interest and premium, if any, on the Bonds shall be payable solely out of the revenues derived from the Loan Agreement; and

WHEREAS, pursuant to the Act and Section 147(f) of the Code, the Issuer has previously provided notice of the Issuer's intention to issue Bonds and has held a hearing thereon; and

WHEREAS, the Issuer hereby determines to issue the Bonds and proposes to sell the Bonds to Northland Securities, Inc. (the "Underwriter").

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

Section 1. That, in order to refund the 2009A Bonds and to pay a portion of the costs of issuance of the Bonds, the Bonds be and the same are hereby authorized and ordered to be issued pursuant to the Indenture of Trust (the "Indenture") by and between the Issuer and Bankers Trust Company or other trustee selected by the Borrower (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, and the forms, terms and provisions of the Bonds and the Indenture are hereby approved, with such changes therein as shall be approved by the officers of the Issuer executing the same, and with changes, modifications, additions and deletions thereto as may be made in connection with the marketing of the Bonds, and the Chairperson 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 and directed to execute, attest, seal and deliver the Bonds as provided in the Indenture, including the use of facsimile signatures as

therein provided; it is the intent hereof that the Bonds shall be issued in one or more series in an aggregate principal amount not to exceed \$7,000,000. The Bonds shall bear interest at rates which result in a yield on the Bonds of each series of not to exceed 6% per annum and shall mature on the dates and in the amounts and shall be subject to mandatory sinking fund redemption on such dates and in such amounts as shall be finally determined by the Borrower and the Underwriter. The execution and delivery of the Indenture by the Chairperson and County Auditor shall constitute approval by this Board and the Issuer of the final terms and provisions of the Bonds, including the final principal amount thereof, the interest rates thereon, the dates and amounts of maturities thereof and the redemption provisions relating thereto.

Section 2. That the Issuer loan the proceeds of the Bonds to the Borrower for the purposes set out in the preamble hereof, such loan of the proceeds of the Bonds to be pursuant to the Loan 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 Loan Agreement are hereby approved, with such changes therein as shall be approved by the officers of the Issuer executing the same, and with changes, modifications, additions and deletions thereto as may be made in connection with the marketing of the Bonds, and the Chairperson and the County Auditor are hereby authorized and directed to execute, attest, seal and deliver the Loan Agreement.

Section 3. That the sale of the Bonds to the Underwriter pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement") by and between the Issuer, the Borrower and the Underwriter, in substantially the form as has been presented to and considered by this Board and containing substantially the terms and provisions set forth therein at the price to be agreed upon by the Borrower and the Underwriter, is hereby authorized and approved and the form, terms and provisions of the Bond Purchase Agreement are hereby approved, with such changes therein as shall be approved by the officers of the Issuer executing the same, and the execution and delivery of the Bond Purchase Agreement by the Chairperson and the County Auditor are hereby authorized and approved.

Section 4. That the use by the Underwriter of the Preliminary Official Statement relating to the Bonds is hereby approved, and the Underwriter is hereby authorized to prepare and use a final Official Statement substantially in the form of said Preliminary Official Statement but with such changes therein as are required to conform the same to the terms of the Bonds, the Indenture, the Loan Agreement and the Bond Purchase Agreement, all in connection with the selling of the Bonds to the public. The Official Statement as of its date is deemed final by the Issuer within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Section 5. That 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 Loan Agreement and the debt obligations of the Borrower delivered pursuant thereto, the amounts payable by the Borrower under the Loan Agreement being sufficient to pay the Bonds and the interest and premium if any, payable thereon; and no part of the cost of refunding the 2009A Bonds or paying costs of issuance associated with the Bonds 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 Loan Agreement and the Indenture).

Section 6. That the Issuer hereby finds, determines and declares that based upon data provided by the Borrower and 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 Loan Agreement and the debt obligations of the Borrower delivered pursuant thereto as a formula which will insure that the Borrower is obligated to pay amounts sufficient to pay the principal of, premium, if any, and interest on the Bonds and the payment of such amounts by the Borrower to the Trustee pursuant to the Loan Agreement is hereby authorized, approved and confirmed.

Section 7. That the Chairperson and the County Auditor 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 Loan Agreement, the Indenture and the Bond Purchase Agreement, and to carry out the intent and purposes of this Resolution, including the preamble hereto; are hereby authorized and directed and the execution by the Chairperson and, if required, the County Auditor, of the Bonds, the Indenture, the Loan Agreement and the Bond Purchase Agreement shall constitute conclusive evidence of their approval and this Board of Supervisor's 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 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 2013 will not exceed \$10,000,000; and

(C) Not more than \$10,000,000 of obligations issued by the Issuer during this calendar year 2013 (including the Bonds) 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 Chairperson of the Board of Supervisors, the County Auditor and other officers of the Issuer are authorized to furnish to the Underwriter, the Borrower, and bond counsel certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officer's custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the Issuer as to the truth of all statements contained therein.

Section 10. The provisions of this Resolution are hereby declared to be severable and if any section, 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 11. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Section 12. This Resolution shall become effective immediately upon its passage and approval.

Passed and approved June 18, 2013.

/s/ Mark Sybesma,
Chairperson, Board of Supervisors

Attest: /s/ Lois Huitink
Sioux County Auditor

13-06-18 11 Claims as submitted by the Auditor were approved for payment.

13-06-18 12 The meeting was adjourned at 10:45 a.m. The next meeting will be held on July 2, 2013, beginning at 9:00 a.m.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Lois Huitink
Sioux County Auditor