

**February 4, 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. The following board members were present: Howard Groenendyk, Greg Gordy and Henry W. VanWeelden. Also present were the following: Jennifer Swanson, Oskaloosa Herald, Lori Faybik, Ottumwa Courier; Jay Christensen, Mahaska Health Partnership, Jerome Nusbaum, County Engineer, Joe Albright, Secondary Road Dept. and Kay Swanson, County Auditor. Chairman VanWeelden called the meeting to order with a moment of silence.

It was moved by Groenendyk seconded by Gordy to approve the agenda with the addition of a resolution for RUSS financing for the Kinross project. All ayes. Motion carried.

It was moved by Gordy seconded by Groenendyk to approve the minutes for Budget Work Sessions on January 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup> 22<sup>nd</sup> and 25<sup>th</sup> and board meeting on January 21<sup>st</sup>. All ayes. Motion carried.

It was moved by Gordy seconded by Groenendyk to approve the bills for January in the amount of \$1,646,914.38 and payroll in the amount of \$385,351.11. All ayes. Motion carried.

It was moved by Gordy seconded by Groenendyk to approve the request of the Sheriff to increase the mileage rate for reimbursement mileage to 36 cents per mile for serving papers effective February 4, 2002. All ayes. Motion carried.

It was moved by Gordy seconded by Groenendyk to approve the first amendment to the 28E agreement Cooperative use of one cent sales tax receipts. All ayes. Motion carried.

**FIRST AMENDMENT  
TO 28E AGREEMENT  
COOPERATIVE USE OF ONE CENT SALES TAX PROCEEDS**

WHEREAS the original 28E Agreement filed with the Secretary of State on December 26, 2001 at 10:00 a.m. and recorded in the office of the Mahaska County Recorder on December 19, 2001 in Misc. Book 26, page 353 had a typographical error in Article Seven Section 2 paragraphs (a) and (b) in that 57.6361% should have been 57.5361%.

IT IS THEREFORE agreed and approved by the parties that the following Article Seven Section 2 pages (a) and (b) should be inserted in place of the original as follows:

Section 2:

(a) The Board of Supervisors of the County directs that 57.5361% of its share of proceeds from the LOST tax from the unincorporated areas be distributed to the

School for the purpose of the Project for the period January 1, 2002, through December 31, 2016; but in the event that the School does not require 57.5361% of the revenue for the Project, as determined by the Parties after receiving recommendations from the LOST Board, the revenue not distributed to the School shall be used for property tax relief in the general fund.

(b) The County shall provide 57.5361% of the LOST revenue to the School when received until such time as bonds that are issued to fund this project are due for payment and until such time as the Lenders requirements for reserves are met or until the reserves are returned to the required level if they should at any time fall below such level.

Dated this 4<sup>th</sup> day of February, 2002.

CITY OF OSKALOOSA, IOWA

BY: \_\_\_\_\_

ATTEST:\_\_\_\_\_

MAHASKA COUNTY, IOWA

BY:\_\_\_\_\_

ATTEST:\_\_\_\_\_

OSKALOOSA COMMUNITY SCHOOL DISTRICT

BY:\_\_\_\_\_

ATTEST;\_\_\_\_\_

STATE OF IOWA )

) ss

MAHASKA COUNTY )

On this \_\_\_\_ day of \_\_\_\_\_, 2002, before me, \_\_\_\_\_, a notary public in and for the State of Iowa, personally appeared Tom Rielly and Marilyn Miller to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Oskaloosa, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council as set forth in the Resolution adopted by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2002 and that Tom Reilly and

Marilyn Miller acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

STATE OF IOWA        )  
  ) ss  
MAHASKA COUNTY )

On this 4<sup>th</sup> day of February, 2002, before me, Susan Lynn Brown, a Notary Public in and for the State of Iowa, personally appeared Henry Van Weelden and Kay Swanson to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Mahaska, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Ordinance No. \_\_\_\_\_ passed the Resolution adopted by the Board of Supervisors under Roll Call No. \_\_\_\_\_ of the Board of Supervisors on the 4<sup>th</sup> day of February, 2002, and that Henry VanWeelden and Kay Swanson acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

STATE OF IOWA        )  
  ) ss  
MAHASKA COUNTY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002 before me, \_\_\_\_\_, a Notary Public in and for the State of Iowa, personally appeared Greg Drije and Jake Roberts to me personally know and who, being by me duly sworn, did say that they are the President of the Board of Directors and Secretary, respectively, of the Oskaloosa Community School District; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the Board of Directors on the \_\_\_\_\_ day of \_\_\_\_\_, 2002 and that Greg Drije and Jake Roberts acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

\_\_\_\_\_

Notary Public, in and for the State of Iowa

**RESOLUTION IN SUPPORT OF  
FIRST AMENDMENT TO 28E AGREEMENT**

WHEREAS, the City of Oskaloosa, Iowa, recognized the need for mutual assistance and sharing between agencies, and;

WHEREAS, the original 28E Agreement for sharing prepared and filed with the Secretary of State on December 26, 2001 and recorded in the office of the Mahaska County Recorder on December 19, 2001 in accordance with Chapter 28E of the 2001 Code of Iowa as amended, had a typographical error in Article Seven Section 2 paragraphs (a) and (b) in that 57.6361% should have been 57.5361%, a copy of this First Amendment to 28E Agreement is attached;

