

June 19, 2017

The Mahaska County Board of Supervisors met in regular session on the above date at 2:00 p.m. in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman ó Mark Doland; Vice chairman ó Henry VanWeelden; Member ó Mark Groenendyk. Also present were CRI; Ken Allsup, Oskey News: Jeff Forward, Oskey Herald; R.D Keep, The Sun; Dave Sedivec, Conservation Director; Dave Shanahan, County Engineer; Deann DeGroot. MCARD; Russ VanRenterghem, Sheriff; Troy Bemis; Jim Blomgren; Kim Newendorp; Steve Wanders; Pam Blomgren; Bert Bandstra; Don DeBruin; Doug Yates; Mike Schrock; Wayne DeBruin; Robert DeRooi; Jeff DeRooi and Susan Brown, Mahaska County Auditor.

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

Chairman Doland opened the meeting at 2:00 p.m. with a moment of silence.

It was moved by Groenendyk seconded by VanWeelden to approve agenda with the amendment of combining items 13 and 14. All present voted aye. Motion carried.

Public Comments: Bert Bandstra pointed out the board had been replaced since 2012 and that the board was responsible to vote as representative of citizens views.

It was moved by VanWeelden seconded by Groenendyk to approve the minutes of June 5 meeting. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Groenendyk to approve placement of Brian Rainey on payroll as full time deputy in sheriff's department with an annual salary of \$48,000 effective June 19, 2017. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by VanWeelden to approve payroll change in attorney's office adding hours to Terri Menning's work schedule. At approximately twenty-eight hours per week her annual rate will be \$39,690 effective June 19, 2017. All present voted aye. Motion carried.

It was moved by Doland seconded by VanWeelden to approve 28E agreement between Sheriff Department and the City of Beacon. All present voted aye. Motion carried.

28E Agreement

This agreement, entered into by and between the Town of Beacon, Iowa, a municipal corporation, hereinafter called "the Town", and Mahaska County, Iowa, a political subdivision, hereinafter called "the County", is duly authorized by Chapter 28E of the Code of Iowa.

The town desires to have law enforcement services and the County, through the Office of the Sheriff, has the manpower and equipment necessary to provide said services. Therefore, the said Town and County, in a spirit of cooperation between these public agencies, agree with each other under the following terms and conditions as follows:

1. The County shall provide, through the Office of the Sheriff, law enforcement services and all men and equipment necessary therefore to said Town.
2. The said law enforcement services shall consist of patrol and traffic enforcement which shall be provided to said Town for a minimum of six hours per week.
3. The Town shall pay the County the sum of \$3,400.00 per year as reimbursement for expenses in relation to carrying out this Agreement.
4. The major portion of payment for said service shall be through the Town purchasing equipment for the office of the Sheriff and receiving credit for the cost thereof. The said equipment shall be selected and approved in advance by the Sheriff. Any balance shall be paid to the General Fund of the County.
5. The duration of this Agreement shall be for one year and neither party may terminate it without the express written permission of the other party.
6. The Agreement shall commence on the 1st day of August, 2017.
7. This Agreement shall be supervised by the Mayor and Council of the Town and the Sheriff of the County.
8. In accordance with Section 28E.7 of the Code of Iowa, 2016, this Agreement does not relieve any of the parties hereto of any obligation or responsibility imposed upon it or them by law, except that to the extent of actual and timely performance thereof by any contracting party hereto, said performance may be offered in satisfaction of the obligation or responsibility.
9. The Town shall file a copy of this Agreement with the Secretary of State and cause a copy hereof to be recorded with the County Recorder.
10. The provisions of Chapter 573A of the Code of Iowa, 2016, for termination of agreements in the event of a national emergency, apply to this Agreement.

Dated this 6th day of June, 2017.

It was moved by VanWeelden seconded by Groenendyk to approve a five day Class C liquor license for Longhorn Saloon effective July 1, 2017. All present voted aye. Motion carried.

Dave Sedivec, Conservation Dir., gave monthly report and it was placed on file.

Deann DeGroot, MCARD, gave monthly report and it was placed on file.

It was moved by Groenendyk seconded by VanWeelden to approve the wellness proposal submitted by the Mahaska County Insurance Committee. The proposal includes testing that is the same as last year and the cost will be \$70 per employee insurance participant. \$25 for each PSA test. Spouse may participate by paying cost of test. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by VanWeelden to reappoint Joe Durian to a three year term as Veterans Affairs Commissioner effective July 1, 2017 and expiring June 30, 2020. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by VanWeelden to approve 713 Business Property Tax Credit applications as recommended by the assessor, both currently active and new for 2016 values for property taxes collected FY18. All present voted aye. Motion carried.

Discussion held on office options for staff at the Annex following July 1, and transfers from general fund to secondary road and rural services expenses for the sheriff. Both items were tabled.

It was moved by Groenendyk seconded by Doland to amend Resolution #2017-12 to insert item as #4 ó The SCRAA Board has failed to properly honor the 28E agreement with failure to relocate 220th Street. Doland ó aye. VanWeelden ó nay. Groenendyk ó aye. Motion carried.

It was moved by Doland seconded by Groenendyk to adopt and pass the following resolution. Doland ó aye. VanWeelden ó nay. Groenendyk ó aye.

Resolution No. 2017-12

A RESOLUTION TO AMEND, TERMINATE, AND WITHDRAW FROM A 28E AGREEMENT WITH THE CITY OF PELLA AND THE CITY OF OSKALOOSA REGARDING THE JOINT ACQUISITION, CONSTRUCTION, EQUIPPING, USE, EXPANSION, AND OPERATION OF AN AIRPORT FACILITY

WHEREAS The Board of Supervisors of Mahaska County, Iowa is a party in a 28E agreement with the cities of Pella and Oskaloosa for the purpose of the joint acquisition, construction, equipping, use, expansion, and operation of an airport facility that was signed March 26, 2012 with the approval of the Board of Supervisors of Mahaska County, Iowa on March 21, 2012 by passing Resolution No. 2012-03-03 and

WHEREAS Article XI, Section 1 and 2 of the aforementioned 28E agreement outlines the authority and procedure to amend and terminate said 28E agreement where it says;

Amendments: This agreement may be amended for any purpose upon the approval of the governing Boards of each Party,ö and

Termination: This Agreement may only be terminated upon the approval of the governing Boards of each Party,ö and

WHEREAS The voters of Mahaska County have expressed their disapproval of efforts to partner with the cities of Oskaloosa and Pella to jointly acquire, construct, equip, use, and

expand operations of a new airport project by electing Mahaska County Supervisors who oppose the airport project to represent their interests accordingly.

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Mahaska County, Iowa as follows:

1. The said Board approves amending the said 28E agreement with the cities of Pella and Oskaloosa for the purpose of the joint acquisition, construction, equipping, use, expansion, and operation of an airport facility that was signed March 26, 2012 by removing Mahaska County from all aspects of the document. It is the intent of the Mahaska County Board of Supervisors to withdraw from the current 28E agreement and the stipulations contained therein as stated in Mahaska County Board of Supervisors Resolution No. 2012-03-03.

STRIKE: All references to Mahaska County mentioned in the original resolution and agreement designating Mahaska County or Mahaska County Board of Supervisors as a partner to Resolution No. 2012-03-03.

2. The said Board approves terminating the said 28E agreement with the cities of Pella and Oskaloosa for the purpose of the joint acquisition, construction, equipping, use, expansion, and operation of an airport facility that was signed March 26, 2012 by removing Mahaska County from all aspects of the document. It is the intent of the Mahaska County Board of Supervisors to withdraw from the current 28E agreement and the stipulations contained therein as stated in Mahaska County Board of Supervisors Resolution No. 2012-03-03. It is the intent of the Mahaska County Board of Supervisors to terminate any and all obligations and responsibilities from the current 28E agreement and the stipulations contained therein as stated in Mahaska County Board of Supervisors Resolution No. 2012-03-03.

3. Based upon advice of counsel, the said Board believes it has the sole authority to terminate any and all of the Board's obligations and responsibilities in the said 28E agreement pursuant to Article XI, Section 1 and 2. As the governing Board for Party Mahaska County, this Board has the sole and exclusive authority to amend and terminate the 28E agreement on behalf of Party Mahaska County. The Board specifically notes the language in Article XI, Section 1 and 2, requires the approval of the governing Boards of EACH party as opposed to ALL parties. In addition, binding an elected governmental body to the provisions of a 28E agreement in perpetuity is against public policy and is likely unconstitutional.

4. The SCRAA Board has failed to properly honor the 28E agreement with failure to relocate 220th Street.

5. This Amendment shall become effective upon a resolution approving this amendment and execution of signature pages by the Mahaska County Board of

Supervisors. This Resolution shall be filed with the Secretary of State and recorded with the Mahaska County Recorder. Pursuant to Article XII, Section 5, of the 28E Agreement, notice of this Resolution and a copy thereof attached shall be sent by ordinary mail to the Chair of the Board of the SCRAA and the presiding officer of the governing body of all Parties.

PASSED, APPROVED, AND ADOPTED this 19th day of June, 2017.

It was moved by Doland seconded by Groenendyk to direct counsel to arrange a meeting with representatives from Pella and Oskaloosa to discuss the legal outcome of the resolution. Doland ó aye. VanWeelden ó nay. Groenendyk ó aye. Motion carried.

It was moved by VanWeelden seconded by Groenendyk to authorize chairman signature on final pay for project BRS-CO62(90)ô 60-62. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by VanWeelden to support transfer of \$200,000 from secondary road construction funds to farm to market account to cover county's portion of project STP-S-CO62(88)ô 5E-62. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by VanWeelden to approve the following resolution to include project STP-S-CO62(88)ô 5E-62 in the FY18 five year construction plan. All present voted aye. Motion carried.

Resolution to Revise Mahaska County 2018 Five Year Road Program

Resolution 2017- No. 13

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Construction Program, and previous revisions, requiring changes to the sequence, funding and timing of the proposed work plan,

The Board of Supervisors of Mahaska County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2018), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

The following approved Priority Year projects shall be ADDED to the Program's Accomplishment year:

Project Number Local ID TPMS #	Project Location Description of work	AADT Length NBIS #	Type Work Fund basis	Accomplishment Year (\$1000's of dollars)		
					New amount	
STP-S-C062(88)--5E-62 G5T Pavement Removal and Paving TPMS ID: 30857	On G5T/T33, from So. Skunk River NE 1.76 mi to Peoria Chestnut St; and G5T from T33 E 0.30 mi Patch existing concrete and widen to 14' with 13' lanes and safety edge and overlay with 6.5" of HMA with the innerlayer	870 2.063 MI	PCC Paving STBG		\$2500	
Totals					\$2500	

Fund ID	Accomplishment year (\$1000's of dollars)		
	Previous Amount	New Amount	Net Change
Local Funds	\$940	\$1,140	\$200
Farm to Market Funds	\$2,000	\$2,800	\$800
Special Funds	\$0	\$0	\$0
Federal Aid Funds	\$160	\$1,660	\$1,500
Total construction cost (All funds)	\$3,100	\$5,600	\$2,500
Local 020 Construction cost totals (Local Funds + BROS-8J FA funds)	\$1,100	\$1,300	\$200

County engineer updated the board on current road projects.

Committee reports: VanWeelden ó options being looked at for exterior of LEC building. Doland ó Chamber has hired an administrative assistant.

Public comments: Bert Bandstra thanks the board for today's vote on Resolution #2017-12.

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

Attest: _____
Susan L. Brown
Mahaska County Auditor

Mark Doland
Mahaska County Board of Supervisors