

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON OCTOBER 27, 2020

- 1) The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:00 a.m. with Chairman Jerry Muilenburg presiding. Members present were Jerry Muilenburg, Carl Vande Weerd, Al Bloemendaal, Mark Sybesma, and John Degen.
- 2) Minutes of the meeting held on October 12, 2020 were submitted and the Chairman declared them approved.
- 3) Motion by Bloemendaal and supported by Vande Weerd to approve the claims as submitted by the County Auditor for October 27, 2020. Motion carried unanimously.
- 4) Ryan Dokter, Sioux County Auditor,
 - Requested Board approval of the Engagement Agreement with Ahlers & Cooney Law Firm for legal assistance for the refinancing of the Sioux County Regional Airport revenue bond. Motion by Sybesma and supported by Bloemendaal to approve the engagement agreement as presented. Motion carried unanimously.
 - Motion by Bloemendaal and supported by Degen to approve the Resolution Ratifying Publication of Notice of Public Hearing regarding the Sioux County Regional Airport revenue bond. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

2020-49

RESOLUTION RATIFYING, CONFIRMING AND APPROVING
PUBLICATION OF NOTICE OF PUBLIC HEARING FOR THE
ISSUANCE OF NOT TO EXCEED

\$3,850,000 URBAN RENEWAL REVENUE REFUNDING
CAPITAL LOAN NOTES

WHEREAS, by Resolution No. 2014-14, adopted May 6, 2014 this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Sioux County Regional Airport Urban Renewal Plan (the "Plan") for the Sioux County Regional Airport Urban Renewal Plan Area (the "Area" or "Urban Renewal Area"), which Plan is on file in the office of the Recorder of Sioux County, Iowa; and

WHEREAS, Sioux County, State of Iowa, is in need of funds to carry out the purpose of providing funds to pay the costs of aiding in the planning, undertaking, and carrying out of an urban renewal project under the authority of Chapter 403 of the Code of Iowa, specifically refunding the Sioux County Regional Airport Project. The address of the Project is 3153 – 460th Street, Maurice, Iowa; and

WHEREAS, it is deemed necessary and advisable that Sioux County, State of Iowa, should provide for the authorization of a Loan Agreement and issuance of Urban Renewal Revenue Refunding Capital Loan Notes, to the amount of not to exceed \$3,850,000, as authorized by Section 403.9, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential county purpose projects; and

WHEREAS, the Loan Agreement and Notes shall be payable from and secured by the revenues and other funds derived from and held in connection with the Project pursuant to a 28E

Agreement, as amended, between the County and the Cities of Sioux Center, Iowa and Orange City, Iowa; and

WHEREAS, before the Notes may be issued, it is necessary to comply with the provisions of Chapter 403 of the Code of Iowa, and to publish a notice of the proposal to enter into a Loan Agreement and issue such Notes to receive oral and/or written objections from any resident or property owner to such action; and

WHEREAS, the notice of above meeting has been published as required by Section 403.9 of the Code of Iowa, as amended, and the following action is now considered to be in the best interests of the County and its residents.

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

Section 1. That the action of the Auditor setting a public hearing before the Board of Supervisors to meet in the Board of Supervisor's Room, County Courthouse, 210 Central Avenue Southwest, Orange City, Iowa, at 9:00 A.M., on the 27th day of October, 2020, for the purpose of taking action on the matter of entering into a Loan Agreement and on the issuance of not to exceed \$3,850,000 Urban Renewal Revenue Refunding Capital Loan Notes, the proceeds of which will be used to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of an urban renewal project under the authority of Chapter 403 of the Code of Iowa, specifically refunding the Sioux County Regional Airport Project, is hereby ratified, confirmed and approved.

Section 2. That the Auditor has caused publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County, said publication to be not less than four (4) nor more than twenty (20) clear days before the date of the public meeting on the issuance of the Notes.

Section 3. That the form of notice of public hearing is hereby ratified, confirmed and approved.

