

BOARD PROCEEDINGS
April 1, 2014
REGULAR APRIL SESSION

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

Public Discussion was held.

Motion by Wymore and 2nd by Tjarks to approve the agenda, the minutes of the previous meeting dated March 25, 2014, the claims and a handwritten claim payable to Business Card in the amount of \$2176.66. Motion carried.

Algona EMS	Srvs	268.55	1
AMU	Srvs	1667.86	14
Algona Public Lib	Alloc	21912.98	1
AU Life Ins	Ins.	69.60	1
AP Air Inc	Parts	128.00	1
AUS Des Moines MC Lockbox	Srvs	28.00	1
Arnold Motor Supply	Parts	543.39	1
AT & T	Phone	81.54	1
AT & T Teleconf Srvs	Phone	5.39	1
Auditor of State	Srvs	625.00	1
Fidelity Sec Lif Ins	Ins	56.14	1
Banc Public Lib	Alloc	7451.37	1
Barnes Group	Supplies	11.68	1
Best Western Univ	Lodging	123.20	1
BMC Aggregates	Rock	1392.30	1
Bomgaars	Supp	880.05	3
Brandt Auto Repair	Srvs	1021.68	1
Brown's Shoe Fit Co	Supp	278.06	1
Brownells, Inc	Supp	431.95	1
Burt Public Lib	Alloc	6855.30	1
Buscher Bros	Srvs	17.23	1
Carpenter Uniform Co	Supp	483.08	2
Central IA Dist	Supp	86.50	1
Centurylink	Phone	816.44	3
Certified Lab	Supp	310.00	1
Christensen Bros	Cons	77813.79	1
City Dir.	Supp	112.00	1
City of Algona	Exp	9775.92	1
City of Fenton	Utilities	58.00	1
City of Titonka	Utilities	669.01	1
City of Wesley	Utl	40.00	1
City of West Bend	Utl	661.56	1
CCMS	Srvs	335.50	1
CoverTrack Group Inc	Srvs	2210.00	1
Dallas Co Shf	Srvs	56.44	1
Dept of Adminis Srvs	Srvs	124.56	1
K Doughan	Exp	98.56	1
Dump-It Sanit	Srvs	225.00	1
Electronic Specialties	Srvs	29719.77	1
Fenton Public Lib	Alloc	6094.47	1
Force America	Parts	128.85	1
J Gale	Exp	329.32	1
Galls	Supp	328.95	1
D Goede	Tools	289.80	1
Hanson Gas Inc	Srvs	150.00	1
J Harms	Exp	42.51	1
D Heiderscheidt	Exp	7.86	1
Hy-Vee	Supp	74.99	1
I Wireless	Srvs	81.97	1
Ia Emerg Mgmt Assoc	Reg	125.00	1
Identisys	Supp	245.97	1
Interstate All Battery Ctr	Supp	17.65	1
Ia Co Attorney's Assoc	Exp	624.00	2
IOS	Supp	1394.74	6
IA Prison Ind	Signs	1149.20	1

