

**May 18, 2009**

The Mahaska County Board of Supervisors met in regular session 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: Chairman – Greg Gordy, vice chairman – Lawrence Rouw and member – Henry W. VanWeelden. Also present were the following: Scott Dailey, KBOE Radio; Jerome Nusbaum, Mahaska County Engineer; Miranda Johnson, MCARD, Don Russell, Mahaska County Sanitarian; Sone Scott, Mahaska County Treasurer; Brent D. Port, Clapsaddle-Garber Associates and Kay Swanson, Mahaska County Auditor.

This meeting was filmed by Communications Research Institute of William Penn University,

Chairman Gordy called the meeting to order with a moment of silence.

It was moved by Rouw seconded by VanWeelden to approve the agenda for today. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the minutes of May 4<sup>th</sup> and 12<sup>th</sup> meetings. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the request of the Treasurer to accept the resignation of Nicole Edgemen as Deputy Treasurer effective May 29, 2009. All present voted aye. Motion carried.

The matter of the letter for William Penn University was tabled until later date.

Miranda Johnson, MCARD Director gave the board her monthly report and it was placed on file.

Don Russesll, Mahaska County Sanitarian gave the board his monthly report and it was placed on file.

Brent D. Port, from Clapsaddle-Garber Associates discussed the Anderson Subdivision Plat located in NW ¼ of NW ¼ Section 23 Township 75 Range 16 with the board. It was moved by Rouw seconded by VanWeelden to table the matter for results of the percolation tests and water main questions. All present voted aye. Motion carried.

Greg Gordy, Chairman signed the Patriot Subdivision plat located in SW ¼ NW ¼ Section 15 Township 75 Range 15 to be recorded in the Recorder's office. It had been approved on July 21, 2008.

It was moved by Rouw seconded by VanWeelden to disallow the homestead credit application for parcel #10-14-278-017 for 2008. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to disallow the military credit application for parcel #05-20-100-002 for 2008. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the stop loss for the health insurance in the amount of \$45,000.00 with Wellmark for the Stop Loss coverage for 2009-2010. All present voted aye. Motion carried.

The matter of the life insurance was tabled for today.

It was moved by Rouw seconded by VanWeelden to approve the payment for the tax redemption on tax sale certificates 2008-8174 and 2008-8175 for \$597.00. An error had been made on splitting the real estate descriptions. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the following Resolution #2009-05-01. All present voted aye. Motion carried.

**RESOLUTION ASKING FOR REVIEW OF THE DEFENSE OF MARRIAGE  
ACT BY THE IOWA LEGISLATURE AND THE PEOPLE OF IOWA.**

WHEREAS, the Iowa Legislature passed and the Governor signed in 1998 the Defense of Marriage Act, stating that marriage in Iowa is only between one man and one woman, and

WHEREAS, on April 3<sup>rd</sup>, 2009, the Iowa Supreme Court issued an opinion that is in conflict with that law, and

WHEREAS, Iowa Code Section 595.2 has not been amended or repealed, and

WHEREAS, the Iowa Legislature has the duty to check and balance the Iowa Judicial Branch,

NOW THEREFORE, BE IT RESOLVED that the Mahaska County Board of Supervisors demand that the Iowa Legislature resolve this issue by either passing legislation that will lead to a public vote to amend the Iowa Constitution or by passing legislation to conform Iowa Code Section 595.2 to the Iowa Supreme Court's decision in Varnum v. Brien.

Passed and approved this 18<sup>th</sup> day of \_May, 2009

s/ Greg Gordy

s/ Lawrence Rouw

s/ Henry W. VanWeelden

ATTEST:

/s Kay Swanson, Mahaska County Auditor

It was moved by VanWeelden seconded by Rouw to approve the following 28E Agreement for shared use of stimulus funds. All present voted aye. Motion carried.

**28E AGREEMENT FOR  
SHARED USE OF STIMULUS FUNDS  
ARTICLE I - LEGAL BASIS**

Section 1: This agreement is made pursuant to Chapter 28E of the 2009 Code of Iowa between the City of Oskaloosa, Iowa (hereafter called "City"), and Mahaska County, Iowa (hereafter called "County").

**ARTICLE II - IMPLEMENTATION OF THE AGREEMENT**

Section 1: No special financing shall be required in order to be a party to this agreement, however, the parties contemplate the use of Federal and State funds to complete the joint project.

**ARTICLE III- COMMENCEMENT OF OPERATIONS**

Section 1 : This agreement shall take effect upon the adoption of the agreement and filing with Mahaska County Recorder as required by Chapter 28E of the Code of Iowa after appropriate action has been taken by the parties of this agreement by minutes, resolution or otherwise pursuant to the laws of the governing bodies (IC 28E.4.).

**ARTICLE IV - DURATION AND AMENDMENT OF THE AGREEMENT**

Section 1: Duration: Unless otherwise terminated according to the provisions of Article VIII of this agreement, the agreement shall continue for a period of five (5) years after the adoption of this agreement.

Section 2: Amendment: This agreement may be amended by the approval of the parties to this agreement.

**ARTICLE V - PURPOSE**

Section 1: The purpose of this agreement is to permit the sharing of stimulus funds to complete a project commonly known as Osburn Avenue/35th Street Paving Project using City of Oskaloosa stimulus funds and Mahaska County, Iowa stimulus funds.

**ARTICLE VI - ADMINISTRATION**

Section 1: Representatives of the parties of this agreement shall administer this agreement as necessary.

Section 2: All decisions pertaining to the acquisition, the maintenance and the disposal of any real or personal property obtained if any as a consequence of this agreement shall be made by the parties participating in this agreement, or their designated representative. Disposition of any property acquired if any shall be made upon termination of this agreement

Section 3: The parties participating in this agreement, or their designated representatives, hereby appoint the Auditor of Mahaska County to be the custodian of this agreement. The custodian shall also be responsible for the maintenance of an up-to-date copy of this agreement. The custodian shall also be responsible for notifying the parties to the agreement of any proposed amendments to the agreement, and shall file any adopted amendments to the agreement in the same manner as the agreement itself.

**ARTICLE VII - STIMULUS FUNDS SHARING AGREEMENT**

Section 1: The parties are in agreement to use each parties' respective stimulus funding to complete a joint paving project commonly known as Stimulus Project ESL-C062(66)--78-62, Osburn Avenue/35th Street PCC Paving Highway 23 to Highway 92.

Section 2: Attached hereto is the Iowa Department of Transportation/Mahaska County Agreement to use stimulus funding for this project.

Section 3: It is the agreement of the parties that each party will use their respective stimulus funds to pay for the costs of the project. In the event that the stimulus funds do not cover the entire cost of the project, each party will be responsible to cover their respective share with their own funds as may be determined.

Section 4: Mahaska County shall provide all management of this project including inspections, etc.

#### **ARTICLE VIII - TERMINATION OF THIS AGREEMENT**

Section 1: This Agreement may be terminated prior to its normal expiration date by mutual agreement of the parties, or by the parties' completion of the joint paving project

It was moved by VanWeelden seconded by Rouw to approve the following resolution #2009-05-02. Roll call vote: Gordy – aye; Rouw – aye; VanWeelden – aye. Motion carried.

#### **RESOLUTION IN SUPPORT OF 28E AGREEMENT**

WHEREAS, the Mahaska County, Iowa Board of Supervisors recognizes the need for mutual assistance and sharing between agencies, and;

WHEREAS, an agreement for sharing has been prepared in accordance with Chapter 28E of the 2009 Code of Iowa as amended, a copy of which agreement is attached:

BE IT RESOLVED by Mahaska County, Iowa Board of Supervisors that said agreement is approved; that the Chairman of the Board of Supervisors wishes to participate in this agreement, and that the Chairman of the Board of Supervisors and County Auditor are authorized and directed to execute said agreement on behalf of the Mahaska County, Iowa Board of Supervisors.

Passed and approved this 18<sup>th</sup> day of May, 2009 by the following vote:

Ayes: 3

Nays:

s/ Greg Gordy

Chairperson, Board of Supervisors

ATTEST: s/ Kay Swanson, Mahaska County Auditor

It was moved by VanWeelden seconded by Rouw to award the contract for project ESL—CO62(66)—7S-62 on Osburn Avenue to Cedar Valley Corp. of Waterloo, IA for \$1,318,824.83. All present voted aye. Motion carried.

The Department of Transportation classifies G77 from Eddyville to Kirksville as a High Risk Rural Roadway. It was moved by Rouw seconded by VanWeelden to make application for traffic safety funds for County Hwy G77/340<sup>th</sup> St. (S-curves). All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to make application for traffic safety funds for County Hwy G77/ 340<sup>th</sup> St. (Eddyville School). All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to adjourn. All present voted aye. Motion carried.

---

Greg Gordy, Chairman  
Mahaska County Board of Supervisors

ATTEST: \_\_\_\_\_  
Kay Swanson, Mahaska County Auditor