

BOARD PROCEEDINGS
January 28, 2014
REGULAR JANUARY 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 Plathe and 2nd by Tjarks to approve the agenda and the minutes of the previous meeting dated January 21, 2014. Motion carried.

Val Newhouse and Bob Jennings were present to give the annual report for Iowa Lakes Community College.

The Board of Supervisors acknowledged the Safety Committee Meeting minutes for the month of January 2014.

Motion by Plathe and 2nd by Besch to approve the liquor license for Abate of Iowa, Inc. Motion carried.

Motion by Besch and 2nd by Wymore to approve the quarterly reports for the Kossuth County Auditor, Recorder, Sheriff and Veteran Affairs. Motion carried.

Discussion with Kossuth County Engineer was held followed by Drainage and discussion with John Hyink and Dave Penton in regards to the Community Emergency Response Team.

Bid Letting for Drainage District #69.

The Board of Supervisors had the 2nd reading of Ordinance #631 which is an Ordinance providing for official street names for all public roads in unincorporated areas of Kossuth County, Iowa and providing for an orderly street and address numbering system. This ordinance was published in the Algona Upper Des Moines on Thursday, January 14th, 2014 and in the Bancroft Register and Swea City Herald Press on Wednesday, January 13, 2014. (The first reading was held on January 21, 2014)

Motion by Tjarks and 2nd by Wymore to waive the 3rd and final reading of Ordinance #631 due to the publication on January 14, 2014 in the Algona Upper Des Moines and the publication in the Bancroft Register and Swea City Herald Press on January 13, 2014. Motion carried.

Motion by Besch and 2nd by Wymore to adopt **Ordinance #631** which is an Ordinance providing for official street names for all public roads in unincorporated areas of Kossuth County, Iowa and providing for an orderly street and address numbering system. Chairman McGregor called for a roll call vote: Besch: yes, Plathe: yes, Tjarks: yes, Wymore: yes, McGregor: yes Motion carried 5 to 0

Kossuth County Ordinance #631

AN ORDINANCE PROVIDING FOR OFFICIAL STREET NAMES FOR ALL PUBLIC ROADS IN UNINCORPORATED AREAS OF KOSSUTH COUNTY, IOWA AND PROVIDING FOR AN ORDERLY STREET AND ADDRESS NUMBERING SYSTEM.

PART 1

INTRODUCTION

1. Purpose: This Ordinance provides for an orderly street and address numbering system in unincorporated areas of Kossuth County, Iowa, based upon established zero origin base lines and a minimum interval, to be used hereafter to assign addresses.
2. Definitions: For use in this ordinance, the following terms or words shall be interpreted or defined as follows:
 - a. "Accessory building" shall mean a building located on the same lot with a principal building and of a nature customarily incidental and subordinate to the principal building.
 - b. "Address Marker" shall mean the number affixed to the property indicating the address of the lot as assigned within the system.
 - c. "Administrator" shall mean the person appointed by the board to administer the system.

- d. "Board" shall mean the Kossuth County Board of Supervisors.
- e. "Building" shall mean anything constructed, erected, or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport, or other such open structures, with or without a roof, shall make them one (1) building. Such structures attached to the principal building shall be deemed a part of the principal building.
- f. "Coordinator" shall mean the individual, firm, corporation or other entity that has the responsibility of the entire 911 system.
- g. "Engineer" Shall mean the Kossuth County Engineer.
- h. "House grid work" shall mean the house numbering scheme used in the uniform rural address system.
- i. "Lot" Shall mean parcel of land under one ownership on which a principal building and its accessories are, or may be, placed together with the required open spaces, having its frontage on one or more streets.
- j. "Map" shall mean the map currently approved by the Kossuth County E-9-1-1 Service Board.
- k. "Person" shall mean any individual, firm, corporation, unincorporated association or other entity.
- l. "Principal building" shall mean a non-accessory building in which a principal use of a lot, on which it is located, is conducted.
- m. "Street Marker" shall mean signs or markers placed to indicate the number or name of the various streets as assigned within the system.
- n. "Streets" shall mean land intended for vehicular traffic to and from a lots and which has right of use by more than one lot owner.
- o. "System" shall mean the uniform Rural Address System.