BE IT RESOLVED by the City Council of Oskaloosa, Iowa that this First Amendment to 28E Agreement is approved; that the City of Oskaloosa, Iowa wished to participate in this First Amendment to 28E Agreement, and that the Mayor and City Clerk are authorized and directed to execute said First Amendment to 28E Agreement on behalf of the City of Oskaloosa, Iowa.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION IN SUPPORT OF  
FIRST AMENDMENT TO 28E AGREEMENT**

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

WHEREAS, the original 28E Agreement for sharing prepared and filed with the Secretary of State on December 26, 2001 and recorded in the office of the Mahaska County Recorder on December 19, 2001 in accordance with Chapter 28E of the 2001 Code of Iowa as amended, had a typographical error in Article Seven Section 2

paragraphs (a) and (b) in that 57.6361% should have been 57.5361%, a copy of this First Amendment to 28E Agreement is attached;

BE IT RESOLVED by the Mahaska County, Iowa Board of Supervisors, that said First Amendment to 28E Agreement is approved; that the Chairman of the Board of Supervisors wishes to participate in this First Amendment to 28E Agreement, and that the Chairman of the Board of Supervisors and County Auditor are authorized and directed to execute said First Amendment to 28E Agreement on behalf of the Mahaska County, Iowa Board of Supervisors.

Passed and approved this 4<sup>th</sup> day of February, 2002, by the following vote:

Ayes: 3

Nays: 0

---

Chairperson, Board of Supervisors

ATTEST:

---

County Auditor

**RESOLUTION IN SUPPORT OF  
FIRST AMENDMENT TO 28E AGREEMENT**

WHEREAS, Oskaloosa Community School District, Oskaloosa, Iowa, recognizes the need for mutual assistance and sharing between agencies, and;

WHEREAS, the original 28E Agreement for sharing prepared and filed with the Secretary of State on December 26, 2001 and recorded in the office of the Mahaska County Recorder on December 19, 2001 in accordance with Chapter 28E of the 2001 Code of Iowa as amended, had a typographical error in Article Seven Section 2 paragraphs (a) and (b) in that 57.6361% should have been 57.5361%, a copy of this First Amendment to 28E Agreement is attached;

BE IT RESOLVED by the Board of Directors of the Oskaloosa Community School District of Oskaloosa, Iowa, that this said First Amendment to 28E Agreement is approved; that the School District wishes to participate in this First Amendment to 28E Agreement, and that the Board President and Board Secretary are authorized and directed to execute said First Amendment to 28E Agreement on behalf of the Oskaloosa Community School District.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

The matter of the Recommendations of the Compensation Board was tabled until later date.

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

### **RESOLUTION**

Whereas the Iowa Chamber Alliance is promoting a proposal to change the Road Use Tax Fund Distribution Formula to increase the city's share from 20 to 25 percent, to increase the state's share from 47.5 to 50 percent, and to decrease the county's share from 32.5 to 25 percent, and to change the basis for the division of the county's share from area and needs to population,

And Whereas we foresee that if this proposal is successful, it will result in dramatic changes to funding levels for County Secondary Road Departments, affecting the ability to provide maintenance and construction services on Secondary Roads,

And Whereas the County Secondary Road System is vitally important with respect to providing a transportation system that serves the needs of the agricultural industry, and provides safe travel routes for school buses, mail carriers, rural residents, and the traveling public,

And Whereas the continued upkeep of the rural roads is so very important that funding levels cannot be shifted away from them.

Be It Therefore Resolved that the Mahaska County Board of Supervisors oppose the Iowa Chamber Alliance proposal in the initial form that it has been presented.  
Passed and Approved this 4<sup>th</sup> day of February, 2002.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Mahaska County Auditor

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

### RESOLUTION

Mahaska County, by its Board of Supervisors, does hereby pass this Resolution approving and authorizing the Regional Utility Service Systems (RUSS) to issue Revenue Bonds in an amount not exceeding \$600,000 and to issue interim financing notes anticipating the issuance of such Revenue Bonds to finance the acquisition and construction of plants and systems for sanitary sewer service to serve the City of Kinross, Iowa (the "Project").

Passed and approved February 4, 2002.

Mahaska County

By \_\_\_\_\_  
Chairperson, Board of Supervisors

Attest:

\_\_\_\_\_  
County Auditor

(Seal)

Jay Christensen, of Mahaska Health Partnership discussed the county wide Ambulance Services with the board. It was moved by Gordy seconded by Groenendyk to approve the request of Mahaska Health Partnership to levy a property tax levy \$0.24000 per thousand

dollars of taxable value for the county wide ambulance service in Mahaska County. All ayes. Motion carried.

The board requested the new county engineer Jerome Nusbaum to look over the budget figures for FY 2003 and to check on the road east of Leighton whether to blacktop or concrete.

It was moved by Gordy seconded by Groenendyk to adjourn. All ayes. Motion carried.

---

Chairman, Mahaska County Board of  
Supervisors

ATTEST: \_\_\_\_\_  
Mahaska County Auditor