

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