ITsavvy LLC	Supp	36.00	1
Jethrine, Inc.	Supp	175.00	1
Johnston Autostores	Parts	532.21	1
Kinsman Sales & Srvs	Srvs	160.00	1
Kmart Rx	Supp	26.24	1
Kmart	Supp	435.96	1
Kollasch Rep.	Repairs	1352.30	1
KRHC	Srvs	205.00	1
KC Sheriff	Srvs	20.00	1
Lakota Pub Lib	Alloc	6022.59	1
N. Larson	Exp.	134.88	1
Ledyard Pub Lib	Alloc	5648.16	1
Lentz Funeral Home	Serv	675.00	1
Louscher Fam. Dentist	Srvs	150.00	1
Luverne Pub Lib	Alloc	6040.56	1
Martin Marietta Agg	Rock	1563.13	1
Matt Parott & Sons	Supp	48.00	1
MB Auto Clinic	Srvs	37.95	1
McGladrey LLP	Supp	350.00	1
M McGregor	Exp	38.37	1
Mid Am Energy	Srvs	8995.07	2
Midland Power Coop	Utilities	150.00	1
A Miller	Exp	8.43	1
D Miller	Reim	34.75	1
S Nielsen	Exp	268.77	1
J Missman	Exp	11.91	1
NIA Lumber&Design	Exp	254.98	2
NW Comm	Service	663.25	2
D Penton	Exp	121.71	2
Petroblend	Sup	359.50	1
Phil's Auto & Trk Rpr II	Srvs	65.94	1
R Pierson	Exp	139.15	1
Pitney Bowes	Srvs	2404.53	1
J Plathe	Exp	17.92	1
Prairie Ridge	Exp	271.75	1
Recorders Assos	Srvs	200.00	1
C Robinson	Exp.	32.85	1
Rockmount Research/Alloys dba:	Rep	291.24	1
Roethler Elec.	Srvs	71.00	1
Rubber Inc.	Sup	8.95	1
Ruhnke Bros	Srvs	142.84	3
Simplex Grinnell	Srvs	283.12	1
Solutions	Srvs	257.60	1
K Stumme	Exp	100.00	1
Sup Lamp	Supp	1234.01	2
SC Public Library	Alloc	6864.28	1
Water Conn	Srvs	8.41	1
Thilges Auto Body, Inc.	Ser	361.95	1
Zachary Thompson	Reim	8.12	1
Titonka Public Library	Alloc	6684.56	1
US Cellular	Srvs	245.33	1
Verizon Wireless	Phone	336.94	1
J Waltman	Exp	184.80	1
Wesley Public Library	Alloc	6426.96	1
West Bend Pub Library	Alloc	1770.81	1
Western Petroleum Company	Sup	8194.73	1
Whittemore Public Lib	Alloc	6768.43	1
Windstream	Srvs	131.83	1
Winter Equipment Company, Inc.	Sup	2353.01	1
Grand Total		258911.46	

Drainage Claims

Algona Publishing Co.	Drain 12	\$179.56
McClure Engineering	Drain 88	\$388.00
McClure Engineering	Drain 69	\$4,594.59
McClure Engineering	Drain 110	\$4,233.10
McClure Engineering	Drain 12	\$2,466.00
McClure Engineering	Drain 4 Lat 4	\$1,911.00

McClure Engineering	Drain PAK #1	\$1,835.00
McClure Engineering	Drain 4	\$2,126.46
McClure Engineering	Drain 39	\$4,010.14
McClure Engineering	Drain 69 Lat 9	\$1,318.00
Palo Alto Secondary Road	Drain TRI 84 Lat 37S	\$793.34
Palo Alto Secondary Road	Drain TRI 84 Lat 37S	\$898.60
TOTAL		\$24,753.79

Motion by Tjarks and 2nd by Besch to approve the purchase of a scale upgrade for the scale at the Transfer Station from J.A. King of Des Moines. Material cost is \$18,392.00 and labor \$87.00 per hour not to exceed \$7,900.00. Motion carried.

Motion by Wymore and 2nd by Plathe that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Dean Gelhaus, Ledyard, IA, to install a new drain tile across 150th Avenue and replace the existing drain tile across 150th Avenue. The crossing will involve cutting through 150th Avenue and installing a new 12" diameter Class V reinforced concrete pipe and replacing an existing drain tile with reinforced concrete pipe. The crossing is approximately 475 feet north of the intersection of 450th Street and 150th Avenue. Work will be in Sections 5 and 4 of Ledyard Township. Permit number 04-01-2014 is on file in the Kossuth County Engineer's Office. Motion carried.

Discussion with Kossuth County Engineer was held.

**Public Hearing
Amendment to Sub Division Ordinance**

Motion by Wymore and 2nd by Tjarks to open the public hearing on amending the Sub Division Ordinance. Chairman McGregor called for a roll call vote: Besch: yes, Plathe: yes, Tjarks: yes, Wymore: yes, McGregor: yes

Doug Miller explained that there were no written or verbal objections received.

Motion by Plathe and 2nd by Wymore to close the public hearing on amending the Sub Division Ordinance. Chairman McGregor called for a roll call vote: Besch: yes, Plathe: yes, Tjarks: yes, Wymore: yes, McGregor: yes

Motion by Wymore and 2nd by Plathe to approve the first reading of the following amendment to the Kossuth County Zoning Ordinance. Chairman McGregor called for a roll call vote: Besch: yes, Plathe: yes, Tjarks: yes, Wymore: yes, McGregor: yes

Before the Kossuth County Board of Supervisors
Upon Approval of the Kossuth County Planning and Zoning Commission

**AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS AND ORDINANCE
OF KOSSUTH COUNTY IOWA**

Long Title

An Ordinance Amending the Subdivision Regulations (the Regulations) of Kossuth County Iowa to:

1. Conform the Regulations to Iowa Code Chapter 354 with regard to the number of lots, plots, sites, parcels, tracts or other divisions of land requiring formal County Subdivision Approval; and
2. Exempt certain divisions of Land from the formal County Subdivision Approval where such divisions:
 - (a) Are made for the purpose of providing a legal description for new lots, plots, parcels, tracts or other divisions of land and where such lots, plots, parcels, tracts or other divisions of land are not to be improved or developed or submitted to any other change in use, and to also permit conveyances thereof, subject to said improvement, development and use change restrictions; and
 - (b) Are initially submitted to the Zoning Administrator in the form of an Exempt Subdivision Plat

by the Proprietor and/or Owner thereof for the Administrator's confirmation of conformance with the exemption provision, other provisions of the Regulations, Iowa Code Chapter 354 relating to Plats, and the Zoning Ordinance; and

- (c) Are recorded with the Kossuth County Recorder in the form of the Exempt Subdivision Plat as approved by the Zoning Administrator together with a notarized Statement of the Owner and/or Proprietor thereon, or to accompany such Exempt Subdivision Plat, and being made part thereof, as follows:

This Exempt Subdivision Plat is submitted under Section 2 (i) of the Kossuth County Subdivision Regulations. In compliance with the terms thereof, this Exempt Subdivision Plat is made for the purpose of providing a legal description for new lots, plots, parcels, tracts or other division of land and where such lots, plots, parcels, tracts or other divisions of land will not to be improved, developed or submitted to any other change in use, and to also permit the conveyance thereof, subject to said improvement, development and use change restrictions. The Owner and/or Proprietor is bound by the provisions of the Regulations as are all successors in interest. Any improvements, development or changes in use as to any of the individual divisions of land will thus require further hearing and approval by the governing bodies in accordance with the other provisions of the Regulations.

Short Title

An Ordinance to:

1. Change the County Subdivision Regulations so that they become applicable to three or more concurrent or subsequent divisions of land; and
2. Exempt certain non-development and non-improvement Subdivision Plats from the hearing and approval requirements of the Subdivision Regulations with requirements.

Findings

The Kossuth County Board of Supervisors, upon the recommendation of the Kossuth County Planning and Zoning Commission hereby make the following findings:

1. Iowa Code Chapter 354, Platting -Division and Subdivision of Land, provides in pertinent part: A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.
2. The Kossuth County Subdivision Regulations presently provide in pertinent part: Subdivision – The division or resubdivision of a tract or a parcel of land into two (2) or more lots, plots, sites, or other divisions of land
3. The provisions in paragraphs 1 & 2 above are inconsistent and such inconsistency has created confusion in the development of land in Kossuth County as compared to that permitted and generally recognized by other jurisdictions as provided by State Statute.
4. Where appropriate, State and County law should be consistent, and this is an appropriate situation for consistency.
5. Iowa Code Chapter 354.11(1)(d), by implication, allows a governing body the right to waive review of a Subdivision Plat.
6. Divisions and subdivisions of land made for the purpose of creating legal descriptions for real estate where any of such real estate will be not to be improved, developed or submitted to any other change in use, and to also permit the conveyance thereof, subject to the restrictions, should not be subjected to the formal process of County subdivision approval for the reasons that such types of subdivisions do not impose upon the public health, safety, welfare or any other home rule or police power objective. As such, the formal approval process for such types of Subdivisions should be waived.

WHEREFORE, the following Amendments to the Kossuth County Subdivision Regulations and Ordinance are hereby Amended as follows:

1. Section 2 -Definitions is Amended by adding the following new definition: e. Improved(ment), Developed(ment), Change in Use:
 - (i) The process of improving raw land to support construction. The process may include, but is not limited to planning, acquisition of government permits, zoning changes, subdivision, adding, increasing or constructing additional access points to public right-of-way, construction of access roads, installation of utilities, landscaping, and drainage.
 - (ii) Any addition to the natural state of land which is designed or intended to increase its value or utility, including but limited to buildings, structures, street pavements, sidewalks, access points, crosswalks, water mains, sanitary sewers, septic systems, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.
 - (iii) Conversion of raw land into construction ready housing, commercial, or industrial building sites. Land development process involves improvements that have indefinite life, such as draining, dredging, excavating, filling, grading, paving, etc.
 - (iv) A change in use of the land from that existing immediately prior to the filing of the exempt Subdivision Plat to some other use of a differing nature where the new use would also require a change in the zoning classification.
2. Section 2 -Definitions is Amended by adding the following new definition: i. Exempt Subdivision. The division or resubdivision of a tract or a parcel of land into three (3) or more lots, plots, sites, or other divisions of land where such divisions:
 - (i) Are made for the purpose of providing a legal description for new lots, plots, parcels, tracts or other divisions of land and where such lots, plots, parcels, tracts or other divisions of land are not to be improved or developed or submitted to any other change in use, and to also permit conveyances thereof, subject to said improvement, development and use change restrictions; and
 - (ii) Are initially submitted to the Zoning Administrator in the form of an Exempt Subdivision Plat by the Proprietor and/or Owner thereof for the Administrator's confirmation of conformance with the exemption provision, other provisions of the Regulations and Iowa Code Chapter 354 relating to Plats and the Zoning Ordinance; and
 - (iii) The Exempt Subdivision Plat is recorded with the Kossuth County Recorder together with a notarized Statement of the Owner and/or Proprietor thereon, or to accompany such Exempt Subdivision Plat, and being made part thereof, as follows:

This Exempt Subdivision Plat is submitted under Section 2 (i) of the Kossuth County Subdivision Regulations. In compliance with the terms therewith, this Exempt Subdivision Plat is made for the purpose of providing a legal description for new lots, plots, parcels, tracts or other division of land and where such lots, plots, parcels, tracts or other divisions of land will not to be improved, developed or submitted to any other change in use, and to also permit the conveyance thereof, subject to said improvement, development and use change restrictions. The Owner and/or Proprietor is bound by the provisions of the Regulation as are all successors in interest. Any improvements, development or changes in use as to any of the individual divisions of land will thus require further hearing and approval by the governing bodies in accordance with the other provisions of the Regulations.
3. Section 2- Definitions, current paragraph 1. Subdivision is Amended by deleting therefrom the word and number "two (2)" therefrom and replacing those deletions with the word and number "three (3)." Said paragraph will be re-lettered as a result of the additions above.
4. Section 3 - Procedure is Amended by adding the following new paragraph A. A. Exempt Subdivision An exempt subdivision shall not be subject to the provisions of this Section 3.
5. Section 11 is hereby created and added:

SECTION 11 - LEGALIZING PROVISION FOR PRE-EXISTING SUBDIVISION THAT
QUALIFY AS EXEMPT SUBDIVISION

From April 15, 2014 forward, all pre-existing subdivisions that qualify as exempt subdivisions are hereby legalized provided all of the current owners of any lots, plots, parcels, tracts or any other division of land separately owned executes and records a document containing the notarized statement set for in Section 2i(iii).

Motion by Tjarks and 2nd by Besch to Assign the Tax Sale Certificate #2013-13213 to Dustin Forsythe for \$200 and a \$10 assignment fee for a total of \$210 contingent on information received from the City Clerk of Fenton in regards to sanitary sewer hook-up. Motion carried.

Drainage was held.

Motion by Wymore and 2nd by Tjarks to sign the letter of support for NIACOG in support of a grant from the U.S. Department of Commerce, Economic Development Administration under the Economic Adjustment Assistance Grant Program to complete a disaster resiliency plan in the Avenue of Saints Corridor focusing exclusively on analyzing and working collectively with businesses and their supply chains through a unique data driven process. Motion carried.

Discussion with Kossuth County Auditor was held followed by Board Discussion and Committee Reports.

On motion adjournment was taken until April 8, 2014.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors