

BOARD PROCEEDINGS

SEVENTEENTH DAY

OCTOBER 10, 2006

The Supervisors met pursuant to adjournment. Present were Lee Froehlich, Chairman, Don Besch, Eugene Elsbecker, Don McGregor and Jack Plathe. Absent none.

Motion by Plathe and 2<sup>nd</sup> by McGregor to approve the minutes as read. Ayes all, Nays none. Motion carried unanimous.

Motion by Elsbecker and 2<sup>nd</sup> by Froehlich to approve the agenda. Ayes all, Nays none. Motion carried unanimous.

Public discussion and committee reports were held.

Motion by McGregor and 2<sup>nd</sup> by Plathe to table the liquor permit for Primetime. Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2<sup>nd</sup> by Froehlich to approve the liquor permit for the Whittemore Golf Club. Ayes all, Nays none. Motion carried unanimous.

PREPARED BY THE KOSSUTH COUNTY ENGINEER'S OFFICE 114 WEST STATE ST., ALGONA, IOWA TELEPHONE 515-295-3320  
RETURN TO THE KOSSUTH COUNTY ENGINEER'S OFFICE 114 WEST STATE ST., ALGONA, IOWA TELEPHONE 515-295-3320

Moved by Besch and seconded by McGregor to adopt the following resolution.

RESOLUTION # 10-10-06-01

WHEREAS; This being the date and time for the public hearing on the proposed vacation and closure of a portion of Kossuth County local secondary road described as follows:

That part of the north half of the north half of section 22, T-99N, R-28 W, Ledyard Township, Kossuth County Iowa, more particularly described as follows:

A 120 feet wide strip of land, 60 feet on each side of the following described centerline:

Beginning at a point 73.47 feet north of the SW Corner of N 1/2 of the NW 1/4 of said section 22, thence running east approximately 1 mile to a point 60.00 feet north of the E 1/4 corner of the NE 1/4 of said section 22, thence terminating.

WHEREAS; Proper and legal, notice and publications were served and published according to the Code of Iowa and,

WHEREAS; There were no claims for damages filed and,

WHEREAS; Midwest Grain Processors has agreed to reimburse Kossuth County \$55,000 to compensate Kossuth County for their cost to construct and maintain the described road and,

WHEREAS; An agreement between Kossuth County and Midwest Grain Processors is on file in the Kossuth County Engineer's Office and

WHEREAS; No written comments and questions were received from the public and,

WHEREAS; No comments or questions were received from the public during the public hearing.

NOW THEREFORE BE IT RESOLVED by the Kossuth County Board of Supervisors that the subject section of the road is ordered vacated and closed.

Roll call vote:

Besch: yes, Elsbecker: yes, McGregor: yes, Plathe: yes, and Froehlich: yes. Motion carried unanimous.

DATE: October 10, 2006

\_\_\_\_\_  
Lee Froehlich, Chairman  
Kossuth County Board of Supervisors

STATE OF IOWA        )  
                                  ) SS

COUNTY OF KOSSUTH )

I, Joann Bormann, hereby certify that I am the Secretary of the Kossuth County Board of Supervisors, that the above and foregoing resolution is a true and correct copy of the resolution which was passed, adopted and approved by the Kossuth County Board of Supervisors on the 10th day of October, 2006.

---

Joann Bormann  
Kossuth County Auditor

Motion by Besch and seconded by Plathe

to open the public hearing for a zone change submitted by PlanScape Partners, Minneapolis, MN, on behalf of Prairie Creek Ethanol LLC Wesley, Iowa, and David and Darrel Kirsch and Rasmussen Family LLC to amend the zoning ordinance of Kossuth County by changing two parcels of land located in Section 36-96-27 containing a total of approximately 218 acres from an A-1 Agriculture District to an I-2 General Industrial District.

Ayes all, Nays none. Motion carried unanimous.

Motion by Plathe and seconded by Elsbecker

to close the public hearing.

Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and seconded by Plathe

To accept the recommendation of the planning and zoning commission and approve the request for a zone change submitted by PlanScape Partners, Minneapolis, MN, on behalf of Prairie Creek Ethanol LLC Wesley, Iowa, and David and Darrel Kirsch and Rasmussen Family LLC to amend the zoning ordinance of Kossuth County by changing two parcels of land located in Section 36-96-27 containing a total of approximately 218 acres from an A-1 Agriculture District to an I-2 General Industrial District.

The legal descriptions of the land to be rezoned and the present owners are as follows:

PARCEL ONE- David Kirsch and Darrell Kirsch

That part of the South Half (S $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) Section 36-96-27 lying north of the present railroad right of way, except a tract of 2.24 acres located in the southeast corner of said parcel and owned by K&H Oil Company, Wesley, Iowa.

PARCEL TWO – Rasmussen Family LLC

That part of the Northwest Quarter (NW $\frac{1}{4}$ ) Section 36-96-27 lying north of the railroad right of way.

Also included in the recommendation is a waiver of height restriction in an I-2 General Industrial District to allow vertical grain storage, distillation towers, dryer stacks and related equipment used for the production of ethanol.

Roll Call: Besch yes, Elsbecker yes, McGregor yes, Plathe yes, Froehlich yes.

Motion by Elsbecker and 2<sup>nd</sup> by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Howard Frideres, Algona, IA, to outlet a new tile system to an existing tile. Work will involve installing an 8" plastic tile across 190<sup>th</sup> Street, approximately 70' east of 70<sup>th</sup> Avenue. Work will be in Sections 18, 19 Cresco Township. Permit number 06-10-44 is on file in the Kossuth County Engineer's Office. Ayes all, Nays none. Motion carried unanimous.

Motion by McGregor and 2<sup>nd</sup> by Elsbecker that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Iowa Lakes Electric Cooperative, Estherville, IA, to install single phase overhead line to serve a new livestock confinement site. Work will begin in the east ROW of 20<sup>th</sup> Avenue approximately  $\frac{1}{2}$  mile south of 180<sup>th</sup> Street crossing to the west side of 20<sup>th</sup> Avenue going north to the SW corner of intersection of 180<sup>th</sup> Street and going 2400' west on the south ROW of 180<sup>th</sup> Street. Work will be in Section 30 Whittemore Township. Permit number 06-10-43 is on file in the Kossuth county Engineer's Office. Ayes all, Nays none. Motion carried unanimous.

Motion by Elsbecker and 2<sup>nd</sup> by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Humboldt County Rural Electric Cooperative, Humboldt, IA, to install single phase overhead line to serve a new livestock confinement site. Work will begin approximately 300' north of the intersection of 200<sup>th</sup> Avenue/280<sup>th</sup> Street on the west side of 200<sup>th</sup> Avenue cross to the east side and extend north for 3000 feet. Work will be in Section 32 Buffalo Township. Permit number 06-10-42 is on file in the Kossuth County Engineer's Office. Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2<sup>nd</sup> by Plathe to approve the extension of North Central Iowa Mental Health Center contract. Ayes all Nays none. Motion carried unanimous.

Motion by Elsbecker and 2<sup>nd</sup> by Besch to approve CPC Marketing and Resolution # 10-10-06-02

RESOLUTON 10-10-06-02

RESOLUTION SUPPORTING THE COUNTY MANAGEMENT OF THE ADULT MH/DD SYSTEM

**Whereas**, county property taxes have been and continue to be a major funding source for services to adults with MH/MR/DD/BI,

**Whereas**, beginning in 1994, the state began a process to fund a larger amount of the adult service system from state funds,

**Whereas**, beginning in 1994, the state embarked on a partnership with the counties to fund 50% of the "base" and all of the growth in the system,

**Whereas**, the counties agreed to manage the system with the combination of local, state and federal funds,

**Whereas**, the MH/DD/MR/BI Commission undertook a project to improved the system and in that evaluation confirmed that the adult disability service system should be managed by the counties,

**Whereas**, the county system has worked well for the past ten years,

**Whereas**, there is no evidence that a centralized system of services will provide better services for less money than the current system,

**Now, therefore, be it resolved by the Board of Supervisors of Kossuth County** that the undersigned do hereby, request the Iowa Legislature to maintain its commitment to the local management of the adult MH/DD/MR/BI system in Iowa.

Approved this 10<sup>th</sup> day of October, 2006.

Chairperson, Board of Supervisors

County

ATTEST:

County Auditor

DATE: 10-10-2006

Ayes all, Nays none. Motion carried unanimous.

Motion by McGregor and 2<sup>nd</sup> by Besch to approve the Quarterly report for the Veterans Affairs. Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2<sup>nd</sup> by Plathe to approve the Quarterly report for the Sheriff. Ayes all, Nays none. Motion carried unanimous.

Motion by Plathe and 2<sup>nd</sup> by McGregor to approve the Quarterly report for the Recorder. Ayes all, Nays none. Motion carried unanimous.

Motion by Plathe and 2<sup>nd</sup> by Elsbecker to approve the Quarterly report for the Auditor. Ayes all, Nays none. Motion carried unanimous.

On motion adjournment was taken until October 17.

Attest:

\_\_\_\_\_  
Joann Bormann  
Kossuth County Auditor

\_\_\_\_\_  
Lee Froehlich, Chairman  
Board of Supervisors