

August 6, 2018

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 – Henry VanWeelden; Vice chairman – Mark Groenendyk and Member – Steve Wanders. Also present were Ken Allsup, Oskey News; Angie Holland, Oskey Herald; Amanda DeVore, Daryn Williams, CRI; RD Keep, The Sun; Joe Lancello, KBOE; Russ VanRenterghem, Sheriff; Dave Sedivec, Conservation; Dave Shanahan, Engineer; Jamey Robinson, EMA; Alven Meppelink; Scott VanVeldhuizen; Reba Gaughn, John Bandstra; John DeRooi and Susan Brown, Mahaska County Auditor. This meeting was filmed by Communications Research Institute of William Penn University.

Chairman VanWeelden opened the meeting at 9:00 a.m. with a moment of silence.

It was moved by Groenendyk seconded by Wanders to approve the agenda for today's meeting. All present voted aye. Motion carried.

Public Comments: None

It was moved by Groenendyk seconded by Wanders to approve the minutes of July 16 and 26 with the following addition to the last sentence under Committee Reports on July 16: for Agency on Aging. All present voted aye. Motion carried.

It was moved by Wanders seconded by Groenendyk to approve the bills for the month of July in total \$1,206,075.73. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Wanders to remove from Sheriff office payroll the following: Karissa Smith effective July 12; Josh Spears effective July 17 and Kyle Vinton effective July 26. All present voted aye. Motion carried.

It was moved by Wanders seconded by Groenendyk to approve one year liquor license application Class B Native Wine Permit for Frisian Farms Cheese LLC effective September 15, 2018. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Wanders to cancel outstanding disbursements for fiscal year 2016-2017 in the amount of \$11,643.98. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Wanders to approve and authorize signature on the following 28E agreement between the Mahaska County Sheriff's Office and the Mahaska County Conservation Board. All present voted aye. Motion carried.

**28E AGREEMENT FOR JOINT EXERCISE OF LAW ENFORCEMENT
AUTHORITY BETWEEN THE MAHASKA COUNTY CONSERVATION**

BOARD AND THE MAHASKA COUNTY SHERIFF'S OFFICE

This agreement is made and entered into by and between the Mahaska County Conservation Board and the Mahaska County Sheriff's Office pursuant to the provisions of Chapter 28E, Code of Iowa (2006) as amended. The purpose of this Agreement is to provide law enforcement assistance between each party, upon request, and to jointly exercise law enforcement authority within each Party's respective jurisdiction.

I. DEFINITION

- A. Party means a political subdivision whose policy making body has adopted and executed this agreement

II. IOWA CODE CHAPTER 28E AGREEMENT

- a. A peace officer employed by any of the parties to this Agreement shall have full power and authority of a peace officer to act in any location within the jurisdictional boundaries of the parties hereto when such officer is aware of criminal activity in said jurisdiction, observes a crime occurring in his/her presence; or is acting pursuant to a request-for-assistance under this Agreement in accordance to State of Iowa Code Section 321.492.
- b. A peace officer acting pursuant to the Agreement shall be deemed to be serving in the scope of his/her employment.
- c. Act subject to all the rules, regulations and directives of the Peace Officer's employer.
- d. When assistance is provided under the Agreement, command responsibility for the law enforcement activity shall be determined as appropriate for the event.
- e. In the event of a budgetary or scheduling impact, the authority to determine the extent of assistance shall lie exclusively with the commanding officer of the Responding Party.
- f. Each party to the Agreement shall be responsible for the compensation of its own employees, for payment of wages and overtime expenses as well as payment of any disability, death, worker's compensation or other benefits which are owed or become owing or accrue to its own employees as a result of activities undertaken pursuant to the terms of this Agreement.
- g. Each party shall be responsible for the acts or omissions of its own employees to the extent specified in Chapter 670 of the Code of Iowa which governs liability issues.
- h. Each party shall be responsible for its own equipment and vehicles.
- i. Following approval of this Agreement by the Parties, the Agreement shall be filed with the Mahaska County Recorder and with the Secretary of State for the State of Iowa by the Mahaska County Auditor.
- j. This Agreement shall remain in full force and effect until either Party terminates the Agreement by providing notice to the other Party thirty (30) day prior to the termination becoming effective.