Part 2

GENERAL PROVISIONS

- 3. Extent of System: The rural address system shall extend over the entire unincorporated area of Kossuth County, Iowa. Any incorporated area, upon presentation of a resolution from the governing body of such area to the Board and a copy to the E911 Address Coordinator, may also be included in the rural address system.
- 4. Base Lines: Address assignments shall be made using zero origins consisting of a north-south base line and an east-west base line. Both base line points start in the Southwest corner of Kossuth County (10th Ave running North and South. 100th Street Running East and West).
- 5. METHOD. For all new roads named after the adoption of this ordinance, addressing will commence from the southern or westernmost point of the road. All addresses will be assigned at the point of intersection of the driveway or entrance with the roadway. All roads will be platted and recorded at the Kossuth County Recorder's Office and will follow the County Platting Procedures for the establishment of Roads.
- 6. ADDRESS SEQUENCE. The address sequence will be as follows:
 - a. Odd numbers = North and West sides of road
 - b. Even numbers = South and East sides of road
- 7. SYSTEM. A listing of all road names, public and private, with associated address ranges will be maintained by the E911 Address Coordinator.

PART 3

ADMINISTRATION

- 8. IMPLEMENTATION OF SYSTEM. The E911 Address Coordinator shall:
 - a. Verify the accuracy of the base maps that shall be used in the assignment of addresses.

- b. Make all necessary corrections and updates to the maps.
 - c. Assign addresses in a manner consistent with Part 2 of this ordinance.
 - d. Compile and print a reference map showing all the street names and the scheme of the address system, to be available at cost, in a size no larger than required to show the above detail and yet suitable for general use.
 - e. Coordinate all new address assignments with the U. S. Postal Service and the Kossuth County E911 Communications Center.
9. STREET IDENTIFICATION SIGNS. General erection of street identification signs will not accompany implementation of this rural address system, except that:
- a. The Coordinator is responsible for procuring and making arrangements for erecting street identification signs at all intersections of roads, public and private as stated in resolutions of the Kossuth County Board of Supervisors in which dedications of roads are accepted. Street identification signs shall be erected in accordance with the following:
 - i. Placement of all street identification signs shall be subject to the approval of the Engineer who shall inspect the proposed location and determine the best placement before authorizing the installation of a sign.
 - ii. The Coordinator shall maintain signs on private roadways in accordance with this section. The persons or association owning the road shall pay the actual cost of such maintenance.
 - iii. Any person desiring a new or replacement street identification sign shall apply to the Coordinator. Upon receipt of the application the Coordinator shall determine the fee for the provision of the sign which shall equal the estimated actual cost of the installation, including materials, equipment, and labor. Upon pre-payment of the fee the Coordinator shall provide and install the sign consistent with Section 9(a)(iv).
 - iv. All street signs shall meet the following specifications:
 - 1. Location - Signs are to be located in the North East corner of the intersection. The bottom of the sign will be six feet (6') above the shoulder of the road as required by the manual on Uniform Traffic Control Devices. Actual location of each sign depends upon the inspection of the intersection by the Engineer or designee.
 - 2. Materials
 - a. Public Streets and at intersections with county roads - Aluminum blanks shall be used for sign material nine inches (9") high. Sign facing to be on one side of the blank (2 blanks used per marking). Thickness of material shall be eight-hundredths of an inch (0.080") minimum.
 - b. Private streets in subdivisions - Aluminum blanks shall be used for sign material six-inches (6") high by forty-eight inches (48") length maximum size, sign facing to be on both sides of the blanks. Thickness of material shall Rural Address System Page 7 be eight-hundredths of an inch (0.080") minimum.
 - 3. Sheeting –
 - a. Public streets and at intersections with county roads - Reflective sheeting shall be high-intensity grade green background with diamond grade. Letters shall be capital cased. Signs shall have facings on both sides, with six-inch (6") white diamond grade letters.
 - b. Private streets in subdivisions - Reflective sheeting shall be high-intensity grade green background with white letters. Letters shall be capital cased. Signs shall have facings on both sides with four-inch (4") letters. (The Engineer or E-911 Coordinator may approve signs with one side facing.)
 - 4. Mounting - Post mounting cap shall be die cast aluminum with brackets to fit a two and three-eighths inches (2-3/8") OD post (The Engineer may approve a square post). Post shall be breakaway type tubular post two and three eighths inch (2-3/8") OD by thirteen feet (13'). All screws, bolts, and fastenings must be zinc coated.

