

**BOARD OF SUPERVISORS MEETING  
FIFTIETH MEETING, 2022 SESSION (50)  
NOVEMBER 15, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 15, 2022, at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman, Ringgenberg, and Snyder and with Auditor Susan Lloyd as clerk for the meeting.

Unless otherwise indicated, all the following **motions** offered at this meeting were carried with the following vote: Ayes: Altena, Huseman, Merten, Ringgenberg, and Snyder. Nays: none. Abstentions: none.

Motion by Snyder, second by Ringgenberg, to approve **today's agenda**. Carried.

Motion by Huseman, second by Altena, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, to bore under 100<sup>th</sup> Ave. between Sections 27 & 28 Washington Township, to provide a new service to 5810 100<sup>th</sup> Ave. Carried.

Engineer Bret Wilkinson presented the Board with the lease for the secondary road building in Linn Grove with J & D Graesing LLC. The lease is for a 3-year lease for \$600 per year. Motion by Ringgenberg, second by Huseman, to authorize the chair to sign a 3-year **lease with J & D Graesing LLC** for the Secondary Road building in Linn Grove for \$600 per year. Carried.

**Secondary Road Report:** They have been plowing hard surface roads and put material down where the roads were slick; Engineer Wilkinson stated that the ad is running for the Equipment Operator 1 position, with applications due December 2; Engineer Wilkinson toured the Platinum Crush plant, stating that there has been a lot of progress. Wilkinson stated that there are four different crews working at the Platinum Crush site, and he was told that they will be storing 100,000 gallons of water in case of any fires; the road crew is blading the gravel roads, and they have brush cutting to do, with some bigger trees to be removed; Wilkinson stated that he will be submitting the Smart Grant application this week, for \$2M, stating that Secondary Roads will budget for it in FY'24.

Jessica and Yosalina, of **Family Crisis Centers**, updated the Board on their program. In Buena Vista County, they saw 77 domestic violence victims, 64 clients of violent crimes, and United Community Health Center served 53 victims inside their clinic. There were also 82 crisis line calls. County funding continues to be crucial in sustaining these vital services for victims of abuse and crime in BV County. They are requesting \$5,000 in FY'24, their contract amount for services to Buena Vista County residents.

Treasurer Danelle Haberman presented a 28E Agreement with the State of Iowa for the Driver's License Department. Haberman stated that the agreement was updated across the state. Motion by Snyder, second by Ringgenberg, to approve the **28E Agreement** with the State of Iowa for the Driver's License Department. Carried.

Motion by Snyder, second by Altena, to approve the **minutes** of 11/7/22, as presented, and the following **reports:** October Conservation Board minutes and October Landfill Commission minutes. Carried.

Board Member Ringgenberg introduced the following Resolution entitled "RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$359,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2022B, AND LEVYING A TAX TO PAY SAID NOTES; APPROVAL OF THE TAX EXEMPTION CERTIFICATE" and moved that it be adopted. Board Member Huseman seconded the motion to adopt,

and the roll being called thereon, the vote was as follows: Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Whereupon, the Chairperson declared said Resolution duly adopted as follows:

**RESOLUTION #2022-11-15-A**

**RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$359,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2022B, AND LEVYING A TAX TO PAY SAID NOTES; APPROVAL OF THE TAX EXEMPTION CERTIFICATE**

**WHEREAS**, the Issuer is a political subdivision, organized and exists under and by virtue of the laws and Constitution of the State of Iowa; and

**WHEREAS**, the Issuer is in need of funds to pay costs of public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, including the acquisition, construction, reconstruction, renovation, additions, extensions and equipping of the building formerly known as the Colorize building, and the site or grounds of the building and adjacent land, when the cost does not exceed the following limit: six hundred thousand dollars in a county having a population of twenty-five thousand or less, essential county purpose(s), and it is deemed necessary and advisable that General Obligation Capital Loan Notes, to the amount of \$359,000 be authorized for said purpose(s); and

**WHEREAS**, pursuant to notice published as required by Sections 331.402 and 331.443 of the Code of Iowa, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of the Notes, and the Board is therefore now authorized to proceed with the issuance of said Notes for such purpose(s); and

**WHEREAS**, the above mentioned Notes were heretofore sold and action should now be taken to issue said Notes conforming to the terms and conditions of the best bid received at the sale.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, STATE OF IOWA:**

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:

- "Issuer" and "County" shall mean Buena Vista County, State of Iowa.
- "Loan Agreement" shall mean a Loan Agreement between the Issuer and a lender or lenders in substantially the form attached to and approved by this Resolution.
- "Note Fund" shall mean the fund created in Section 3 of this Resolution.
- "Notes" shall mean \$359,000 General Obligation Capital Loan Notes, Series 2022B, authorized to be issued by this Resolution.
- "Paying Agent" shall mean the County Auditor, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein as Issuer's agent to provide for the payment of principal of and interest on the Notes as the same shall become due.
- "Project" shall mean the costs of public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, including the acquisition, construction, reconstruction, renovation, additions, extensions and equipping of the building formerly known as the Colorize building, and the site or grounds of

the building and adjacent land, when the cost does not exceed the following limit: six hundred thousand dollars in a county having a population of twenty-five thousand or less.

- "Project Fund" shall mean the fund required to be established by this Resolution for the deposit of the proceeds of the Notes.
- "Rebate Fund" shall mean the fund so defined in and established pursuant to the Tax Exemption Certificate.
- "Registrar" shall mean the County Auditor of Storm Lake, Iowa, or such successor as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein with respect to maintaining a register of the owners of the Notes. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Notes.
- "Resolution" shall mean this resolution authorizing the Notes.
- "Tax Exemption Certificate" shall mean the Tax Exemption Certificate approved under the terms of this Resolution and to be executed by the Treasurer and delivered at the time of issuance and delivery of the Notes.
- "Treasurer" shall mean the County Treasurer or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Notes issued hereunder.

Section 2. Levy and Certification of Annual Tax; Other Funds to be Used.

a) Levy of Annual Tax. That for the purpose of providing funds to pay the principal and interest of the Notes hereinafter authorized to be issued, there is hereby levied for each future year the following direct annual tax on all of the taxable property in Buena Vista County, State of Iowa, to-wit:

<u>AMOUNT</u>	<u>FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION</u>
\$6,283	2022/2023*
\$127,565	2023/2024
\$128,540	2024/2025
\$128,340	2025/2026

\*Payable from available cash on hand.

(NOTE: For example the levy to be made and certified against the taxable valuations of January 1, 2022 will be collected during the fiscal year commencing July 1, 2023.)

b) Resolution to be Filed With County Auditor. A certified copy of this Resolution shall be filed with the Auditor of Buena Vista County, Iowa and the Auditor is hereby instructed in and for each of the years as provided, to levy and assess the tax hereby authorized in Section 2 of this Resolution, in like manner as other taxes are levied and assessed, and such taxes so levied in and for each of the years aforesaid be collected in like manner as other taxes of the County are collected, and when collected be used for the purpose of paying principal and interest on said Notes issued in anticipation of the tax, and for no other purpose whatsoever.

c) Additional County Funds Available. Principal and interest coming due at any time when the proceeds of said tax on hand shall be insufficient to pay the same shall be promptly paid when due from current funds of the County available for that purpose and reimbursement shall be made from such special fund in the amounts thus advanced.

Section 3. Note Fund. Said tax shall be assessed and collected each year at the same time and in the same manner as, and in addition to, all other taxes in and for the County, and when collected they shall be converted into a special fund within the Debt Service Fund to be known as the "SERIES 2022B GENERAL OBLIGATION CAPITAL LOAN NOTE FUND" (the "Note Fund"), which is hereby pledged for and shall be used only for the payment of the principal of and interest on the Notes hereinafter authorized to be issued; and also there shall be apportioned to said fund its proportion of taxes received by the County from property that is centrally assessed by the State of Iowa.

Section 4. Application of Note Proceeds. Proceeds of the Notes, other than accrued interest except as may be provided below, shall be credited to the Project Fund and expended therefrom for the purposes of issuance. Any amounts on hand in the Project Fund shall be available for the payment of the principal of or interest on the Notes at any time that other funds shall be insufficient to the purpose, in which event such funds shall be repaid to the Project Fund at the earliest opportunity. Any balance on hand in the Project Fund and not immediately required for its purposes may be invested not inconsistent with limitations provided by law or this Resolution.