- k. The cooperative undertaking resulting from the Agreement will not create any new or separate legal or administrative entity.

It was moved by Groenendyk seconded by Wanders to accept letter from Co-Line Welding, Inc. informing of completion of the project terms by Welders Shield LLC outlined in the Agreement for Private Development with the county within the NW Urban Renewal Area and authorize signature on the Certificate of Completion required from the county. All present voted aye. Motion carried.

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

Resolution #2018-14

Setting date for Public Hearing on designation of the Prairie Wind Urban Renewal Area and on urban renewal plan and projects

WHEREAS, a proposal has been made which shows the desirability of designating certain road right-of-way and wind turbine property located in Mahaska County, Iowa, (the "County") as the Prairie Wind Urban Renewal Area, pursuant to provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board of Supervisors under which the property described in a proposed urban renewal plan would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a proposed urban renewal plan for projects within that proposed designated area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and projects;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Mahaska County, Iowa, as follows:

Section 1. This Board will meet at the Mahaska County Courthouse, Oskaloosa, Iowa, on the 4th day of September, 2018, at 9:00 o'clock a.m., at which time and place it will hold a public hearing on the designation of the proposed Prairie Wind Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

Section 2. Notice of the hearing, the same being in the form attached to this resolution, shall be published in a legal newspaper of general circulation in Mahaska County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, a consultation process shall be conducted, as required under that section of the urban renewal law.

NOTICE OF A PUBLIC HEARING ON DESIGNATION
OF PRAIRIE WIND URBAN RENEWAL AREA
AND ON PROPOSED URBAN RENEWAL PLAN AND PROJECTS

Notice is hereby given: That at 9:00 o'clock a.m. on the 4th day of September, 2018, at the Mahaska County Courthouse, Oskaloosa, Iowa, the Board of Supervisors of Mahaska County, Iowa, will hold a public hearing on the question of designating as the Prairie Wind Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, certain property generally described as follows:

1. The right-of-way of certain portions of County Roads T-38, G-5T, G-29, Osburn Avenue, G-71, G-77 and 267th Street, as more specifically shown on an attachment to the Urban Renewal Plan
2. All property on which a wind turbine has been constructed in the County, as more specifically shown on an attachment to the Urban Renewal Plan

The subject matter of the public hearing will also include a proposed urban renewal plan and projects for the Prairie Wind Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, a copy of which plan is on file for public inspection in the office of the County Auditor.

The general scope of the proposed urban renewal plan, as more specifically described therein, involves using incremental property tax revenues produced from wind turbine property to encourage private investment and development that will lead to the creation of new jobs, increase the tax base and promote economic growth in the County and to finance improvements to certain County roads and bridges, as more specifically shown on an attachment to the Urban Renewal Plan.

At the hearing any interested person may file written objections or comments and may be heard with respect to the subject matter of the hearing.

It was moved by Groenendyk seconded by Wanders to also set time to meet with school districts that will be affected by use of tax increment financing proposed in the urban renewal plan at 10:00 a.m. August 20, 2018 in the 3rd floor conference room following regular board meeting. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Wanders to send letter as written by counsel to EMA Attorney Mahaffey and both the EMA commission and 911 service board in answer to their request for more time to respond to the Board of Supervisors request for a meeting to discuss settlement regarding concerns related to the 28E agreement signed in 2015 between 911 and EMA. All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Wanders to authorize signature on contractor performance bond for secondary road RCB Culvert Replacement BROS-CO62(92)—8J-62 (Kent & 275th Bridge). All present voted aye. Motion carried.

Public comments: None

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

Attest: _____
Susan L. Brown
Mahaska County Auditor

Henry VanWeelden – Chairman
Mahaska County Board of Supervisors