

February 18, 2003

The Mahaska County Board of Supervisors met on the above date at 9:00 in the third floor conference room of the Mahaska County courthouse. Present were the following board members: Henry W. VanWeelden, Lawrence Rouw, and Greg Gordy.

Also present were the following: Marie Ware, Mahaska County Recreation Foundation; Carl Moyer, Eddyville Raceway; Randy DeGeest, Oskaloosa City Attorney; Carolyn McGaughey, Superintendent Oskaloosa Community School District; Don Sandor, Oskaloosa City Manager; Lori Faybik, Ottumwa Courier; Jay Christensen, Mahaska County Health Partnership; Calvin Rozenboom; Jerry Nusbaum, County Engineer; Calvin Bandstra; Duane and Stephanie Vos; Kay Swanson, County Auditor

Chairman Gordy opened the meeting with a moment of silence.

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

It was moved by VanWeelden seconded by Rouw to approve the minutes from February 3, 2003. All present voted aye. Motion carried.

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

**Mahaska County Board of Supervisors
Resolution
February 18, 2003**

Be it resolved that the Mahaska County Board of Supervisors authorizes Mahaska County Hospital d/b/a Mahaska Health Partnership to levy a \$.20 per 1,000 valuation assessment to subsidize the ambulance service for the fiscal year July 1, 2003 – June 30, 2004. This levy represents a decrease of \$.04 per 1,000 from the previous fiscal year, and it is part of an informal agreement to eliminate the levy, if possible, over a reasonable period of time.

It is understood by the Mahaska County Hospital d/b/a Mahaska Health Partnership that the levy represents an annual request to the board of supervisors, and there is no guarantee that the levy will be granted in any fiscal year.

The ambulance levy funds may only be used to supplement the following:

1. Operating deficits in ambulance operations. These deficits may be due to continued funding shortfalls by the Medicare and Medicaid programs, increasing costs of personnel, or other increased operating costs.
2. Overhead related to ambulance operations, which may include the depreciation on the ambulance garage (new in 2002), billing and administrative costs, education, insurance, etc.

3. The cost of new or replacement equipment for the ambulance service, including ambulance vehicles and other equipment necessary for the provision of emergency medical services.

Approved this 18th day of February, 2003.

s/Greg Gordy, Chair

s/Lawrence Rouw, Supervisor

s/Henry W. VanWeelden, Supervisor

The engineer has provided space at the County Shop property for the Sheriff's Posse to store part of their equipment (namely rescue boat and trailer).

It was moved by VanWeelden seconded by Rouw to approve the renewal application for the off-premise liquor, wine or beer permit for Peppertree, 2274 Highway 63 North, Oskaloosa. All present voted aye. Motion carried.

The policy for GASB was tabled until the board can study this item.

Supervisor Committee Reports:

VanWeelden: Had been to Barnes City and discussed Sewer projects with DNR.

Had been at Chamber Meeting- discussed Driver's Licenses being issued on Saturday s.

Rouw: MCARD committee a business is locating in the old Ideal Building on South 7th Team Mahaska met and nothing new to report:

It was moved by VanWeelden seconded by Rouw to approve the Veteran's Affairs January 2003 report. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the request from Marie Ware of the Mahaska County Recreation Foundation to contribute \$10,000.00 over a three year period upon approval of the Community Attractions and Tourism Grant through Vision Iowa. All present voted aye. Motion carried.

It was moved by Rouw seconded by VanWeelden to approve the recommendation of the engineer to approve the Vanderwilt Subdivision Plat a subdivision of parts of SE ¼ SE ¼ and part of the SW ¼ SE ¼ and SE ¼ SW ¼ all in Section 11, Township 75 North, Range 16 and part of NE ¼ Section 14, Township 75 North, Range 16 subject to the approval of the City of Oskaloosa. All present voted aye. Motion carried.

It was moved by VanWeelden seconded by Rouw to approve the following memorandum of agreement. All present voted aye. Motion carried.

MEMORANDUM OF AGREEMENT

This Agreement, entered into by and between Mahaska County, Iowa, a Municipal Corporation, hereinafter referred to as "County", and Carl Moyer, owner of the Eddyville Raceway Park located in Mahaska County, Iowa, hereinafter referred to as "Carl Moyer", on this 18th day of February, 2003.

Carl Moyer is requesting that the County pave a roadway between Highway 163 and the Eddyville Raceway Park and the County has agreed to complete the said project on the following terms and conditions:

1. The County expects to receive a loan from the Iowa Department of Transportation to pay for the said project with the loan being interest free and to be repaid in three equal yearly installments. The project is contingent upon receipt of those funds.
2. The pavement shall be not less than twenty-four (24) feet in width and shall otherwise meet or exceed minimum state standards for concrete pavement.
3. The pavement shall be completed on or before November 15, 2003.
4. Carl Moyer and any successor in interest agrees to pay to the County the sum of Sixty Thousand Dollars (\$60,000.00) as his share of the cost of the project. Carl Moyer's portion shall be paid in three equal installments as follows: Twenty Thousand Dollars (\$20,000.00) on or before December 31, 2003; Twenty Thousand Dollars (\$20,000.00) on or before December 31, 2004; and Twenty Thousand Dollars (\$20,000.00) on or before December 31, 2005. There will be no interest on these payments unless there is a default in payment. In this event interest shall accrue at the rate of nine (9) per cent per annum from the date of the default.
5. Carl Moyer and any successor in interest agrees to construct and complete a new staging/entryway leading from the new pavement into the raceway park in accordance with plans previously provided to the County. The estimated cost of that project is Two Hundred Thousand Dollars (\$200,000.00).
6. Carl Moyer and any successor in interest agrees that he will operate said raceway for a full regular race season each year through December 31, 2008 in order that Mahaska County and the surrounding area may receive the economic benefits of the facility for a minimum of five years in exchange for the expense to the County.
7. In the event Carl Moyer or any successor in interest fails to comply with item 6 of this agreement, he shall be personally liable for the total expense of the paving of the roadway and shall reimburse Mahaska County for all expenses

in relation to the project within 90 days of receipt of a Notice of Breach of the Agreement and a Statement of Amount Due the County.

Executed this 18th day of Feb. 2003.

s/ Greg Gordy
GREG GORDY
Chairman, Mahaska County Board of Supervisors

WITNESSETH: s/Kay Swanson
KAY SWANSON
Mahaska County Auditor

s/ Carl Moyer
CARL MOYER

Duane and Stephanie Vos discussed the plat of their property located in the NW ¼ of Section 16, Township 76 North, Range 17 West. The board had questions about the 40' roadway and the Vos's will put additional wording on the plat before it is filed for record.

It was moved by Rouw seconded by VanWeelden to approve the request from the City of Oskaloosa to assist with the Oskaloosa Cleanup Days. The days will be April 7, 8, 9 and 10th of 2003. The County will provide on loader and one truck with operator. All present voted aye. Motion carried.

The matter of the plat for Cyphers addition a sub-division of part of Lot 3 of Garner's Addition in the SE ¼ of Section 13 Township 75, Range 15 West was tabled until later date.

Calvin Rozenboom discussed the Master Matrix Plan with the board. It was moved by Rouw seconded by VanWeelden to approve the following Resolution. All present voted aye. Motion carried.

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 455B.200E, passed by the Iowa Legislature in 2002, sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between March 1, 2003 and January 31, 2004 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix as provided in section 455B.200F, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MAHASKA COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 455B.200E.

s/ Greg Gordy
Chair, Board of Supervisors

February 18, 2003

ATTEST:

s/Kay Swanson
County Auditor
February 18, 2003

Michelle Moore from the Mahaska County Agricultural and Rural Development submitted a written report which was placed in the file.

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

Chairman, Mahaska County Board
of Supervisors

ATTEST: _____
Mahaska County Auditor