

Agenda Notice – Note day change

**The Mahaska County Board of Supervisors will meet on
Tuesday, July 5, 2022 at 9:00 a.m.
in the Third floor conference room of the
Mahaska County Courthouse, 106 South 1st Street, Oskaloosa, IA.**

There will be available an audio-conferencing option for constituents to comment during public comments and any public hearing.

Audio conferencing number: 319-382-2695

Conference ID: 937 023 760 #

You will be asked to state your name and press #.

If you call in and do not wish to speak please be courteous and mute the microphone on your phone.

1. Approve agenda
2. Public Comments
3. Approve minutes June 17, 20, 29
4. Approve June bills
5. Accept 4th quarter reports
 - * Auditor
6. Approve Resolution #2022-21
 - * Operating transfers FY23
7. Approve Resolution #2022-22
 - * Appropriations FY23
8. Approve Resolution #2022-23
 - * Capital Improvement Plan FY23
9. Approve salaries FY23
10. Consider 28E between Mahaska County and City of Oskaloosa regarding Vehicle Registration holds for Delinquent Parking Tickets
11. Consider revised 28E agreement creating the Mahaska County Solid Waste Commission
12. Consider 28E agreement to contract for police protection between Mahaska County, Sheriff and City of Beacon
13. Authorize publication of Notice of Intent to Fill County Auditor Vacancy by Appointment
14. Appointment of trustee on Heartland Insurance Risk Pool board of trustees
15. Consider limit options for Crime Policy renewal with Travelers Casualty & Surety
16. Approve Request for Proposal for Sec Rd Project Number: HDP-C062(xxx)—6B-62
17. Public comments

June 17, 2022

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 – Mark Groenendyk; Vice chairman – Steve Wanders and Member – Chuck Webb. Also present were Joe Lancello, KBOE; Ken Alsup, Osky News; Olivia Neter, Liberty Power; Lindsey Thomas; Tom Flaherty; Darin Hite; Jonathon Angove; Ron & LeeAnn Failyer; Dave Knox; Antoinette VanWyk; Lee Veldhuizen; Bill Alexander; Pam Alexander; Andrew Alexander; Joel VanGilst; Lisa Albertson; Jim VanderVoort; Jan VanderVoort; Micah VanMersbergen; Eldon Louwsma; Mark Hedge; Cindy Hedge; Ron Reed; Dan VanDonselaar; Brent Meinders; Becky Meinders; Wanda Crosson; Shauna Hol; Cal Rozenboom; Marc Nollen; Jessica Nollen; Dan VanArendonk; Teri Rogers; Jean Stanford; Pat Scanlon; Joyce Stam; Toni VanWyk; Helena Hayes; David Taylor; Elie Ford; Leon Groenendyk; Lori Behrens; Eveline Franje; Patrick Franje; Tim Harned; Jim & Melissa VanDonselaar; Gary & Joyce Wilson; Arnie & Ileen VanDonselaar; Jennifer VanZante; and Susan Brown, Mahaska County Auditor. Loren Heyne; Greg Zimmerman; Neal Brown attended via phone. This meeting was filmed by Communications Research Institute of William Penn University. The meeting was opened with a moment of silence.

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

Public Comments: None

Board had been approached by Liberty Power in their consideration of the SE quarter of Mahaska County for use as a wind tower farm project. Board felt constituents from county should hear proposal, ask questions and give their feedback to the board for consideration in moving forward or not.

Olivia Neter, representative for Liberty Power (subsidiary of Algonquin Power & Utilities Corp), gave presentation outlining Liberty Power's interest in expanding wind farm projects across the United States including Iowa and have identified the potential in Mahaska County for one such project. In Mahaska County both wind and solar are readily available. Target area would be Spring Creek, White Oak, Harrison and Cedar townships. It would be a \$70,000,000 project - up to 300 megawatt with 60-80 turbines. Would need 1500-2000 acres. Company likes to use local labor force and local businesses through the construction process. They are only in the second week of the project, nothing has been done yet. A county ordinance and road use agreements would need to be in place. Any damage to roads etc. would be compensated. Liberty would finance the project. No eminent domain is used. Newer turbines are recyclable in comparison to earlier models that have just gone to scrap yards. She noted that if approved the company wants to work with the communities as they expect the project to sustain up to 50 years or more.