5. Installation - Signs will be installed by Secondary Road personnel or designated entity.
- v. Tampering with, defacing, painting, removing, altering, or intentionally damaging any street sign shall be a county infraction if the value of the damage does not exceed one hundred dollars. The penalty for a first violation shall be one hundred dollars. The penalty for a repeat offense shall be two hundred dollars.
- b. Maintenance or replacement of street identification signs installed by direction of a resolution of the Board of Supervisors adopted prior to the effective date of this ordinance shall be arranged by the E-911 Coordinator.

10. ADDRESS IDENTIFICATION MARKERS

- a. An address will be assigned for every house, store, or building situated on premises fronting any roadway. Any address number assigned or used prior to the effective date of this ordinance that is different from the newly assigned address number shall be void from the time the new address number is assigned and shall not be used thereafter.
- b. The provisions of this ordinance shall not apply to accessory buildings but may apply to such buildings located on a separate unit of frontage if requested by the owner or proprietor and approved.
- c. Address Identification Markers for the rural Kossuth County will be provided with the assigned address number affixed and shall be placed to the right of the driveway on the right of way line as the property is faced from the road. Alternate placement will be allowed only by written approval from both the Joint E-911 Public Safety Board. The fees for the purchase and installation of said markers shall be included in the building permit fee at the time the permit is issued. Trailer parks will be assigned one (1) address number for the park location, with an Address Identification Marker located at the main entrance.
- d. Lot Identification Markers for each unit in the trailer parks shall be assigned and placed by the lot manager or designated party. The numbering sequence shall be approved by the Fire Chief within the District in which the trailer park is located. The park owner will be responsible for the purchase, installation, and maintenance of the Lot Identification Marker for each lot in the park. The signs shall be placed on each unit, visible from the traveled portion of the roadway system, and conform to the same standards required for the Address Identification Markers within the County of Kossuth, Iowa.
- e. All Address Identification Markers and Lot Identification Markers shall meet the following specifications:
 - i. Material – Aluminum blanks shall be used for sign material six-inches (6”) high by eighteen inches (18”) long. Thickness of material shall be eight-hundredths of an inch (0.080”) minimum.
 - ii. Sheeting – Reflective sheeting shall be high-intensity grade blue background with white letters, for address markers, black background with white letters for Lot Identification Markers for trailer parks. Address Identification Markers shall have facing on both sides, with four inch (4”) numbers; Lot Identification Markers shall have facing on one (1) side, with four inch (4”) numbers.
 - iii. Installation – Address Identification Markers will be installed by the Coordinator or designated entity. Lot Identification Markers shall be installed by the owner or person designated by the owner of the trailer park.
- f. Maintenance or replacement of Address or Lot Identification Markers installed by the direction of the Board in a resolution adopted prior to the effective date of this ordinance is the responsibility of the homeowner, business owner or the park operator.

11. MAINTENANCE OF STREET ADDRESS SYSTEM.

- a. The E-911 Coordinator and Engineer shall be responsible for the maintenance of the street identification markers in Kossuth County, including private roadway systems, under direction of the Board and the Joint E-911 Service Board.
- b. The E-911 Address Coordinator shall be responsible for the assignment of all new addresses, updating maps, making available new maps, and inspecting the rural

areas of Kossuth County to insure compliance with the provisions of this ordinance.

- c. All costs of changing a road name and replacing road signs as a result of such change shall be borne by the petitioners, who shall, at the time the request is submitted, submit an amount deemed by the Coordinator to be sufficient to cover said costs. This money shall be refunded if the petition is denied.
- d. Process for changing a road name:
 - i. A petition for change of road name shall be signed by not less than 60% of the owners or contract purchasers of land fronting the road. The petition shall be submitted to the Board.
 - ii. The Board or their designee will determine that the proposed change does not duplicate in sound or spelling any existing road name in Kossuth County prior to approval of the change.
 - iii. A change of road name is an amendment to this ordinance and shall be adopted pursuant to the procedures set out in Iowa Code Section 331.302.

12. ADDRESS ASSIGNMENTS. Every person erecting a structure shall contact the Kossuth County E-911 Coordinator for assignment of a rural address number. The E-911 Address Coordinator upon receipt of this notification shall issue an address within fourteen (14) days of receipt of the notification. A site plan and access plan shall be required prior to the assignment of any rural address number.

13. PENALTY. Any violation of this ordinance or any interference with the implementation or maintenance of or refusal to use the rural address system shall be a county infraction which is punishable by civil penalty of one hundred dollars for each violation, or if the infraction is a repeat offense a civil penalty of two hundred dollars for each repeat offense.

