

**BOARD PROCEEDINGS**  
**July 24, 2012**  
**REGULAR JULY SESSION**

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Eugene Elsbecker, Jack Plathe and Pam Wymore.

Public Discussion was held.

Motion by Besch and 2<sup>nd</sup> by Wymore to approve the agenda and the minutes from the previous meeting. Motion carried.

The Board acknowledged the following transfers made by Kossuth County Auditor. Transfer from the Transfer Station Fund to the Post Closure Fund on July 12, 2012 in the amount of \$27889.50, from the Special Appraisal Fund to the Assessor Fund in the amount of \$146,341 and on July 23, 2012 from the Special Appraisal Fund to the Assessor Fund in the amount of \$264,300.14.

The Board acknowledged the Safety Committee Meeting Minutes from the month of July.

Motion by Besch and 2<sup>nd</sup> by Plathe to approve the liquor license for St. Joseph Catholic Church. Motion carried.

Motion by Wymore and 2<sup>nd</sup> by Elsbecker to approve the applications for exemption from buffer strip ban in drainage district facilities on file in the Kossuth County Auditor's Office. Motion carried.

Motion by Elsbecker and 2<sup>nd</sup> by Plathe to approve Resolution #07-24-12-01 which authorizes the appointment of Township Trustees and Clerks in lieu of General Election. Motion carried.

**RESOLUTION**  
**# 07-24-12-01**

RESOLUTION AUTHORIZING APPOINTMENT OF TOWNSHIP TRUSTEES AND CLERKS IN LIEU OF GENERAL ELECTION

WHEREAS, Iowa Code Chapter 39.22 permits individual township trustees and clerks to be appointed by the Board of Supervisors after the selection process has been approved at the next General Election by each township; and,

WHEREFORE, the following townships of Buffalo, Cresco, Eagle, Fenton, Grant, Greenwood, Harrison, Hebron, Lincoln, Lotts Creek, Plum Creek, Portland, Ramsey and Riverdale approved the appointment process at the General Election on November 7, 2006; and

WHEREFORE, the following townships of Garfield, Irvington, Ledyard, LuVerne, Union and Wesley approved the appointment process at the General Election on November 4, 2008; and

WHEREFORE, Kossuth County Board of Supervisors resolves the process for selection for township trustees and township clerks shall be by appointment from the Board of Supervisors of the now tenured and presently serving township trustees and clerks in lieu of general election; and

WHEREFORE, this appointment method for selection of trustees and clerks shall be submitted for approval by a vote in the following townships: Burt, German, Prairie, Seneca, Sherman, Springfield, Swea and Whittemore on November 6, 2012.

\_\_\_\_\_  
Don McGregor, Chairman  
Kossuth County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Amber Garman  
Kossuth County Auditor

Motion by Besch and 2<sup>nd</sup> by Elsbecker to approve Resolution #07-24-12-02 which is requesting an Election for Local Sales and Services Tax and establishing proposed use of Local Sales and Services Tax Revenues. Motion carried.

**RESOLUTION NO. 07-24-12-02**

RESOLUTION REQUESTING ELECTION FOR LOCAL SALES AND SERVICES TAX AND ESTABLISHING PROPOSED USE OF LOCAL SALES AND SERVICES TAX REVENUES

WHEREAS, the UNINCORPORATED areas of Kossuth County, Iowa, have a local sales and services tax, also known as the local option sales tax, which is currently in effect until September 30, 2014; and

WHEREAS, the Kossuth County Board of Supervisors has determined that it would be in the best interest of Kossuth County, Iowa, to hold an election for the continuation of the one percent (1%) local sales and services tax which would begin on October 1, 2014; and

WHEREAS, the Kossuth County Board of Supervisors is of the opinion that the election for the continuation of the local sales and services tax should occur on the same date as the next general election which would be the first Tuesday in November of 2012; and

WHEREAS, the Kossuth County Board of Supervisors has further determined the county's intended use for the revenue if the electors vote to impose the local sales and services tax; and