Attendees shared concerns and questions and thanked the board for holding the meeting to give opportunity to hear at an early phase before there is any commitment from the county to Liberty.

Public Comments: None

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

Attest: _____
Susan L. Brown
Mahaska County Deputy Auditor

Mark Groenendyk
Mahaska County Board of Supervisors

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June 20, 2022

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 – Mark Groenendyk; Vice chairman – Steve Wanders and Member – Chuck Webb. Also present were Barb Krusemark; Pam Alexander; Andrew Alexander; Joe Lancello, KBOE; Jamey Robinson EMA Director; Tom Flaherty, Economic Development Director; Darin Hite, IT Director; and Jody Van Patten, Mahaska County Deputy Auditor. This meeting was filmed by Communications Research Institute of William Penn University. The meeting was opened with a moment of silence.

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

Public Comments: None

It was moved by Wanders seconded by Webb to approve the minutes from June 6, 10 & 14 meetings with correction to the June 6, 2022 meeting minutes. All present voted aye. Motion carried.

It was moved by Webb seconded by Wanders to approve the following language change in the Mahaska County Employee Handbook on page 16 under Vacation heading. Remove: "Full-time employees shall accrue and may use vacation leave and personal days' credit, on a prorated basis from start date." And "Thereafter, they are paid if not used, accrued to the terminate date." All present voted aye. Motion carried.

It was moved by Groenendyk seconded by Webb to approve Memorandum of Understanding between Mahaska County and the Mahaska County 911 Board which spells out 911 Board will reimburse county for purchase of radio equipment over an 18-year payment schedule. All present voted aye. Motion carried.

Board discussed Senate File 2285 recently signed into law by governor changing the residence requirements for supervisors appointed to city Planning & Zoning Commissions and Boards of Adjustment. This affects appointments to the current Pella Planning & Zoning Commission and Pella Board of Adjustment.

It was moved by Webb seconded by Wanders to approve and authorize for signature a statement from this board regarding their stance on proposed CO2 pipeline project by Navigator Heartland Greenway. All present voted aye. Motion carried.

It was moved by Wanders seconded by Webb to ratify agreed upon Secondary Road union contract effective July 1, 2022, through June 30, 2024. All present voted aye. Motion carried.

June 29, 2022

The Mahaska County Board of Supervisors met in special session on the above date at 9:30 a.m. in the third-floor conference room of the Mahaska County courthouse. Present were the following board members: Chairman – Mark Groenendyk; Vice chairman – Steve Wanders and Member – Chuck Webb, by telephone. Also present were Nick Ryan; Nathan Vande Voort; Andrew Ritland; Tom Flaherty, Darin Hite, Richard Vande Voort; Dave Prine; Bert Bandstra; Jeff DeRooi; John Bandstra; Harold Fynaardt; Jack Rempe; Tim Van Maanen Amal Eltahir; Connie Van Polen; and Susan Brown, Mahaska County Auditor. Kyle Ocher, Ken Allsup attend by telephone. The meeting was opened with a moment of silence.

It was moved by Groenendyk seconded by Webb to approve agenda for today's meeting omitting committee reports. All present voted aye. Motion carried.

Public Comments: Nick Ryan has supported no eminent domain throughout the last 9 years and is proud to be a Mahaska County resident thanking the board for their hard work.

Chairman Groenendyk read Resolution #2022-20. It was moved by Wanders seconded by Webb to approve the following resolution. All present voted aye. Motion carried.

Resolution #2022-20

A RESOLUTION TO 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 on June 19, 2017 the Board passed Resolution No. 2017-12 to amend, terminate, and withdraw from the aforementioned 28E agreement, and

WHEREAS, subsequent to that resolution Mahaska County has been in litigation with the cities of Pella and Oskaloosa over the legality of the 28E agreement, and

WHEREAS, the Iowa Supreme Court held in *Landowners v. S. Cent. Reg'l Airport Agency*, No. 20-1323, 2022 WL 2277119 (Iowa June 24, 2022) the 28E agreement violates the Iowa Constitution because it “unlawfully binds the County's board of supervisors to the decisions of an earlier-elected board regarding the exercise of governmental functions” and that the agreement “unlawfully restricts the County from terminating its delegation of powers to the SCRAA”, and

WHEREAS, the Iowa Supreme Court has “declare[d] that Article XI of the 28E Agreement is invalid and sever it from the remainder of the Agreement. Mahaska County may, consistent with this opinion, choose to withdraw from the 28E Agreement by a valid vote of its board of supervisors.”, and

WHEREAS, the Board’s desire to withdraw from the 28E agreement with the cities of Pella and Oskaloosa has remained unchanged in the intervening five years since Resolution No. 2017-12, NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mahaska County, Iowa as follows:

The Board reaffirms that Mahaska County withdraws from the 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 stipulations contained therein as stated in Mahaska County Board of Supervisors Resolution No. 2012-03-03 and terminates any and all obligations and responsibilities as contained in that agreement.

This resolution shall become effective upon passage.

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 29th day of June, 2022.

Public Comments: Tim Van Maanen commented on the supreme court decision finding the 28E agreement illegal. County residents have stayed in the fight. Airport was voted down in Oskaloosa and then this 28E was created. Feels it was done illegally to circumvent the vote. This result wouldn’t have happened without the three supervisors. Wants residents to know how important to have Supervisors that want clear and open legal process. This has protected residents and saved millions in future for taxpayers. Chuck Webb gave thanks to all that believed in the mission. John Bandstra thanked the board and stepped down now from his appointment on the SCRAA board. Board thanked him for his service. Supervisor Groenendyk commented that the money spent on the legal suit has been a problem for the county. This suit was filed by the cities against the county. The decision from the Supreme Court verifies that people have a right to have a voice in how their government is run.

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

Attest: _____
Susan L. Brown
Mahaksa County Auditor

Mark Groenendyk
Mahaska County Board of Supervisors

MONTH-END EXPENSES JUNE 2022

FUND	DESCRIPTION	Claims	Claims	Claims	Hand Typed	Voided Warrants	Quarterly Transfers	Fund Total
01000	General Basic	177,696.87	105,005.86		897.00	475.80		283,123.93
01009	Local Law Enforcement Grant							-
01010	Courthouse Security		58.34					58.34
01011	Capital Improvement							-
01012	American Rescue Plan		15271.00					15,271.00
02000	General Supplemental	59,817.45	17300.67					77,118.12
02011	Capital Improvement							-
06000	Pioneer Cemetery	3405.00						3,405.00
07000	Revolving Loan							-
08000	Crime Prevention							-
09000	Maintenance/Repair Law Center	2,554.77	1,686.07					4,240.84
09001	Maintenance/County & City							-
10000	MH/MR/DD Services			390612.43			522078.75	390,612.43
11000	Rural Services Basic	88074.27	17,334.76					627,487.78
11011	Capital Improvement							-
12000	Recorders Records Management							-
13000	Sheriff's Office Forfeiture							-
13001	Attorney Forfeiture Fund							-
15000	Environmental Learning Center			1146590.00				1,151,890.00
16000	Capital Project-Radio System	5,300.00						-
17000	Cedar Township Fire Station							-
20000	Secondary Road	271,989.75	93,258.83					365,248.58
20001	Secondary Road Bond	297,546.83	52,633.95					350,180.78
22000	Public Safety E911		949.53					949.53
23000	E911 Surcharge	12,750.00	251,175.62					263,925.62
27000	REAP		109,000.00					109,000.00
28000	Electronic Trans fund Recorder							-
29000	LEC Improvement Fund							-
30000	Local Option Sales Tax							-
31003	NW Urban Renewal Area-Tif	50,922.79						50,922.79
31004	Prairie Wind Urban Renewal							-
35000	Local Option Sales Tax							-
37000	Lost 20% Conservation							-
40000	Debt Service							-
41000	Debt Service/Local Option Sales Tax							-
60000	Emergency Management	2600.48						2,600.48
65000	Stephens Memorial Animal Shelter							-
66000	Partial Payment/Advance Payment							-
68000	Co. Cons Land Acquisition Trust		75,217.64					75,217.64
68001	Co. Cons. Camping Reserve Fund	38.96	23785.07					23,824.03
69000	Co. Assessor Agency	3,225.77	745.77					3,971.54
70000	Unclaimed Property							-
77000	Bankruptcy Fund							-
80000	Special Appraiser							-
	Sub-Total	975922.94	763423.11	0.00	1538099.43	475.80	522078.75	-
	Totals	975922.94	763423.11	0.00	1538099.43	475.80	522078.75	3799048.43