14. CORRECTION OF ADDRESSES ISSUED IN ERROR

- a. The E-911 Address Coordinator will notify the owner of the property when it is determined the address currently in use is in error.
- b. The E-911 Address Coordinator shall re-issue a new address that meets the requirements of the Rural Addressing System.
- c. The E-911 Address Coordinator shall notify the following entities that there has been a correction to the address:
 - i. Kossuth E-911 Communications Center
 - ii. Kossuth County Assessor's Office
 - iii. Kossuth County Auditor's Office
 - iv. Kossuth County Board of Health
 - v. Kossuth County Zoning Administrator
 - vi. U. S. Postal Service
- d. The Board shall determine the assessment of costs related to correcting an address.

15. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

16. EFFECTIVE DATES. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED THIS _____ DAY OF _____, 2014

Chairperson, Kossuth County Board of Supervisors

ATTEST:

Kossuth County Auditor

It was moved by _____ and seconded by _____
that the ordinance be adopted, and, upon roll call, the vote was:

STATE OF IOWA)
) SS:
COUNTY OF KOSSUTH)

I, Amber Garman, hereby certify that I am the secretary of the Kossuth County Board of Supervisors, that the above and foregoing Ordinance is a true and correct copy of the Ordinance which was passed, adopted and approved by the Kossuth County Board of Supervisors on the _____ day of _____, 2014.

Amber Garman, Kossuth County Auditor

The Board of Supervisors had the 2nd reading of **Ordinance #205A** which is an Ordinance establishing a local option sales and services tax applicable to transactions within the Incorporated Areas of Algona and Bancroft in Kossuth County, Iowa. This ordinance was published in the Algona Upper Des Moines on Thursday, January 14, 2014 and the Bancroft Register and Swea City Herald Press on Wednesday, January 13, 2014.

Motion by Tjarks and 2nd by Wymore to waive the 3rd and final reading of Ordinance #205A which is an Ordinance establishing a local option sales and services tax applicable to transactions within the Incorporated Areas of Algona and Bancroft in Kossuth County, Iowa. Motion carried.

Motion by Tjarks and 2nd by Plathe to adopt Ordinance #205A which is an Ordinance establishing a local option sales and services tax applicable to transactions within the Incorporated Areas of Algona and Bancroft in Kossuth County, Iowa. Chairman McGregor called for a roll call vote: Besch: yes, Plathe: yes, Tjarks: yes, Wymore: yes, McGregor: yes Motion carried 5 to 0.

Kossuth County Ordinance #205A

INCORPORATED KOSSUTH COUNTY
LOCAL OPTION SALES AND SERVICES TAX ORDINANCE

AN ORDINANCE ESTABLISHING A LOCAL OPTION SALES AND SERVICES TAX APPLICABLE TO TRANSACTIONS WITHIN THE INCORPORATED AREAS OF ALGONA AND BANCROFT IN KOSSUTH COUNTY, IOWA.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY, IOWA

SECTION I

LOCAL OPTION SALES AND SERVICES TAX

There is imposed a local option sales and services tax applicable to transactions within the incorporated areas of Algona and Bancroft in Kossuth County, Iowa.

The rate of the tax shall be one percent upon the gross receipts taxed under Chapter 423, subchapter II, of the Iowa Code in the following cities: Algona and Bancroft. There is no sunset date for the collection of the local sales and services tax imposed by said cities.

The local sales and services tax is imposed on transactions occurring on or after July 1, 2014, within the incorporated areas of Algona and Bancroft. The local sales and services tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the sale of equipment by the state department of transportation, or on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. The local sales and services tax shall be collected by all persons required to collect state sales taxes. A local excise tax at the same rate shall be imposed on the purchase price of natural gas, annual gas service,

electricity, or electric service subject to tax under Chapter 423, subchapter III, and not exempted from tax by any provision of Chapter 423, subchapter III. The local excise tax is applicable only to the use of natural gas, natural gas service, electricity, or electric service within those incorporated areas of the county where it is imposed and shall be collected and administered in the same manner as the local sales and services tax.

All applicable provisions of the appropriate sections of Chapter 423, subchapter II, of the Iowa Code are adopted by reference.

SECTION II

EFFECTIVE DATE.

This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED THIS _____ DAY OF _____, 2014

Chairperson, Kossuth County Board of Supervisors

ATTEST:

Kossuth County Auditor

It was moved by _____ and seconded by _____
that the ordinance be adopted, and, upon roll call, the vote was:

STATE OF IOWA)
) SS:
COUNTY OF KOSSUTH)

I, Amber Garman, hereby certify that I am the secretary of the Kossuth County Board of Supervisors, that the above and foregoing Ordinance is a true and correct copy of the Ordinance which was passed, adopted and approved by the Kossuth County Board of Supervisors on the _____ day of _____, 2014.

Amber Garman, Kossuth County Auditor

The Board of Supervisors had the 2nd reading of **Ordinance #206A** which is an Ordinance establishing a local sales and services tax applicable to transactions within the Unincorporated Areas in Kossuth County. This Ordinance was published in the Algona Upper Des Moines on Thursday, January 14, 2014 and the Bancroft Register and Swea City Herald Press on Wednesday, January 13, 2014.

Motion by Besch and 2nd by Wymore to waive the 3rd and final reading of Ordinance #206A due to the publication on January 14, 2014 in the Algona Upper Des Moines and the Bancroft Register and Swea City Herald Press on January 13, 2014. Motion carried.

Motion by Plathe and 2nd by Tjarks to adopt Ordinance #206A which is an ordinance establishing a local sales and services tax applicable to transactions within the Unincorporated Areas in Kossuth County, Iowa. Chairman McGregor called for a roll call vote: Besch: yes, Plathe: yes, Tjarks: yes, Wymore: yes, McGregor: yes Motion carried 5 to 0.

Kossuth County Ordinance # 206A

UNINCORPORATED KOSSUTH COUNTY
LOCAL OPTION SALES AND SERVICES TAX ORDINANCE

AN ORDINANCE ESTABLISHING A LOCAL OPTION SALES AND SERVICES TAX APPLICABLE TO TRANSACTIONS WITHIN THE UNINCORPORATED AREAS IN KOSSUTH COUNTY, IOWA.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY, IOWA

SECTION I

LOCAL OPTION SALES AND SERVICES TAX

There is imposed a local option sales and services tax applicable to transactions within the unincorporated areas of Kossuth County, Iowa.

The rate of the tax shall be one percent upon the gross receipts taxed under Chapter 423, subchapter II, of the Iowa Code for all unincorporated areas of Kossuth County.

The local sales and services tax is imposed on transactions occurring on or after July 1, 2014, within the unincorporated areas of Kossuth County, Iowa. The local sales and services tax shall be imposed on the same basis as the state sales and services tax or in the case of the use of natural gas, natural gas service, electricity, or electric service on the same basis as the state use tax and shall not be imposed on the sale of any property or on any service not taxed by the state, except the tax shall not be imposed on the sales price from the sale of motor fuel or special fuel as defined in chapter 452A which is consumed for highway use or in watercraft or aircraft if the fuel tax is paid on the transaction and a refund has not or will not be allowed, on the sales price from the sale of equipment by the state department of transportation, or on the sales price from the sale or use of natural gas, natural gas service, electricity, or electric service in a city or county where the sales price from the sale of natural gas or electric energy is subject to a franchise fee or user fee during the period the franchise or user fee is imposed. The local sales and services tax shall be collected by all persons required to collect state sales taxes. A local excise tax at the same rate shall be imposed on the purchase price of natural gas, annual gas service, electricity, or electric service subject to tax under Chapter 423, subchapter III, and not exempted from tax by any provision of Chapter 423, subchapter III. The local excise tax is applicable only to the use of natural gas, natural gas service, electricity, or electric service within those incorporated areas of the county where it is imposed and shall be collected and administered in the same manner as the local sales and services tax.

All applicable provisions of the appropriate sections of Chapter 423, subchapter II, of the Iowa Code are adopted by reference.

SECTION II

EFFECTIVE DATE.

The effective date of this ordinance shall be July 1, 2014, and is repealed on December 31, 2019.

PASSED THIS _____ DAY OF _____, 2014

Chairperson, Kossuth County Board of Supervisors

ATTEST:

Kossuth County Auditor

It was moved by _____ and seconded by _____
that the ordinance be adopted, and, upon roll call, the vote was:

STATE OF IOWA)
) SS:
COUNTY OF KOSSUTH)

I, Amber Garman, hereby certify that I am the secretary of the Kossuth County Board of Supervisors, that the above and foregoing Ordinance is a true and correct copy of the Ordinance which was passed, adopted and approved by the Kossuth County Board of Supervisors on the _____ day of _____, 2014.

Amber Garman, Kossuth County Auditor

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

On motion adjournment was taken until February 4, 2014.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors