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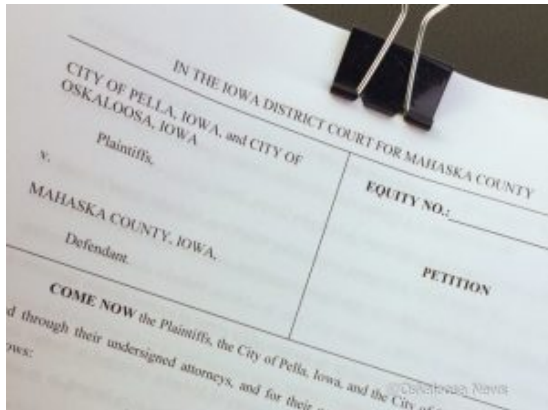
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Airport Dispute Heading To District Court



Legal documents were filed in Mahaska County District Court by Pella and Oskaloosa to force Mahaska County to once again participate in the 28E agreement for a regional airport.

Oskaloosa, Iowa – The Cities of Pella and Oskaloosa have filed a 94-page document with the Mahaska County District Court to make Mahaska County once again participate in the 28E agreement for a regional airport.

The document outlines how Pella, Oskaloosa, and Mahaska County entered into an agreement pursuant to Iowa Code Chapter 28E related to the joint acquisition, construction, equipping, use, expansion, and operation of a regional airport facility. A copy of the agreement was included in the court documents.

“At the core, the purpose of the Agreement was to replace the existing Oskaloosa and Pella Municipal Airports with one airport capable of meeting the aviation needs of businesses and industry in the region. In addition, the shared airport would allow the parties to achieve economies of scale by operating a shared airport,” the document states.

“Pursuant to the Agreement, among other obligations, Mahaska agreed to work in good faith and utilize best efforts to expedite the acquisition, construction, equipping and use of the proposed airport. In addition, Mahaska also agreed to perform specific actions, if necessary, including the exercise of the power of eminent domain if requested by the South Central Regional Airport Agency,” the document continued.

“As a result of the acts and omissions of Mahaska, described in further detail herein, Pella and Oskaloosa have been harmed, and will continue to be harmed, in an amount that exceeds the minimum jurisdictional requirements of this Court,” the document says.

The first count of the court filing requests for declaratory judgment regarding the validity of the agreement. It states that the Agreement was validly executed in accordance with Iowa law, including Iowa Code Chapter 28E.

The plaintiffs (Pella and Oskaloosa) state that “Mahaska does not have the power or authority to unilaterally amend or terminate the Agreement and that any such modification requires approval of all of the parties to the Agreement.”

Count two of the document outlines a breach of contract, saying that “Pella, Oskaloosa, and Mahaska were legally capable of contracting for the joint acquisition, construction, and operation of a regional airport facility have done so pursuant to Iowa law.

“Mahaska has breached the Agreement by wrongfully and in bad faith attempting to unilaterally amend or terminate the Agreement, and/or by repudiating its obligations therein. This is particularly evidenced by Mahaska’s prior admissions that the agreement is binding and requires unanimous consent to modify or terminate it.”

“Wherefore, Plaintiffs respectfully requests that this Court enter judgment against the Defendant, Mahaska County, Iowa, and to require it to perform its obligations as stated in the Agreement, to award common law attorneys’ fees, and such other relief and remedies as may be just and equitable under the circumstances.”

Oskaloosa City Manager Michael Schrock had no comment on the litigation based on advice from the city’s attorney.

Mahaska County Supervisor Mark Doland stated, “I remain convinced that the airport project will harm Mahaska County Residents. The petition to force Mahaska County to comply with an agreement that we have willingly separated ourselves from is like forcing someone who wants out of a bad relationship to want you. When you have to use the courts to force your way onto a disinterested party, we become a society of bullies. The county isn’t going to be bullied anymore. We will use every tool at our disposal to resist the small minority of people who want to inflict harm onto our citizens. Enough is enough.”

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Laura Whitten · Oskaloosa, Iowa

Finally, a person who gets what is going on here. Thank you Mark Doland for seeing the big picture!

Like · Reply · 3 · Aug 26, 2017 11:15am



Chris Playle · TLE Service Technician at Walmart

Good job Mark. Well said

Like · Reply · 1 · Aug 26, 2017 12:07pm



Cleo Dunkin · Works at Vermeer Corporation

Good job stand up to all these rich guys, Its time someone did just what you are doing now.

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Keith Groenendyk

Shame on you pella and oskallosa and thank you mark. Keep up the good work

Like · Reply · 3 · Aug 26, 2017 7:08pm



Bob Curry Sr. · East Greene

Although I'm not a directly interested party, I'm glad to see an elected official do as his people think that he should do. Mark, you are to be commended for doing the right thing.

Like · Reply · Aug 27, 2017 7:23am

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