WHEREAS, the Kossuth County Board of Supervisors requests that the Kossuth County Commissioner of Elections submit the question of the imposition of a local sales and services tax to the registered voters of Kossuth County, Iowa, at the same time that the general election is held on the first Tuesday in November, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Kossuth County Board of Supervisors as follows:

1. That the Kossuth County Commissioner of Elections submit the question of the imposition of a local sales and services tax to the registered voters of Kossuth County, Iowa, at the same time that the general election is held on the first Tuesday in November, 2012.
2. That the ballot for said election include the following language:

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Summary: To authorize imposition of a local sales and services tax in the UNINCORPORATED areas of Kossuth County, Iowa, at the rate of one percent (1%) to be effective on October 1, 2014, until September 30, 2019.

A local sales and services tax shall be imposed in the UNINCORPORATED areas of Kossuth County, Iowa, at the rate of one percent (1%) to be effective on October 1, 2014, until September 30, 2019.

Revenues from the sales and services tax are to be allocated in the UNINCORPORATED areas of Kossuth County, Iowa, as follows:

- 1.) Twenty percent (20%) for property tax relief; and
- 2.) Remainder for any lawful purpose in the rural basic fund.

It was on motion by Supervisor \_\_\_\_\_, and seconded by Supervisor \_\_\_\_\_, that the foregoing Resolution be adopted as read. Motion carried. Vote thereon resulting as follows: Ayes: \_\_\_\_\_ Supervisors: \_\_\_\_\_; Nays: \_\_\_\_\_ Supervisors \_\_\_\_\_. Resolution declared adopted this \_\_\_\_\_ day of July, 2012.

PASSED, ADOPTED, AND APPROVED this \_\_\_\_ day of July, 2012.

Kossuth County Board of Supervisors

By: \_\_\_\_\_  
Don McGregor, Chairperson

Attest:

\_\_\_\_\_  
Amber Garman, Auditor

Motion by Wymore and 2<sup>nd</sup> by Elsbecker to adopt Resolution #07-24-12-03 which sets the date and time for a public hearing on the designation of the Kossuth County Buffalo Township Economic Development Urban Renewal Area and on that plan and the project outlined therein. Motion carried.

RESOLUTION NO. 07-24-12-03

Setting date for a public hearing on designation of the Kossuth County Buffalo Township Economic Development Urban Renewal Area and on urban renewal plan and project

WHEREAS, a proposal has been made which shows the desirability of designating certain property located in Kossuth County, Iowa, (the "County") as the Kossuth County Buffalo Township Economic Development Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board of Supervisors under which the property described in Exhibit A would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a proposed urban renewal plan for a project within that proposed designated area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and project;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Kossuth County, Iowa, as follows:

This Board will meet at the Kossuth County Courthouse, Algona, Iowa, on the 28th day of August, 2012, at 10:00 o'clock a.m., at which time and place it will hold a public hearing on the designation of the proposed Kossuth County Buffalo Township Economic Development Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

Notice of the hearing, the same being in the form attached to this resolution, shall be published in a legal newspaper of general circulation in Kossuth County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Pursuant to Section 403.5 of the Code of Iowa, the County Auditor and Joe Myhre of North Iowa Area Council of Governments are hereby designated as the County's representatives in connection with the consultation process which is required under that section of the urban renewal law.

Section 4. The proposed urban renewal plan is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5 of the Code of Iowa.

Passed and approved July 24, 2012.

---

Chairperson, Board of Supervisors

Attest:

---

County Auditor

Motion by Plathe and 2<sup>nd</sup> by Elsbecker to adopt Resolution #07-24-12-04 which sets a date and time for the public hearing on a development agreement and tax increment payments with Gold Eagle Cooperative and the City of Titonka in connection with the establishment of a grain handling facility near the City. Motion carried 4 to 1 Besch: NO

RESOLUTION NO. 07-24-12-04

To fix a date of meeting at which it is proposed to approve a Development Agreement with Gold Eagle Cooperative and the City of Titonka, including tax increment rebate payments

WHEREAS, Kossuth County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has begun a process that will allow the County Board of Supervisors to adopt an Urban Renewal Plan for the Kossuth County Buffalo Township Economic Development Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board will adopt an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the County proposes to enter into an agreement (the "Development Agreement") with Gold Eagle Cooperative (the "Company") and the City of Titonka (the "City") with respect to the construction by the Company of a grain handling facility in the County; and

WHEREAS, the Development Agreement would provide property tax incentives to the Company and the City in the form of incremental property tax payments in an amount not to exceed \$862,500, under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

NOW THEREFORE, IT IS RESOLVED by the Board of Supervisors of Kossuth County, Iowa, as follows:

Section 1. This Board shall meet on the 28th day of August, 2012, at 10:10 o'clock a.m., at the Kossuth County Courthouse, Algona, Iowa, at which time and place a public hearing will be held and action will be taken to approve the Development Agreement and to authorize the incremental property tax payments.

Section 2. Notice of the proposed action, the time when and place where the meeting will be held, shall be published, at least once not less than four days and not more than twenty



days before the meeting, in a legal newspaper of general circulation in the County. Said notice shall be in substantially the following form:

NOTICE OF MEETING FOR PUBLIC HEARING ON DEVELOPMENT AGREEMENT WITH GOLD EAGLE COOPERATIVE AND CITY OF TITONKA AND AUTHORIZATION OF TAX INCREMENT PAYMENTS

The Board of Supervisors of Kossuth County, Iowa, will meet at the Kossuth County Courthouse, Algona, Iowa, on the 28th day of August, 2012, at 10:10 o'clock a.m., at which time and place a public hearing will be held and action taken to approve a Development Agreement among the County, Gold Eagle Cooperative and the City of Titonka, with respect to the construction by the Cooperative of a grain handling facility in the County, which provides for certain property tax incentives in the form of property tax payments in a total amount not exceeding \$862,500, as authorized by Section 403.9 of the Code of Iowa.

The Agreement to make incremental property tax payments will not be a general obligation of the County, but will be payable solely and only from incremental property tax revenues generated within the Kossuth County Buffalo Township Economic Development Urban Renewal Area.

At the meeting, the Board will receive oral or written objections from any resident or property owner of the County. Thereafter, the Board may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the Board of Supervisors of Kossuth County, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Amber Garman  
County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved July 24, 2012.

---

Chairperson

Attest:

---

County Auditor

Bryan Whaley was present to introduce himself as the new Regional Extension Director.

Scott Curtis was unable to attend the monthly discussion with the Board but did give the packets to the Board for the review. This was followed by Drainage.

Motion by Elsbecker and 2<sup>nd</sup> by Wymore to award the contract for the following project let on July 17, 2012: MSC-1-12 thru MSC-3-12 and further to approve and authorize the chair of the Board of Supervisors to sign contracts and bonds when the appropriate contract documents are returned to the Kossuth County Engineer. Motion carried 4 to 1 Besch: NO

Motion by McGregor and 2<sup>nd</sup> by Wymore that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Steve Schultz, Whittemore, IA, to install new 18" diameter drain tile under 40<sup>th</sup> Avenue. Work will involve cutting an 18" tile under 40<sup>th</sup> Avenue, approximately 200 feet south of the intersection of 250<sup>th</sup> Street and 40<sup>th</sup> Avenue between Section 21 and Section 22 of Lotts Creek Township. Permit number 07-25-2012 is on file in the Kossuth County Engineer's Office. Motion carried.

Discussion with Kossuth County Engineer was followed by Discussion with Kossuth County Auditor and Board discussion and committee reports.

On motion adjournment was taken until August 1 , 2012.

Attest:

---

Amber Garman  
Kossuth County Auditor

---

Don McGregor, Chairman  
Kossuth County Board of Supervisors