Section 5. Investment of Note Fund Proceeds. All moneys held in the Note Fund, provided for by Section 3 of this Resolution shall be invested in investments permitted by Chapter 12B, Code of Iowa, as amended, or deposited in financial institutions which are members of the Federal Deposit Insurance Corporation and the deposits in which are insured thereby and all such deposits exceeding the maximum amount insured from time to time by FDIC or its equivalent successor in any one financial institution shall be continuously secured in compliance with Chapter 12C of the Code of Iowa, as amended, or otherwise by a valid pledge of direct obligations of the United States Government having an equivalent market value. All such interim investments shall mature before the date on which the moneys are required for payment of principal of or interest on the Notes as herein provided.

Section 6. Note Details, Execution and Redemption.

a) Note Details. General Obligation Capital Loan Notes of the County in the amount of \$359,000, shall be issued to evidence the obligations of the Issuer under the Loan Agreement pursuant to the provisions of Sections 331.402 and 331.443 of the Code of Iowa for the aforesaid purposes. The Notes shall be issued in one or more series and shall be secured equally and ratably from the sources provided in Section 3 of this Resolution. The Notes shall be designated "GENERAL OBLIGATION CAPITAL LOAN NOTE, SERIES 2022B", be dated December 1, 2022, and bear interest from the date thereof, until payment thereof, at the office of the Paying Agent, said interest payable on June 1, 2023, and semiannually thereafter on the 1st day of June and December in each year until maturity at the rates hereinafter provided.

The Notes shall be executed by the manual or facsimile signature of the Chairperson and attested by the manual or facsimile signature of the Auditor, and impressed or printed with the seal of the County and shall be fully registered as to both principal and interest as provided in this Resolution; principal, interest and premium, if any, shall be payable at the office of the Paying Agent by mailing of a check to the registered owner of the Note. The Notes shall be in the denomination of \$100,000 or incremental multiples of \$1,000 in excess thereof. The Notes shall mature and bear interest as follows:

<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity June 1st</u>
\$359,000	3.50%	2026*

\*Term Note

b) Redemption.

i. Optional Redemption. The Notes may not be called for optional redemption by the Issuer.

ii. Mandatory Payment and Redemption of Term Notes. All Term Notes are subject to mandatory redemption prior to maturity at a price equal to 100% of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

Term Note #1

<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity June 1st</u>
\$115,000	3.50%	2024
\$120,000	3.50%	2025
\$124,000	3.50%	2026*

\*Final Maturity

Section 7. Registration of Notes; Appointment of Registrar; Transfer; Ownership; Delivery; and Cancellation.

a) Registration. The ownership of Notes may be transferred only by the making of an entry upon the books kept for the registration and transfer of ownership of the Notes, and in no other way. The County Auditor is hereby appointed as Note Registrar under the terms of this Resolution. Registrar shall maintain the books of the Issuer for the registration of ownership of the Notes for the payment of principal of and interest on the Notes as provided in this Resolution. All Notes shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 331.446 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Notes and in this Resolution.

b) Transfer. The ownership of any Note may be transferred only upon the Registration Books kept for the registration and transfer of Notes and only upon surrender thereof at the office of the Registrar together with an assignment duly executed by the holder or his duly authorized attorney in fact in such form as shall be satisfactory to the Registrar, along with the address and social security number or federal employer identification number of such transferee (or, if registration is to be made in the name of multiple individuals, of all such transferees). In the event that the address of the registered owner of a Note (other than a registered owner which is the nominee of the broker or dealer in question) is that of a broker or dealer, there must be disclosed on the Registration Books the information pertaining to the registered owner required above. Upon the transfer of any such Note, a new fully registered Note, of any denomination or denominations permitted by this Resolution in aggregate principal amount equal to the unmatured and unredeemed principal amount of such transferred fully registered Note, and bearing interest at the same rate and maturing on the same date or dates shall be delivered by the Registrar.

c) Registration of Transferred Notes. In all cases of the transfer of the Notes, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Notes, in accordance with the provisions of this Resolution.

d) Ownership. As to any Note, the person in whose name the ownership of the same shall be registered on the Registration Books of the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Notes and the premium, if any, and interest thereon shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual

to satisfy and discharge the liability upon such Note, including the interest thereon, to the extent of the sum or sums so paid.

e) Cancellation. All Notes which have been redeemed shall not be reissued but shall be cancelled by the Registrar. All Notes which are cancelled by the Registrar shall be destroyed and a certificate of the destruction thereof shall be furnished promptly to the Issuer; provided that if the Issuer shall so direct, the Registrar shall forward the cancelled Notes to the Issuer.

f) Non-Presentation of Notes. In the event any payment check, wire, or electronic transfer of funds representing payment of principal of or interest on the Notes is returned to the Paying Agent or if any note is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal of or interest on Notes shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for such interest or payment of such Notes shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Notes who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, such interest or Notes. The Paying Agent's obligation to hold such funds shall continue for a period equal to two years and six months following the date on which such interest or principal became due, whether at maturity, or at the date fixed for redemption thereof, or otherwise, at which time the Paying Agent shall surrender any remaining funds so held to the Issuer, whereupon any claim under this Resolution by the Owners of such interest or Notes of whatever nature shall be made upon the Issuer.

g) Registration and Transfer Fees. The Registrar may furnish to each owner, at the Issuer's expense, one note for each annual maturity. The Registrar shall furnish additional Notes in lesser denominations (but not less than the minimum denomination) to an owner who so requests.

Section 8. Reissuance of Mutilated, Destroyed, Stolen or Lost Notes. In case any outstanding Note shall become mutilated or be destroyed, stolen or lost, the Issuer shall at the request of Registrar authenticate and deliver a new Note of like tenor and amount as the Note so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Note to Registrar, upon surrender of such mutilated Note, or in lieu of and substitution for the Note destroyed, stolen or lost, upon filing with the Registrar evidence satisfactory to the Registrar and Issuer that such Note has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the Registrar and Issuer with satisfactory indemnity and complying with such other reasonable regulations as the Issuer or its agent may prescribe and paying such expenses as the Issuer may incur in connection therewith.

Section 9. Record Date. Payments of principal and interest, otherwise than upon full redemption, made in respect of any Note, shall be made to the registered holder thereof or to their designated agent as the same appear on the books of the Registrar on the 15th day of the month preceding the payment date. All such payments shall fully discharge the obligations of the Issuer in respect of such Notes to the extent of the payments so made. Upon receipt of the final payment of principal, the holder of the Note shall surrender the Note to the Paying Agent.

Section 10. Execution, Authentication and Delivery of the Notes. Upon the adoption of this Resolution, the Chairperson and Auditor shall execute the Notes by their manual or authorized signature and deliver the Notes to the Registrar, who shall authenticate the Notes and deliver the same to or upon order of the Purchaser. No Note shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless the Registrar shall duly endorse and execute on such Note a Certificate of Authentication substantially in the form of the Certificate herein set forth. Such Certificate upon any Note executed on behalf of the Issuer shall be conclusive evidence that the Note so authenticated has been duly issued under this Resolution and that the holder thereof is entitled to the benefits of this Resolution.

Section 11. Right to Name Substitute Paying Agent or Registrar. Issuer reserves the right to name a substitute, successor Registrar or Paying Agent upon giving prompt written notice to each registered noteholder.

Section 12. Form of Note. Notes shall be printed substantially in the form as follows:

"STATE OF IOWA"  
"COUNTY OF BUENA VISTA"  
"GENERAL OBLIGATION CAPITAL LOAN NOTE"  
"SERIES 2022B"  
ESSENTIAL COUNTY PURPOSE

Rate: 3.50%

Maturity: June 1, 2026  
Note Date: December 1, 2022  
CUSIP No.: N/A  
"Registered"  
Certificate No. \_\_\_\_\_  
Principal Amount: \$359,000

Buena Vista County, State of Iowa, a political subdivision organized and existing under and by virtue of the Constitution and laws of the State of Iowa (the "Issuer"), for value received, promises to pay from the source and as hereinafter provided, on the maturity date indicated above, to

(Registration panel to be completed by Registrar or Printer with name of Registered Owner).

or registered assigns, the principal sum of (enter principal amount in long form) THOUSAND DOLLARS in lawful money of the United States of America, on the maturity date shown above, only upon presentation and surrender hereof at the office of the County Auditor, Paying Agent of this issue, or its successor, with interest on the sum from the date hereof until paid at the rate per annum specified above, payable on June 1, 2023, and semiannually thereafter on the 1st day of June and December in each year.

Interest and principal shall be paid to the registered holder of the Note as shown on the records of ownership maintained by the Registrar as of the 15th day of the month preceding such interest payment date. Interest shall be computed on the basis of a 360-day year of twelve 30-day months.

This Note is issued pursuant to the provisions of Sections 331.402 and 331.443 of the Code of Iowa, for the purpose of paying costs of public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, including the acquisition, construction, reconstruction, renovation, additions, extensions and equipping of the building formerly known as the Colorize building, and the site or grounds of the building and adjacent land, when the cost does not exceed the following limit: six hundred thousand dollars in a county having a population of twenty-five thousand or less, and in order to evidence the obligations of the Issuer under a certain Loan Agreement dated the date hereof, in conformity to a Resolution of the Board of said County duly passed and approved. For a complete statement of the funds from which and the conditions under which this Note is payable, and the general covenants and provisions pursuant to which this Note is issued, reference is made to the above described Loan Agreement and Resolution.

The Notes may not be called for optional redemption by the Issuer.

The Notes maturing on June 1, 2026 are subject to mandatory redemption prior to maturity by application of money on deposit in the Note Fund and shall bear interest at 3.50% per annum at a price of the portion of the principal amount thereof to be redeemed plus accrued interest at the redemption date on June 1st of each of the years in the principal amount set opposite each year in the following schedule:

Term Note #1

<u>Principal Amount</u>	<u>Maturity June 1st</u>
\$115,000	2024
\$120,000	2025
\$124,000	2026*

\*Final Maturity

Ownership of this Note may be transferred only by transfer upon the books kept for such purpose by the County Auditor, the Registrar. Such transfer on the books shall occur only upon presentation and surrender of this Note at the office of the Registrar as designated below, together with an assignment duly executed by the owner hereof or his duly authorized attorney in the form as shall be satisfactory to the Registrar. Issuer reserves the right to substitute the Registrar and Paying Agent but shall, however, promptly give notice to registered Noteholders of such change. All notes shall be negotiable as provided in Article 8 of the Uniform Commercial Code and Section 331.446 of the Code of Iowa, subject to the provisions for registration and transfer contained in the Note Resolution.

This Note is a "qualified tax-exempt obligation" designated by the County for purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986.

And it is hereby represented and certified that all acts, conditions and things requisite, according to the laws and Constitution of the State of Iowa, to exist, to be had, to be done, or to be performed precedent to the lawful issue of this Note, have been existent, had, done and performed as required by law; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the territory of the Issuer for the payment of the principal and interest of this Note as the same will respectively become due; that such taxes have been irrevocably pledged for the prompt payment hereof, both principal and interest; and the total indebtedness of the Issuer including this Note, does not exceed the constitutional or statutory limitations.

**IN TESTIMONY WHEREOF**, the Issuer by its Board, has caused this Note to be signed by the manual or facsimile signature of its Chairperson and attested by the manual or facsimile signature of its County Auditor, with the seal of the County printed or impressed hereon, and to be authenticated by the manual signature of an authorized representative of the Registrar, the County Auditor, Storm Lake, Iowa.

Date of authentication: \_\_\_\_\_

This is one of the Notes described in the within mentioned Resolution, as registered by the County Auditor.

COUNTY AUDITOR, Registrar

By: \_\_\_\_\_

Authorized Signature

Registrar and Transfer Agent: County Auditor

Paying Agent: County Auditor

SEE REVERSE FOR CERTAIN DEFINITIONS

(Seal)  
(Signature Block)

BUENA VISTA COUNTY, STATE OF IOWA

By: \_\_\_\_\_ (manual or facsimile signature)



Chairperson

ATTEST:

By: \_\_\_\_\_ (manual or facsimile signature)  
County Auditor

(Information Required for Registration)

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (Social Security or Tax Identification No. \_\_\_\_\_) the within Note and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney in fact to transfer the said Note on the books kept for registration of the within Note, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_

(Person(s) executing this Assignment sign(s) here)

SIGNATURE )  
GUARANTEED) \_\_\_\_\_

IMPORTANT - READ CAREFULLY

The signature(s) to this Power must correspond with the name(s) as written upon the face of the certificate(s) or note(s) in every particular without alteration or enlargement or any change whatever. Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signature to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.

INFORMATION REQUIRED FOR REGISTRATION OF TRANSFER

Name of Transferee(s) \_\_\_\_\_

Address of Transferee(s) \_\_\_\_\_

Social Security or Tax Identification

Number of Transferee(s) \_\_\_\_\_

Transferee is a(n):

Individual\* \_\_\_\_\_

Corporation \_\_\_\_\_

Partnership \_\_\_\_\_

Trust \_\_\_\_\_

\*If the Note is to be registered in the names of multiple individual owners, the names of all such owners and one address and social security number must be provided.

The following abbreviations, when used in the inscription on the face of this Note, shall be construed as though written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with rights of survivorship and not as tenants in common

IA UNIF TRANS MIN ACT - ..... Custodian .....

(Cust) (Minor)  
Under Iowa Uniform Transfers to Minors Act.....  
(State)

ADDITIONAL ABBREVIATIONS MAY  
ALSO BE USED THOUGH NOT IN THE ABOVE LIST

(End of form of Note)

Section 13. Loan Agreement and Closing Documents. The form of Loan Agreement in substantially the form attached to this Resolution is hereby approved and is authorized to be executed and issued on behalf of the Issuer by the Chairperson and attested by the County Auditor. The Chairperson and County Auditor are authorized and directed to execute, attest, seal and deliver for and on behalf of the County any other additional certificates, documents, or other papers and perform all other acts, including without limitation the execution of all closing documents, as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 14. Contract Between Issuer and Purchaser. This Resolution constitutes a contract between said County and the purchaser of the Notes.

Section 15. Non-Arbitrage Covenants. The Issuer reasonably expects and covenants that no use will be made of the proceeds from the issuance and sale of the Notes issued hereunder which will cause any of the Notes to be classified as arbitrage notes within the meaning of Sections 148(a) and (b) of the Internal Revenue Code of the United States, as amended, and that throughout the term of the Notes it will comply with the requirements of statutes and regulations issued thereunder.

To the best knowledge and belief of the Issuer, there are no facts or circumstances that would materially change the foregoing statements or the conclusion that it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be arbitrage notes.

Section 16. Approval of Tax Exemption Certificate. Attached hereto is a form of Tax Exemption Certificate stating the Issuer's reasonable expectations as to the use of the proceeds of the Notes. The form of Tax Exemption Certificate is approved. The Issuer hereby agrees to comply with the provisions of the Tax Exemption Certificate and the provisions of the Tax Exemption Certificate are hereby incorporated by reference as part of this Resolution. The County Auditor is hereby directed to make and insert all calculations and determinations necessary to complete the Tax Exemption Certificate at issuance of the Notes to certify as to the reasonable expectations and covenants of the Issuer at that date.

Section 17. Additional Covenants, Representations and Warranties of the Issuer. The Issuer certifies and covenants with the purchasers and holders of the Notes from time to time outstanding that the Issuer through its officers, (a) will make such further specific covenants, representations and assurances as may be necessary or advisable; (b) comply with all representations, covenants and assurances contained in the Tax Exemption Certificate, which Tax Exemption Certificate shall constitute a part of the contract between the Issuer and the owners of the Notes;(c) consult with Bond Counsel (as defined in the Tax Exemption Certificate); (d) pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Notes;(e) file such forms, statements and supporting documents as may be required and in a timely manner; and (f) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Issuer in such compliance.

Section 18. Amendment of Resolution to Maintain Tax Exemption. This Resolution may be amended without the consent of any owner of the Notes if, in the opinion of Bond Counsel, such amendment is necessary to maintain tax exemption with respect to the Notes under applicable Federal law or regulations.

Section 19. Qualified Tax-Exempt Obligations. For the sole purpose of qualifying the Notes as "Qualified Tax-Exempt Obligations" pursuant to Section 265(b)(3)(B) of the Internal Revenue Code of the United States, the Issuer hereby designates the Notes as qualified tax-exempt obligations and represents that the reasonably anticipated amount of tax-exempt governmental and qualified 501(c)(3) obligations which will be issued during the current calendar year will not exceed Ten (10) Million Dollars.

Section 20. Repeal of Conflicting Resolutions or Ordinances. All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 21. Severability Clause. If any section, paragraph, clause or provision of this Resolution be held invalid, such invalidity shall not affect any of the remaining provisions hereof, and this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 15th day of November, 2022.

/s/ Paul Merten, Chairperson.....Attest: Susan K. Lloyd, County Auditor

Election Deputy Karla Ahrendsen asked the Board to consider sending a letter to the Storm Lake City Council asking for an additional handicapped parking spot on the east side of the Courthouse. Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign a letter to the Storm Lake City Council requesting an additional **handicapped parking spot** on the east side of the Courthouse. Carried.

