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Fire Protection 28E between City of Winterset and Lee Township, Madison County Iowa

Type of Document

Preparer Information: Andrew Barden, 124 W Court Ave, Winterset, IA, 50273, 515-462-1422

Municipal Information: City of Winterset 124 W Court Ave, Winterset, IA, 50273, 515-462-1422

Township Information: Lee Township 2974 120th St Van Meter, IA 50261

Return Document to: Andrew Barden, City of Winterset, 124 W Court Ave, Winterset, IA, 50273, 515-462-1422

AGREEMENT FOR FIRE PROTECTION SERVICES

Between the

City of Winterset, Iowa

And

Lee Township, Madison County, Iowa

1. **Public Entities:** This agreement and contract shall be between the City of Winterset, Iowa ("the City") and Lee Township ("the Township").
2. **No Separate Legal Entity or Property Disposition:** No separate legal entity is created by this agreement and no personal property shall be acquired by the Township or the City. The City will own, maintain, house and staff the fire protection and other emergency equipment used under this Agreement.
3. **Area of Service:** The areas to be afforded fire suppression and emergency response services, as provided by this agreement is an unincorporated portion of the Township as more specifically shown in the map attached hereto and incorporated by reference herein as "Attachment A."
4. **Equipment:** The City will provide, maintain, house, and man the fire protection equipment under this agreement.
5. **Taxes:** The Trustees of the Lee Township will levy enough taxes within the tax rate limitations prescribed by Iowa State Law to pay for the township's share of fire equipment, maintenance, re-placement, and other necessary expenditures to provide fire protection.
6. **Payment:** Lee Township will pay\$_____ of the total cost for fire protection as its share for the fiscal year of 7/1/2023, subject to annual revision in accordance with the budget procedures sought out hereafter.

7. **Service Calls:** Any person residing within the boundaries of the area of services as shown in Attachment A may call for fire protection and that there shall be no charge for the fire call. Fire protection should be defined as the dispatch of one fire truck and the persons necessary to operate said truck, and the equipment thereon, and that additional equipment shall be provided only as deemed necessary or possible without endangering property within the city limits of Winterset, Iowa, and as permitted by the rules of Iowa Insurance Services Office.
8. **Budget:** The Chief of the Fire Department of the City of Winterset ("Fire Department") shall prepare a proposed budget for fire protection and submit it to the Council of the City of Winterset on or before November 1 of the year before

the budget year for which the budget is to apply. Said budget shall include the proposed percentage shares of the City and the Township. The Council shall approve with or without amendment the proposed budget and percentage shares, and the approved budget shall be immediately transmitted to the Clerk of Lee Township. The Trustees of the Township may either accept the budget, or consult with the Council at its first budget meeting in December in order to work out an acceptable percentage and budget.

9. **Payment Dates and Records:** The Township will transmit to the City Clerk of Winterset that portion of all monies collected under the fire protection tax prorated to represent service area as opposed to the whole of the Township, during the first half of the fiscal year not later than December 15 immediately following and all such monies collected in the last six (6) months of the fiscal year not later than June 25 in that same period. Records of the City Clerk of Winterset shall be opened for inspection at all times.
10. **Prorated Shares:** If now or in the future, the Fire Department will be used for fire protection in other townships, said townships will pay for their prorated share, based upon section of land covered, of fire equipment, maintenance, replacement, and other necessary expenditures to provide fire protection. It is further agreed that the city fire equipment may be used in connection with any mutual aid agreement made with any other municipality in the area for assistance in the event of an extraordinary emergency.
11. **Term and Duration:** This agreement shall be in effect upon signing subject to approval by the Township Board of Trustees and the City Council for the year ending June 30, 2024, and will be renewed automatically for periods of one (1) year unless terminated or amended by the parties by resolutions of the City Council and Township Trustees made prior to January 20th next proceeding the above date or any subsequent January 20th thereafter.

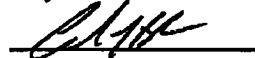
12. **Filing:** The City Clerk shall cause this agreement to be recorded in the office of the County Recorder and filed with the Secretary of State upon approval and signatures.

Approved by City Council of the City of

Winterset, Iowa on 7/17/ 2023



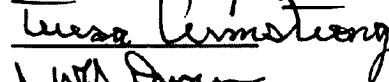
Mayor




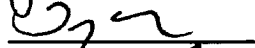
Clerk

Approved by the Board of Trustees of

Lee Township on 8/24 2023.