PASSED AND APPROVED this 27th day of October, 2020.

/s/Jerry Muilenburg, Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, County Auditor

- As this was the date October 27, and time 9:00 a.m. for a public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$3,850,000 Urban Renewal Revenue Refunding Capital Loan Notes, in order to provide funds to pay costs of aiding in the planning, undertaking, and carrying out of an urban renewal project under the authority of Chapter 403 of the Code of Iowa, specifically refunding the Sioux County Regional Airport Project, and that notice of proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of Notes, had been published pursuant to the provisions of Section 403.9 of the Code of Iowa, as amended, the Chairman opened the public hearing. No written or oral comments were received and the Chairman closed the public hearing. Motion by Sybesma and supported by Bloemendaal to approve the following resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

2020-50
RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL
ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND
THE ISSUANCE OF NOT TO EXCEED \$3,850,000 URBAN RENEWAL
REVENUE REFUNDING CAPITAL LOAN NOTES

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 not to exceed \$3,850,000 Urban Renewal Revenue Refunding Capital Loan Notes, for the purpose of paying costs of aiding in the planning, undertaking, and carrying out of an urban renewal project under the authority of Chapter 403 of the Code of Iowa, specifically refunding the Sioux County Regional Airport Project, and has considered the extent of objections received from residents or property owners as to the proposal and, accordingly the following action is now considered to be in the best interests of the City 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 not to exceed \$3,850,000 Urban Renewal Revenue Refunding Capital Loan Notes, for the foregoing purpose.

PASSED AND APPROVED this 27th day of October, 2020.

/s/Jerry Muilenburg, Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, County Auditor

- Motion by Bloemendaal and supported by Vande Weerd to approve the following resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

2020-51

RESOLUTION WAIVING NOTICE UNDER AMENDED
AGREEMENT, PURSUANT TO CHAPTER 28E FOR THE JOINT
EXTENSION, IMPROVEMENT AND OPERATION OF AN
AIRPORT FACILITY

WHEREAS, the Cities of Sioux Center and Orange City and Sioux County, Iowa (the "Members") are parties to the Amended Agreement pursuant to Chapter 28E between the City of Sioux Center, Iowa and the City of Orange City, Iowa and Sioux County, Iowa for the Joint extension, improvement and operation of an Airport Facility (the "Facility"), which was filed with the Iowa Secretary of State on January 20, 2017 (the "Agreement"); and

WHEREAS, the Agreement, among other things, empowers the Board of the Facility (the "Board") to determine that capital improvements are needed at the Facility, determine the estimated costs of such improvements, and to allocate and assign said costs among the Members pursuant to the Agreement; and

WHEREAS, the Agreement further provides that Sioux County, Iowa (the "County") may issue obligations on behalf of the Facility and its Members to fund such projects upon notice to, and election of, the individual members of the Facility pursuant to Article VII, Section 4 of the Agreement; and

WHEREAS, the Board of the Facility has requested that the County issue not to exceed \$3,850,000 Urban Renewal Revenue Refunding Capital Loan Notes (the "Notes") to fund all Members' Costs for the refunding of the previously issued notes for the extension and improvement of the Facility (the "Financing"), has assigned each Member a not to exceed \$1,283,333.33 principal amount share, and the County has held a hearing and taken additional action to do so; and

WHEREAS, in anticipation of the above, the Sioux County Board of Supervisors has held hearings and taken additional action for the issue of not to exceed \$3,850,000 Urban Renewal Revenue Refunding Capital Loan Notes to fund the Members' shares under the Agreement.

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

Section 1. Definitions. All capitalized terms used in this resolution shall have the meanings given to them in the Agreement.

Section 2. Waiver of Notice. All notice required under Article VII, Section 4 prerequisite to the issuance of the Financing by the County under the Agreement is hereby waived and the Chairperson and County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement, including any such certificates or documents as may be necessary or desirable in order to further evidence the authorization of the County with respect to the issuance by the County of one or more series of Notes in the amount of not to exceed \$3,850,000 to fund the refunding of the Facility improvement project.

PASSED AND APPROVED this 27th day of October, 2020

/s/Jerry Muilenburg, Chairman, Board of Supervisors

Attested: /s/Ryan Dokter, County Auditor

- 5) As this was the date, October 27 and time, 9:15 a.m. for a public hearing regarding a rezone of property from rural residential to commercial, the Chairman opened the public hearing. Sioux County Zoning Clerk, Suzanne Haverdink reported that Harv Punt's property located at 3099 320th St needed to be rezoned. No written or oral comments were received and the Chairman closed the public hearing. Motion by Vande Weerd and supported by Degen to approve the following rezoning resolution. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2020-53

WHEREAS, a petition has been received from Harv Punt requesting an amendment to the Sioux County Zoning Ordinance and the Sioux County Zoning Map to change the Zoning Classification of the property described herein, from an Rural Residential (RR) District to a Commercial (C) District,

PROPERTY DESCRIPTION

A portion of that part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) Section Thirty-two (32), Township Ninety-seven (97) North, Range Forty-five (45) West of the 5th Prime Meridian, designated Parcel C in a Plat of Survey recorded in the 2015 File at Card No. 2658.

All of parcel C with a lot size of 300 feet by 62.5 feet, located in the NE 1/4 of the NE 1/4 of Section 32, Lincoln Township, Sioux County, Iowa,

WHEREAS, the above described property and surrounding area has a significant history of commercial usage, and is not in conflict with the Sioux County Land Use Plan, and,

WHEREAS, said change does not appear to have a detrimental effect on other properties adjacent to this site, and no major effect on the majority of the property owners in the area, and,

THEREFORE, it is hereby resolved by the Sioux County Board of Supervisors, that the Zoning Classification of said property be changed from Rural Residential (RR) District to a Commercial (C) District, and that said change shall be effective on publication of this resolution.

RESOLVED, this 27th day of October, 2020.

/s/Jerry Muilenburg, Chairman, Sioux County Board of Supervisors

ATTEST: /s/Ryan Dokter, Sioux County Auditor

- 6) As this was the date, October 27, and time 9:15 a.m. for a public hearing for Brent Stuit, the Chairman opened the public hearing. Sioux County Zoning Clerk, Suzanne Haverdink presented the following: Name of Applicant: Brent Stuit Location of the operation: Section 23, Lynn Township, Sioux County, Iowa. Type of confinement feeding operation structure proposed: Increasing animal numbers only, with no new construction, at an existing swine confinement facility. Animal Unit Capacity of the confinement operation after construction: 1590 animal units (3200 head of swine finishers and 3100 head of nursery swine). No written or oral comments were received and the Chairman closed the public hearing. Motion by Sybesma and supported by Bloemendaal approve to send a favorable opinion to the Iowa DNR for this application. Motion carried unanimously.
- 7) Suzanne Haverdink, Sioux County Zoning Clerk,
- Provided an update for the online zoning permitting process. The process will be changed to an online format beginning early 2021. This will allow permits to be applied for online and also receive online payments. The IT Department is assisting with this project.
 - Presented the following resolution for Board consideration for 14-day waiver of a final construction permit for Center Fresh Egg Farm. Motion by Bloemendaal and supported by Degen to approve the resolution as presented. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION 2020-52

WHEREAS, a request has been made to the Sioux County Board of Supervisors by Center Fresh Egg Farm 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 Center Fresh Egg Farm DNR # 60613 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 October 12, 2020, 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 27th day of October, 2020.

/s/Jerry Muilenburg
Chairman, Sioux County Board of Supervisors

Attest: /s/Ryan Dokter
Sioux County Auditor

8) Dan Altena, Sioux County Sheriff,

- Submitted the Sheriff Quarterly report for the July through September 2020 quarter for Board information.
- Reported that a renegotiated federal inmate contract has been implemented which now changes the daily fee for federal inmates from \$70/day/inmate to \$80/day/inmate. This will be a projected \$80,000 increase in fees each year.
- Reported that work has begun on the new communications tower west of the Public Safety Center.

9) Ryan Dokter, Sioux County Auditor and Micah Van Maanen, Sioux County IT Director, requested Board approval of a Memorandum of Understanding with the Office of the Chief Information Officer of the State of Iowa. Van Maanen explained that the county uses security services provided by the OCIO, which obtains grant funding to allow the county to use the services free of charge. The MOU lays out provisions of using the security services as well as what happens in the event the grants are no longer obtained. Dokter explained that county auditors are required to utilize these services in order to access the statewide voter database system the Secretary of State maintains. Motion by Vande Weerd and supported by Degen to approve the MOU as presented. Motion carried unanimously.

10) Doug Julius, Sioux County Engineer,

- Presented a permit agreement for Board consideration from Southern Sioux Rural Water for a water line crossing in sections 22 and 27 of Eagle Township to service a new hog barn. Motion by Degen and supported by Sybesma to approve the permit agreement. Motion carried unanimously.
- Reported that the County owns an easement in section 21 of Eagle Township, which was for a bridge that was replaced a very long time ago. The property will be sold so the legal description for the property will need to be cleaned up. Motion by Degen and supported by Sybesma to abandon the county easement and have the new landowner pay all costs associated with cleaning up the legal description of the property. Motion carried unanimously.
- Joel Sikkema, Assistant to the County Engineer, reported that the City of Sioux Center is requesting County participation in paving a ½ mile of Harrison Avenue for a future residential development. The Board requested more information from the City of Sioux Center in regards to the tax implications for paving that portion of the road.
- Requested approval of the 2021 Weed Commissioner Certification Form. Motion by Sybesma and supported by Vande Weerd to approve the report as presented. Motion carried unanimously.
- Reported that a bid letting took place on October 20, 2020 for bridge bundling project with Dickinson County.

Project Number 84-C084-160 (Sioux County)

Contractor	Bid
Graves	\$305,110.70
Dixon	\$357,885.90
Christensen	\$415,808.00
Godbersen	\$516,322.60

Project Number 84-C084-165 (Sioux County)

Contractor	Bid
Graves	\$557,533.00
Dixon	\$751,685.95
Christensen	\$828,916.00
Godbersen	\$913,182.15

Project Number 84-C084-160 (Dickinson County)

Contractor	Bid
Graves	\$1,643,438.76
Dixon	\$1,926,051.62
Christensen	\$1,921,487.80
Godbersen	\$1,951,745.96

Total for lowest bid: \$2,506,082.46

Motion by Vande Weerd and supported by Bloemendaal to accept the low bid from Graves. Motion carried unanimously. Dickinson County will also need to approve the contract for their bridge project.

- Updated the Board on secondary road activities.
- Distributed the annual notice for the public road right-of way ordinance and the snow ordinance.
- The Board requested that Julius look into the process for abating the asbestos in the county home and getting the structure torn down.

11) Committee Reports:

- **Sybesma** – 1) Reported a recent Housing Trust meeting. The agency is still working on plans for offering down payment assistance. Reported that quite a few Sioux County residents have applied for assistance recently. 2) Reported that the Sioux Rivers Mental Health Region will be discussing the request from Emmet County to join the Region.
- **Degen** – Reported on the work completed at the Big Sioux Rec Area, which was a FEMA project to mitigate flooding.
- **Bloemendaal** – Attended a RIDES and Northwest Iowa Planning meeting via Zoom on October 15.
- **Vande Weerd** – Reported on the NACo Ag and Rural Affairs Committee meeting held via Microsoft Teams. The committee is working on plans for road construction priorities as well as broadband communication expansion.
- **Muilenburg** – 1) Reported the Landfill meeting. The agency had a good month financially and work has been completed on the lagoon project. 2) Reported that half of the county corn was sold and the other half was put into storage.

12) Motion by Sybesma and supported by Degen to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:34 a.m. until Tuesday, November 10, 2020.

Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor