

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS
MEETING HELD ON NOVEMBER 24, 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-via Zoom, Al Bloemendaal, Mark Sybesma, and John Degen.
- 2) Minutes of the meeting held on November 10, 2020 were submitted and the Chairman declared them approved.
- 3) Motion by Sybesma and supported by Degen to approve the claims as submitted by the County Auditor for November 24, 2020. Motion carried unanimously.
- 4) As this was the date, November 24, 2020 and time, 9:00 a.m. for a public hearing on a proposed disposal of County's interest in certain real property, the Chairman opened the public hearing. County Auditor, Ryan Dokter, explained that the county owns easement for a bridge crossing, and the location of that crossing changed many years ago when the bridge was replaced. No written or oral comments were received from the public. The Chairman closed the public hearing. Motion by Sybesma and supported by Degen to approve the following resolution approving the disposal of Sioux County's legal interest in the property. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

RESOLUTION NO. 2020-57
APPROVING THE DISPOSAL OF SIOUX COUNTY'S LEGAL INTEREST IN CERTAIN REAL
PROPERTY TO NORMAN W. HORSTMAN ESTATE

WHEREAS, Sioux County has an interest in certain real property legally described as follows:

Beginning at a point on the Section line forty six (46) chains West of the South East corner of Section twenty-one (21), Township ninety five (95) N, Range forty seven (47) W, 5th P.M.; Thence North thirty degrees (30) Fourteen minutes W. (14') four and fifty hundredths chains (4.50); thence South thirty six degrees and twenty two minutes (36'22") W, Three and eighty three hundredths chains (3.83) to Section line.

Being a strip of land two roads wide on each side of above described line, containing 83/100 acres more or less.

WHEREAS, Sioux County is desirous of disposing its interest in the above legally described property by transferring ownership to the Estate of Norman W. Horstman, in order to clear title to the above legally described real property.

WHEREAS, the Board, by prior resolution (2020-55), as required by Iowa Code Section 331.361, described the proposed property disposition set forth above; set a public hearing on the proposed property disposition; timely published notice of the time and place of the public hearing on the proposed property disposition; and the Board conducted a public hearing on November 24, 2020, to solicit public comment and input on the proposed property disposition prior to finally acting on such proposal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Sioux County that the proposed property disposition, as described above, is in the best interest of the citizens of Sioux County and all parties concerned; that the proposed property disposition as drafted, advertised, heard, and discussed be adopted; that the above described property conveyance be approved and authorized by the Board. The Chairman of the Board of Supervisors is hereby authorized to executed and deliver documents necessary to follow through

with the disposal of Sioux County's property interest in the above legally described property. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.

PASSED AND APPROVED this 24th day of November, 2020.

/s/Jerry Muilenburg,
Chairman, Board of Supervisors

ATTEST: /s/Ryan Dokter, Auditor

5) Ryan Dokter, Sioux County Auditor,

- Presented the following resolution approving and authorizing a form of loan agreement and authorizing and providing for the issuance and securing the payment of \$3,695,000 urban renewal revenue funding capital loan notes, series 2020. This is for the refinancing of the Sioux County Regional Airport Agency revenue bond. Motion by Bloemendaal and supported by Vande Weerd to approve the resolution as presented and all related documents. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

2020-59

RESOLUTION APPROVING AND AUTHORIZING A FORM OF
LOAN AGREEMENT AND AUTHORIZING AND PROVIDING
FOR THE ISSUANCE AND SECURING THE PAYMENT OF

\$3,695,000 URBAN RENEWAL REVENUE REFUNDING
CAPITAL LOAN NOTES, SERIES 2020, 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

Full resolution can be found at
<https://siouxcountya.gov/departments/supervisors/resolutions/#Res2020>
or is on file in the County Auditor's office.

/s/Jerry Muilenburg, Chairperson

ATTEST: /s/Ryan Dokter, County Auditor

- Presented a resolution authorizing certain amendments for the Sioux Center Health Project. Dokter explained that due to COVID-19, the construction has been delayed on the Sioux Center Health system project and a request was made to amend the end date of the bond by three months and it also provides for a .25% reduction in interest as well. This amendment does not affect the County's \$10,000,000 bond limit for calendar year 2020. Motion by Bloemendaal and supported by Sybesma 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 2020-58

Resolution Authorizing Certain Amendments to Not to Exceed \$8,000,000 Health Facility Revenue Bonds (Sioux Center Health Project), Series 2019 and Approving any Necessary Amendments of Documents Relating to the Bond, and Related Matters

WHEREAS, the County of Sioux, State of Iowa (the “Issuer”), is a county and political subdivision of the State of Iowa authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the “Act”) to issue revenue bonds for the purpose of acquiring, constructing, improving and equipping a 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 Code (a “Tax Exempt Organization”) and retiring any existing indebtedness on a facility for a Tax Exempt Organization, each of which purposes is a “project” within the meaning of the Act and each of which projects may be located within the Issuer, within eight miles of the corporate limits of the Issuer; and

WHEREAS, the previously issued its Health Facility Revenue Bond (Sioux Center Health Project), Series 2019, in an aggregate principal amount not to exceed \$8,000,000 (the “Bond”) pursuant to the Act and loaned the proceeds of the Bond to Sioux Center Health (the “Borrower”) for the purposes of providing funds to the Borrower (a) to finance a portion of the costs of constructing, equipping and furnishing (i) an addition to the Borrower’s Royale Meadows skilled nursing facility of approximately 32 units including single occupant rooms, fully accessible toilet rooms and roll-in showers, and related site and other improvements, all located at 1400 7th Avenue Southeast, Sioux Center, Iowa; (ii) an addition to the Borrower’s clinic including exam rooms and support space for family practice and specialty physicians and related site and other improvements located at 1101 9th Street SE, Sioux Center, Iowa (the “Borrower Campus”); (iii) an addition to the Borrower’s Crown Pointe assisted living facility to add approximately 24 assisted living units and 16 memory care units, a new entrance and garages, an addition to connect all wings with the kitchen, dining room, café, salon, bank, post office and theater area, and related site and other improvements all located at 1400 7th Avenue Southeast, Sioux Center, Iowa; and (iv) a retail building for durable medical equipment, occupational health and space for visiting physicians and related site and other improvements located at the Borrower Campus (collectively, the “Project”), (b) to fund any necessary reserve funds, (c) to fund capitalized interest; and (d) to pay for costs of issuance and certain other costs associated with the issuance of the Bond; and

WHEREAS, the proceeds of the Bond were loaned to the Borrower pursuant to a Loan Agreement dated as of December 1, 2019 (the “Loan Agreement”) between the Issuer and the Borrower; and

WHEREAS, American State Bank, Sioux Center, Iowa (the “Lender”) purchased the Bond; and

WHEREAS, the rights of the Issuer under the Loan Agreement (other than certain reserved rights as provided therein) were assigned to the Lender pursuant to an Assignment and Pledge Agreement dated as of December 1, 2019 (the “Pledge Agreement”) between the Issuer and the Lender; and

WHEREAS, the Borrower has requested that the Issuer approve certain amendments to the Bond in order to extend the time for advances and the maturity of the Bond and to change the interest rate on the Bond (collectively, the “Amendments”), and that the Issuer provide a replacement Bond with such changes and approve any amendments to the documents related to the Bond as may be necessary or desirable in connection with the Amendments;

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

Section 1. The Amendments are hereby authorized and approved, and the amended Bond reflecting the Amendments is hereby authorized and approved in substantially the form submitted to the Board of Supervisors, with such variations as may be made at the time of execution thereof as approved by the Chairperson and County Auditor, and the Chairperson and County Auditor are hereby authorized and directed to execute, seal and deliver the amended Bond in the name and on behalf of the County in substantially the form as has been submitted to and considered by the Board of Supervisors with such changes therein as determined to be necessary and desirable by bond counsel.

Section 2. The Chairperson and County Auditor are hereby authorized and directed to execute and deliver any and all agreements, instruments and documents and amendments to any existing agreements, instruments and documents related to the Amendments and the amended Bond as deemed

required by bond counsel and acceptable to the Chairperson and County Auditor, and to take such further actions as may be necessary to effectuate the intent and purpose of this Resolution, and the execution by the Chairperson and the County Auditor, of the amended Bond and such other agreements, instruments and documents shall constitute conclusive evidence of their approval and this Board's approval thereof and of any and all changes, modifications, additions or deletions therein from the respective forms thereof now before this meeting.

Section 3. It is hereby found, determined and declared that the amended Bond 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 Bond 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; and no part of the cost of the Project will be payable out of the general funds or other contributions of the Issuer (except the proceeds of the Bond).

Section 4. The provisions of this Resolution are hereby declared to be separable and if any action, phrase or provision 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 5. This Resolution shall become effective immediately upon its passage and approval.

Section 6. All resolutions, parts of resolutions or prior actions of the Issuer in conflict herewith are hereby repealed to the extent of such conflict and this Resolution shall become effective immediately upon adoption.

Passed and approved November 24, 2020.

SIOUX COUNTY, IOWA

/s/Jerry Muilenburg, Chairperson

Attest: /s/Ryan Dokter, County Auditor

- Requested Board approval to close county offices early on Friday, December 11 at 3:30 PM for a virtual holiday party between county offices. Present for the discussion were county employees Mavis Anema and Abby Rook. The county employees would celebrate via Zoom and other activities are planned. Motion by Sybesma and supported by Degen to approve the early closure on Friday, December 11 at 3:30 PM. Motion carried unanimously.
- Distributed an election cost summary of the 2020 General Election to the Board. The County spent \$70,395.14. This was \$13,613.40 higher than 2016, which was due in part to a very high turnout for absentee voting, increase in election worker wages, and advertising.
- Distributed a proposed mask policy for the courthouse in response to the Governor's proclamation from November 16. Dokter explained that the Safety Committee recommended implementing a mask policy but a meeting with department heads regarding the policy was inconclusive on what action to take. Dokter stated that the policy does give flexibility in wearing masks and that policy mimics the Governors Proclamation. Supervisor Sybesma stated that we should support our health care workers by wearing masks to help slow the spread of COVID. Supervisor Vande Weerd stated that he's against a mask mandate. Motion by Sybesma to approve the policy as presented. Motion failed due to a lack of support.

6) Committee Reports:

- **Bloemendaal & Muilenburg**– Reported on the recent Airport Board meeting. Dirt work is being done on the new box hangar and the agency approved their 5-year plan.
- **Sybesma, Muilenburg, Vande Weerd** – attended the Library Association meeting via Zoom.
- **Sybesma & Vande Weerd** – Attended a budget meeting for Sioux Rivers. Reported that Plains Area Mental Health has submitted a proposal which covers 5 core services. The next Sioux Rivers meeting will be held via Zoom on November 24.
- **Bloemendaal** – 1) Reported on a recent Mid-Sioux meeting on November 18. The agency approved a 5% increase for the CEO. 2) Attended the Northwest Iowa Planning meeting on November 19 via Zoom. 3) Reported on the RIDES meeting from November 19 via Zoom. The agency is back in operation and serving many people in Sioux County.
- **Degen** – Reported that bids were received for repair needed in the 3rd floor IT office. Due to previous roof issues, the walls had water damage. Krull Construction will complete the repairs and the cost will approximately be \$9,000 to \$10,000.
- **Sybesma** – 1) Reported on the Northwest Iowa Housing Trust meeting. There was a recommendation to provide down payment assistance on home purchases for \$4,000 and a low interest \$3,000 loan for home improvement needs. Discussions are taking place with Tyson Foods to work together on their employee housing needs. 2) Reported that he worked with County Medical Examiner, Dr. Grossmann on medical examiner fees and ideas for appointing a new County Medical Examiner in 2021.
- **Vande Weerd** – 1) Reported on the YES Board meeting from November 20. The transportation service is doing well and the agency is working with area mental health regions on transports as well. 2) Reported on the NACo Ag and Rural Affairs meeting and the committee set their legislative priorities for 2021.
- **Muilenburg** – 1) Reported on the Northwest Iowa Development meeting held via Zoom. Goodwill was appointed as the service provider for youth and young adult, and adult and dislocated workers. This service was put out for bids. The agency continues to work on formalizing a one-stop operator for procurements. 2) Attended the county Safety Committee meeting held recently.

7) Shane Walter, Sioux County Zoning Director, presented an update to the zoning permit fee schedule and reviewed the changes. Walter recommended that the Board approve the update in the fees. Motion by Degen and supported by Bloemendaal to approve the zoning permit fee schedule effective January 1, 2021 as presented. Motion carried unanimously.

8) Murray Hulstein, Paul Clousing, and Scott Wynja on behalf of the City of Sioux Center were present to discuss a proposed road paving project of Harrison Ave/13th Avenue for residential development. Wynja discussed the four phases of the South Ridge Estates Development and the TIF and tax implications to the county. The City is requesting county participation in the next two years to pave this road. County Engineer, Doug Julius, stated that the county would need to get this road added into the 5-year plan, and typically new roads go on the last year of the 5-year plan. The County and City of Sioux Center will continue discussions on this project.

9) Doug Julius, Sioux County Engineer,

- Requested Board approval of a permit application for Premier Communications, in the area surrounding Orange City, specifically in Holland and Nassau townships for a fiber project. Motion by Degen and supported by Sybesma to approve the permit as presented. Motion carried unanimously.
- Requested Board approval of the following resolution for project 30-CO30-042 for a bridge bundling project. Motion by Sybesma and supported by Bloemendaal 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 2020-60

WHEREAS, the Board of Supervisors, hereafter referred to as “the Board”, believes the 30-CO30-042, hereafter referred to as “the project” is in the best interest of Sioux County, Iowa, and the residents thereof. The project is defined as Bridge Replacement of Section 12/13 Settlers on A54B and in Section 3 Floyd over the Floyd River on 395th St.; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, health, welfare, comfort, and convenience of Sioux County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Graves Construction Co., INC in the amount of \$2,506,082.46 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED by the Board of Supervisors of Sioux County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Douglas Julius, the Sioux County Engineer for Sioux County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Dated at Sioux County, Iowa, this 24th day of November, 2020.

Board of Supervisors of Sioux County, Iowa

/s/Jerry Muilenburg

/s/Al Bloemendaal

/s/Carl Vande Weerd

/s/John Degen

/s/Mark Sybesma

ATTEST: /s/Ryan Dokter, County Auditor

- Presented a speed limit resolution for 310th Street through Hull. Motion by Vande Weerd and supported by Sybesma to approve the resolution as presented. Roll call on vote: Sybesma, Yes; Degen, Yes; Bloemendaal, Yes; Vande Weerd, Yes; Muilenburg, Yes. Motion carried unanimously.

SIoux COUNTY RESOLUTION NO.: 2020-61

CITY OF HULL RESOLUTION NO.: 110920B

RESOLUTION ESTABLISHING A REDUCED SPEED LIMIT ON 310TH STREET EAST OF HICKORY AVENUE (DIVISION STREET)

WHEREAS, the Board of Supervisors is empowered under authority of Sections 321.255 and 321.285 of the Code of Iowa to determine that the speed limit on any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit.

WHEREAS, Sioux County, Iowa, and the City of Hull, Iowa, have concurrent jurisdiction over 310th Street on the north corporate line of the City of Hull, Iowa, along the north side of Section 26, T97N, R45W (Lincoln Twp).

WHEREAS, the City of Hull, Iowa, has requested that a reasonable and proper speed limit be established for the safety of the traveling public due to truck traffic, turning movement of truck traffic, increased school-related traffic, and residential traffic resulting from paving the said road segment.

NOW, THEREFORE BE IT RESOLVED, by the Sioux County Board of Supervisors and the City of Hull, Iowa, that a 40 miles per hour speed limit be established and the appropriate signs be furnished and maintained by the City of Hull, Iowa, and be erected by Sioux County, Iowa, at the following location:

Beginning at the intersection of 310th Street and Hickory Avenue (Division Street), thence east on 310th Street approximately 1600 feet.

Passed and approved this 24th day of November, 2020.

ATTEST: /s/Ryan Dokter
 Sioux County Auditor

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

ATTEST: /s/Jim Collins, City Administrator
 City of Hull, Iowa

/s/Arlan Moss, Mayor
City of Hull, Iowa

- Reported that the FEMA Project DR 4421 has been closed out and is completed.
- Updated the Board on secondary road activities and distributed the Official Report of Sioux County Secondary Road Fund, as of November 1, 2020, for Fiscal Year 2020.

10) Motion by Sybesma and supported by Vande Weerd to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:40 a.m. until Tuesday, December 8, 2020.

Jerry Muilenburg, Chairman
Sioux County Board of Supervisors

ATTEST: _____
Ryan Dokter
Sioux County Auditor