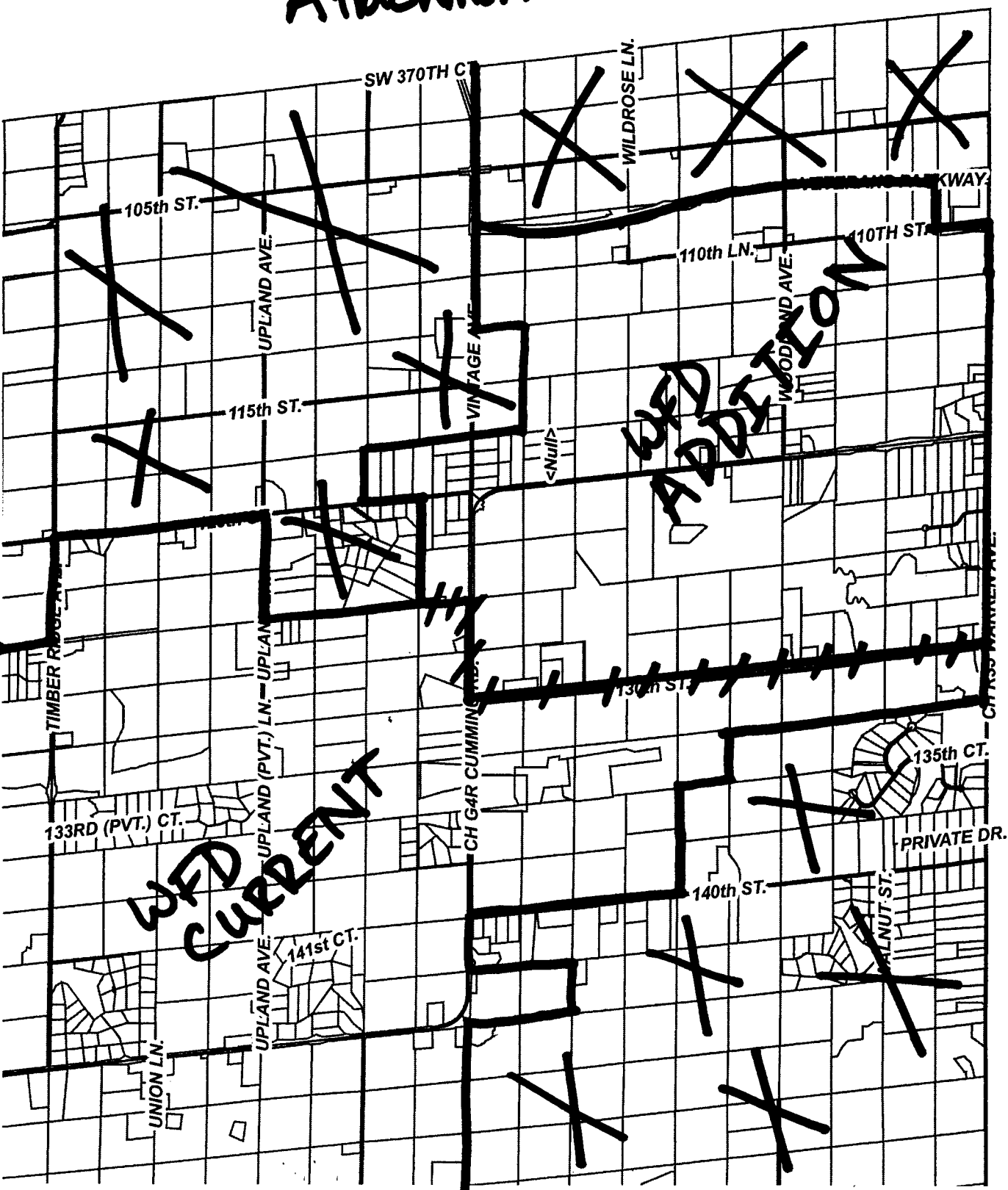


Clerk





"Attachment A"



RESOLUTION NO. 2023-31

RESOLUTION APPROVING THE 28E WITH
WINTERSSET FIRE DEPARTMENT AND LEE TOWNSHIP

WHEREAS, Lee township approached the City of Winterset Fire Department and City Administration in February of 2023 and;

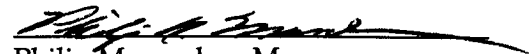
WHEREAS, the current fire protection for a portion of the township was served by Norwalk Fire Department and that agreement was ending on July 1st, 2023; and,

WHEREAS, the request by Lee Township to provide fire protection for the area south of Veteran's Parkway and Van Meter would cover the area to the north was agreed upon.

WHEREAS, the Madison County Attorney drafted the 28E to be filed with the Secretary of State and active upon acceptance.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Winterset, Iowa agree to the terms set forth in the 28E for fire protection in Lee Township, Madison County, Iowa.

Passed and approved this 17th day of July 2023.


Philip Macumber, Mayor

ATTEST:



Andrew Barden, City Administrator