Pursuant to Chapter 50.24 of the 2022 Code of Iowa, and upon completion of the **Canvass** of the tally lists of the November 8, 2022 Buena Vista County General Election, motion by Ringgenberg, second by Snyder, to declare the results as follows, and to direct the Auditor to prepare abstracts and certificates of election as necessary:

**TOTAL VOTERS:** 5,187 (\*elected, R=Republican, D=Democrat, L-Libertarian, LC-Liberty Caucus

For **United States Senator**

Michael Franken-D	1,518
Chuck Grassley-R	3,530
Scattering	5

For **U.S.Representative-4th Dist**

Ryan Melton-D	1,316
Randy Feenstra-R	3,602
Bryan Jack Holder-LC	74
Scattering	4

For the office of **Governor & Lt. Governor**

Deidre DeJear & Eric Van Lancker-D	1,299
Kim Reynolds & Adam Gregg-R	3,745
Rick Stewart & Marco Battaglia-L	101

For the office of **Secretary of State**

Joel Miller-D	1,315
Paul D. Pate-R	3,705
Scattering	4

For the office of **State Auditor**

Rob Sand-D	2,034
Todd Halbur-R	2,960
Scattering	3

For the office of **State Treasurer**

Michael L. Fitzgerald-D	1,942
Roby Smith	3,055
Scattering	2

For the office of **Secretary of Agriculture**

John Norwood-D	1,161
Mike Naig-R	3,887
Scattering	1

For the office of **Attorney General**

Tom Miller-D	1,889
Brenna Bird-R	3,097
Scattering	6

For the office of **Secretary of Agriculture**

John Norwood-D	1,161
Mike Naig-R	3,887
Scattering	1

For the office of **Attorney General**

Tom Miller-D	1,889
Brenna Bird-R	3,097
Scattering	6

For **State Senator—District 3**

Lynn Evans-R	4,151
Scattering	40

For **State Representative—District 5**

Zachary M. Dieken-R	854
Scattering	7

For **State Representative—District 6**

James Eliason-D	1,154
Megan Jones-R	2,813
Scattering	4

For **County Supervisor-District 1**

*Kathy Croker-R	4,270
Scattering	51

For **County Supervisor-District 2**

*Kelly Snyder-R	4,270
Scattering	38

For **County Supervisor-District 3**

*Paul Merten-D	3,248
Scattering	144

For the office of **County Treasurer**

*Danelle Haberman-R	4,222
Scattering	41

For the office of **County Recorder**

*Curtis Reis-R	4,254
Scattering	31

For the office of **County Attorney**

*Paul Allen-R	4,102
Scattering	29

For the office of **Township Clerk**

**Trustee**

<b>Barnes</b>	*Bernard Nelson	88	*Ralph Warkentin	88
	Scattering	1	Scattering	1

<b>Brooke</b>	*Jason Fastenow	46	*Karl Laursen	44
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**TRUSTEE-VACANCY**

*Brian Drzycimski	48
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<b>Coon</b>	*Randall Richter	72	*Matthew McCarthy	69
	Scattering	1	Scattering	1

<b>Elk</b>	*Jacob L. Mattson	72	*David Rydstrom	75
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<b>Fairfield</b>	*David R. Balder	66	*Scott Loving	80
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<b>Grant</b>	*Andrew J. Kelly	87	*Matt Richardson	3
	Scattering	1	Scattering	8

<b>Hayes</b>	*Richard Rice	189	*Doug Imming	218
	Scattering	1	Scattering	1

<b>Lee</b>	**Duane Lansink	2	**Doyle Anderson	2	** (winner drawn by Board
	Doyle Anderson	2	Kale Glover	2	of Supervisors)
	Scattering	5	Scattering	5	

**TRUSTEE-VACANCY**

			*Kale Glover	2	
			Scattering	3	
<b>Lincoln</b>	*Alan Nelsen	3	*Michael R. Rebhuhn	61	
	Scattering	7	Scattering	1	
<b>Maple Valley</b>	*Dave Schmitz	84	*David Arnts	86	
			Scattering	1	
<b>Newell</b>	*Brad Mahler	82	Gary Morenz	2	**(winner drawn by Board of Supervisors)
	Scattering	1	**Daryl Seivert	2	
			Scattering	6	
<b>Nokomis</b>	*Jim Black	106	*Bruce Baier	102	
	Scattering	1	Scattering	1	
<b>Poland</b>	*Julie Schultze	68	*Steve Lind	69	

**TRUSTEE-VACANCY**

			*Joel Nagel	71
			Scattering	1
<b>Providence</b>	*Stan Peters	84	*Randy Kruse	2
			Scattering	3
<b>Scott</b>	*Anna Mae Robbins	87	*Ervin Brake	89
			Scattering	2
<b>Washington</b>	*Dean Assmann	2	*Doug Miller	2
	Scattering	2	Scattering	4

For the office of **County Hospital Trustee (\*4-4 yr terms, \*\*1-2 yr term)**

*Tara Hach	2,766
*Brenda Halverson	3,101
*Richard Lampe	2,929
*Duane Miller	2,760
**Randall L. Bobolz	2,601
Scattering	39

For **Soil & Water Conservation Commissioner**

*Rodney Husman	3,118
*Trent Hatlen	2,933
Scattering	19

For **Soil & Water Conservation Comm'r--Vacancy**

*Kristopher Ehlers	3,412
Scattering	22

For **Agricultural Extension Councilmembers**

*Roman De La Torre	2,360
*Stephen Chambang	2,265
*Ann Krummen	2,721
*Jordan Milliren	2,296

\*Miguel Negrete 30  
Scattering 122

**Supreme Court Justices**

Matthew McDermott Yes-2,770 No-744  
Dana L. Oxley Yes-2,453 No-836

**Court of Appeals Judges**

Paul B. Ahlers Yes-2,755 No-657  
Gina Badding Yes-2,413 No-727  
Michael R. Mullins Yes-3,249 No-849

**District 3A Associate Judges**

Shawna Ditsworth Yes-2,577 No-686  
Ann M. Gales Yes-2,566 No-669

**District 3A Court Judges**

Shayne L. Mayer Yes-2,706 No-683  
John M. Sandy Yes-2,636 No-678

**Constitutional Amendment 1**

Yes-3,709 No-1,035

Motion Carried.

Supervisor Ringgenberg informed the Board that the Board of Health had met and offered the Env Health/Zoning Director position to Ben Mueggenberg, to begin January 3, 2023, for a salary of \$71,000, with a \$1,000 increase every 6-months through July, 2024, not receiving any cost-of-living increases that the Board of Supervisors may approve during that time, until July, 2024 when he is eligible. Mueggenberg will also receive a \$1,000 one-time hiring bonus for his insurance. Ringgenberg stated that Mueggenberg has accepted the offer, but it is pending approval by the Board of Supervisors. Ringgenberg also stated that the Board of Health approved giving Mueggenberg 3-weeks of vacation to start. The Board of Health will ratify this decision on November 22, at their next meeting. Motion by Ringgenberg, second by Huseman, to approve the **hiring** of Ben Mueggenberg, beginning January 3, 2023, as the Environmental Health/Zoning Director, with a salary of \$71,000, and one-time \$1,000 hiring bonus, and a \$1,000 raise July 1, 2023, \$1,000 raise on January 1, 2024, and a \$1,000 raise on July 1, 2024 along with being eligible at July 1, 2024 for any cost-of-living increases granted by the Board of Supervisors, along with 3-weeks of vacation to start. Ayes: Altena, Huseman, Ringgenberg, Snyder. Nays: Merten. Motion carried.

The Board discussed the request from Iowa Select Farms to sign onto a letter of support for an RFP they are submitting to IDALS to help support their Smart Soil Partnership Program. Drainage Engineer Brian Blomme was present for this discussion and stated that this will affect DD #34, and he has always been in favor for water improvement projects. Blomme suggested contacting Drainage Attorney Gary Armstrong, so that there would be awareness of drainage district facilities within BV County, and work would need to be brought to the Board of Supervisors, as Trustees, of any modifications to a drainage district. Motion by Snyder, second by Altena, to approve and authorize all of the Supervisors to sign the **Letter of Support** for Iowa Select Farms, for their RFP being submitted to IDALS to help support their Smart Soil Partnership Program. Carried.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 12:03 p.m. until Tuesday, November 22 at 8:30 a.m. for a regular meeting. Carried.