

March 18, 2002

The Mahaska County Board of Supervisors met on the above date at 9:00 a.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Howard Groenendyk, Greg Gordy and Henry W. VanWeelden. Also present were: Michelle Moore, Mahaska County Agricultural and Rural Development Committee; Mike Gipple, County Conservation Dept.; Marie Ware, Mahaska County Recreation Foundation; Josh Spears; Jerome Nusbaum, County Engineer and Kay Swanson, County Auditor. Chairman VanWeelden opened the meeting with a moment of silence.

It was moved by Gordy seconded by Groenendyk to approve the agenda with the deletion of approval of the March 13th minutes and adding the resolution for setting land and fence prices. All present voted aye. Motion carried.

It was moved by Gordy seconded by Groenendyk to approve the minutes of March 4th and 8th. All present voted aye. Motion carried.

It was moved by Gordy seconded by Groenendyk to approve the revised monthly report for the month of January and the monthly report for February for the Veterans Affairs Commission. All present voted aye. Motion carried.

Michelle Moore from the Mahaska County Agricultural and Rural Development Committee gave her monthly report to the board.

The supervisors discussed the committee meetings that each had attended recently.

It was moved by Gordy seconded by Groenendyk to approve the Management Agreement with the Conservation Board. All present voted aye. Motion carried.

**MANAGEMENT AGREEMENT
MAHASKA COUNTY**

THIS AGREEMENT entered into on March 8, 2002 by and between the Mahaska County Board of Supervisors and the Mahaska County Conservation Board (MCCB).

WHEREAS, the Mahaska County Board of Supervisors, having need for maintenance of land in the interest of the people of Mahaska County; and

WHEREAS, the Mahaska County Conservation Board, currently having the personnel, adequate equipment and ability to maintain parks and similar public lands; and

WHEREAS, both parties agree that it is in the best public interest to transfer maintenance responsibilities to the MCCB pursuant to the terms of this AGREEMENT.

WITNESSETH;

1. The Mahaska County Conservation Board shall maintain the grassy portions of the lot, owned by Mahaska County, at the location of the Mahaska Building, Oskaloosa, Iowa.

2. MCCB management and maintenance shall be limited to routine lawn maintenance within the boundaries of land owned by Mahaska County.

3. The Mahaska County Board of Supervisors agrees to have the lawn chemically treated for non-desirable vegetation at no expense to the MCCB.

4. The agreement may be terminated by written consent and agreement by both parties.

5. This agreement shall be renewed annually and expire October 31, 2002.

MAHASKA COUNTY BOARD
OF SUPERVISORS

MAHASKA COUNTY
CONSERVATION BOARD

Henry VanWeelden, Chairperson

Leroy Nugteren, Chairperson

The matter of the MH/DD Redesign Studies was tabled until April 1, 2002.

It was moved by Groenendyk seconded by Gordy to approve the following resolution. All present voted aye. Motion carried.

**RESOLUTION
MAHASKA COUNTY BOARD OF SUPERVISORS**

WHEREAS, Southern Iowa for years have been utilizing Amtrak with a total of 55,403 passengers in 2001, and;

WHEREAS, Mahaska County has valued their service to rural Iowa and support Federal Subsidizing of the Amtrak California Zephyr and the Southwest Chief and;

WHEREAS, the Mahaska County Board of Supervisors are very concerned with the restructuring plans of Amtrak that could cause a major shift in the philosophy that the rail service was founded on, and;

WHEREAS, this shift from rural America to more Urban area routes will further isolate and cripple the transportation systems in Southern Iowa, and;

WHEREAS, the Amtrak already has a large investment in Southern Iowa through rails and equipment, the Mahaska County Board of Supervisors support a high speed passenger rail line being added through Southern Iowa to improve profitability, and;

WHEREAS, with the Homeland Defense the United States of America should not rely solely on airline and automobile transportation systems and should allocate additional funding for passenger rail service as they have done for the airlines; NOW THEREFORE BE IT

RESOLVED that the Mahaska County Board of Supervisors hereby endorse a federal subsidy for passenger rail service and a high speed passenger rail line through Southern Iowa.

Passed and adopted this 18th day of March, 2002.

Henry W. VanWeelden, Chair

Greg Gordy, Vice-Chair

Howard Groenendyk, Supervisor

ATTEST: _____
Kay Swanson, Mahaska County Auditor

It was moved by Groenendyk seconded by Gordy to have Marie Ware write a letter of support for a grant through the Vision Iowa Community Attractions and Tourism Grant Program. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Gordy to open the public hearing for Road Vacation. All present voted aye. Motion carried. This hearing was to vacate and close a portion of road commencing at the NE corner of Section 25, Township 75 North, Range 14 West of the 5th P.M., Mahaska County, Iowa, thence southerly approximately 4,170 feet to the north bank of the South Skunk River. Said public highway was established on June 17, 1897, and is recorded on page 435 of Mahaska County Road Record Book 5, and is 50 feet in width. This road is also located in Keokuk County. The Keokuk county portion was reverted back to Josh Spears. It was moved by Groenendyk seconded by Gordy to close the public hearing. All present voted aye. Motion carried.

No decision was made today. It will be on the April 1, 2002 meeting agenda.

It was moved by Groenendyk seconded by Gordy to accept the following assignment. All presented voted aye. Motion carried.

ASSIGNMENT

COMES NOW South Central Mental Health Center, by its Board of Directors, and does hereby assign to Mahaska County Board of Supervisors, the following:

1. Any and all income, refunds, reimbursements, or any other receipts whatsoever, that might be payable to South Central Mental Health.
2. Said assignment is based on the specific condition that the Mahaska County Board of Supervisors shall from said proceeds and other funds paid over to Mahaska County, pay any and all bills, obligations, and debts of South Central Mental Health Center.
3. That to the knowledge of the Board of Directors, the only obligations or debts remaining would be Schuring & Uitermarkt, C.P.A., P.C., and any unpaid fees due Life Law Office, if not previously paid, however shall include any other unknown debts or obligations of South Central Mental Health Center, not to exceed the amount of funds turned over to the county.

IT IS SO AGREED.

Dated this 5th day of March 2002.

SOUTH CENTRAL MENTAL HEALTH

MAHASKA COUNTY BOARD
OF SUPERVISORS

By: _____
Norm Schouten, President

By: _____

It was moved by Groenendyk seconded by Gordy to approve the following resolution with the recommendation of the County Engineer and to authorize the Chairman to sign.. All present voted aye. Motion carried.

RESOLUTION

W H E R E A S, a position in the Mahaska County Secondary Road Department for Hydraulic Excavator Operation was filled by the appointment of an individual to that position in October, 2001; and

W H E R E A S, thereafter, another candidate for the position filled, Daryl Cox, filed action claiming a veterans preference to the position filled in the lawsuit entitled Daryl Cox v. Mahaska County, Equity No. EQEQ084248, filed on October 30, 2001; and

W H E R E A S, investigation into the circumstances surrounding the contested appointment to the above-referenced position revealed that, by error and inadvertence, the application of Daryl Cox had not been considered during the original hiring process; and

W H E R E A S, to avoid any claims of bias or prejudice in re-consideration of all applicants to the above-referenced position, and to determine the best qualified candidate for that position given the pendency of the above-referenced Cox litigation, the Mahaska County Board of Supervisors contracted with the Keokuk County Engineer and her staff to independently review all such applications, interview such candidates and recommend to this Board those candidates most qualified for the job position; and

W H E R E A S, the Keokuk County Engineer and her staff have finally ranked those applicants for that position from most to least qualified; and

W H E R E A S, the Iowa Veterans Preference law, Iowa Code Section 35C.1(1), provides a preference in appointment to qualified veterans “over applicants of no greater qualifications” and the qualifications of other applicants have been determined by the Keokuk County Engineer and her staff to be greater than those of Mr. Daryl Cox;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the March 3, 2002 recommendations to the Board by the Keokuk County Engineer and her staff are hereby accepted; and

BE IT FURTHER RESOLVED, that the preference claimed to the above-referenced job position by Mr. Daryl Cox under the Veterans Preference Statute is rejected; and

BE IT FURTHER RESOLVED, that Josh Thornbrugh is hereby appointed to the position of Hydraulic Excavator Operator in the Mahaska County Secondary Road Department; and

BE IT FINALLY RESOLVED, that letters to all applicants shall be sent notifying each of them of this Resolution and thanking them for their interest in the position

Chair, Mahaska County Board of Supervisors

It was moved by Gordy seconded by Groenendyk to approve the following resolution. All present voted aye. Motion carried.

R E S O L U T I O N

BE IT RESOLVED by the Board of Supervisors of MAHASKA County, Iowa, that JEROME T. NUSBAUM, the County Engineer of MAHASKA County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications in connection with all Farm-to-Market and federal or state aid construction projects in this county.

Dated at Oskaloosa, Iowa, this 18th day of March, 2002.

Board of Supervisors

Oskaloosa, Iowa

ATTEST:

By _____
County Auditor

It was moved by Gordy seconded by Groenendyk to approve the following resolution. All present voted aye. Motion carried.

RESOLUTION

Setting Land and Fence Prices for Road and Bridge Projects

Land owner to be paid two and one-half (2 ½) times the assessed value per acre,
\$3.00 per rod for fence removal,
\$10.00 per rod for installing a legal barb wire fence, and
\$15.00 per rod for installing a woven wire or 8 strand high tensile fence.

Fence must be removed or installed by the owner before being compensated.

If the land is not fenced at time of right-of-way purchase there will be no payment for either fence removal or fence installation.

Passed and Approved this 18th day of March, 2002.

Chairman, Board of Supervisors

ATTEST: _____
Kay Swanson, County Auditor

For the work session with the engineer:

Discussion of the Five Year Road & Bridge Construction Plan.

Meeting adjourned.

Chairman, Board of Supervisors
Mahaska County

ATTEST: _____
Kay Swanson, County Auditor