

**BOARD PROCEEDINGS**

**38<sup>th</sup> DAY**

**SEPTEMBER 8, 2009**

**REGULAR SEPTEMBER SESSION**

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

Motion by McGregor and 2<sup>nd</sup> by Wymore to approve the agenda. Ayes: all Nays: none Motion carried unanimous.

Motion by Besch and 2<sup>nd</sup> by Elsbecker to approve the minutes of the previous meeting as read. Ayes: all Nays: none Motion carried unanimous.

Public Discussion and Committee Reports were held followed by Drainage.

The new District Extension Director Terry Johnson was present to introduce himself and to assure the Board that the services and programs provided by the Kossuth County Extension Director will stay the same.

Motion by McGregor and 2<sup>nd</sup> by Wymore to approve Resolution #09-08-09-01 which approves the lease of County owned property to United States Cellular for a Telecommunications Tower and to have Jack Plathe sign the lease prepared by United States Cellular and approved by Todd Holmes, Kossuth County Attorney. Roll Call Vote: Besch: yes; Elsbecker: yes; McGregor: yes; Wymore: yes; Plathe: yes Motion carried unanimous.

**Resolution #09-08-09-01**

**RESOLUTION APPROVING GROUND LEASE**

**PERTAINING TO THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT:**

A parcel of land being a part of and lying entirely within Lot Six (6), Block Thirty (30) of the Original Plat of Algona, more particularly described as follows:

(Basis of bearing for this description, assumed the South line of Block Thirty (30) of the Original Plat of Algona as South 89°47'03" East)

Commencing at the Southwest Corner of said Block Thirty (30);

Thence along and upon the South line of said Block Thirty (30) South 89°47'03" East for a distance of 104.59 feet to the point-of-beginning;

Thence North 00°12'57" East for a distance of 37.00 feet;

Thence South 89°47'03" East for a distance of 12.00 feet;

Thence South 00°12'57" West for a distance of 37.00 feet to a point on the South line of Block Thirty (30);

Thence along and upon the South line of Block Thirty (30) North 89°47'03" West for a distance of 12.00 feet to the point-of-beginning.

Containing 444 square feet of 0.010 acres more or less.

WHEREAS, there is herewith submitted to the Kossuth County Board of Supervisors a proposed ground lease between Kossuth County, Iowa, Landlord, and Iowa 13, Inc., a Delaware Corporation, Tenant; and

WHEREAS, the Kossuth County Board of Supervisors has fully examined same and has found same to be in the best interests of Kossuth County, Iowa, and that same should now be approved and accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE KOSSUTH COUNTY BOARD OF SUPERVISORS:

That the ground lease agreement by and between Kossuth County, Iowa, Landlord, and Iowa 13, Inc., a Delaware Corporation, Tenant is hereby fully approved in all respects and particulars and the Chairman of the Kossuth County Board of Supervisors and Kossuth County Auditor are hereby authorized and directed to execute this resolution approving same for and on behalf of Kossuth County, Iowa.

It was on motion by Supervisor McGregor, and seconded by Supervisor Wymore, that the foregoing Resolution be adopted as read. Motion carried. Vote thereon resulting as follows:  
Ayes:All                                      Nays:none                                      Supervisors  
\_\_\_\_\_ Resolution declared  
adopted this 8<sup>th</sup> day of September, 2009.

\_\_\_\_\_  
Jack Plathe, Chairperson  
Board of Supervisors  
Kossuth County, Iowa

ATTEST: \_\_\_\_\_  
Amber Garman, Auditor  
Kossuth County, Iowa

Motion by McGregor and 2<sup>nd</sup> by Wymore to approve the 2<sup>nd</sup> reading of Ordinance #7-23-1(A) and approve waiving the 3<sup>rd</sup> reading of Ordinance #7-23-1 (A). This ordinance is amending the Kossuth County Zoning Ordinance. Roll Call Vote: Besch: yes; McGregor: yes; Wymore: yes; Plathe: yes Motion carried. Absent: Elsbecker.

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 Iowa Lakes Electric Company, Estherville, IA to upgrade service from overhead to underground service. Work will involve trenching a single, uncased cable. Work will begin in the north right of way of 420<sup>th</sup> Street, crossing 420<sup>th</sup> Street to the south right of way. Work will be in Sections 30 and 19 Swea Township. Permit number 09-09-23 is on file in the Kossuth County Engineer’s Office. Ayes: 4 Nays: 0 Motion carried. Absent: Elsbecker

Motion by Besch and 2<sup>nd</sup> by McGregor to approve Resolution #09-08-09-02 which provides for the temporary closing of sections of roadway when necessary because of construction. Ayes: 4 Nays: 0 Motion carried. Absent: Elsbecker

**KOSSUTH COUNTY BOARD OF SUPERVISORS RESOLUTION**

**RESOLUTION#09-08-09-02**

WHEREAS, Section 306.41 of the Code of Iowa provides for the temporary closing of sections of roadway when necessary because of construction, and

WHEREAS, the County Engineer has been authorized by a previous resolution of this Board of Supervisors to execute the requirements of Section 306.41 regarding temporary road closures, and

WHEREAS, a road resurfacing project FM-CO55(105)- -55-55 will require that Call Park Road from Highway #169 west and north 2 miles to the Orton Blacktop be closed to all traffic, and

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the above-described road be closed and proper signs be erected for the duration of the construction project as determined by the County Engineer.

BE IT FURTHER RESOLVED, that upon completion of the construction work, as determined by the County Engineer, the road shall be opened to the traveling public without further action of this board.

September 8, 2009  
Dated at Algona, Iowa

\_\_\_\_\_  
Jack Plathe, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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

Motion by Besch and 2<sup>nd</sup> by Wymore to approve Resolution #09-08-09-03 which provides for the temporary closing of sections of roadway when necessary because of construction. Ayes: 4 Nays: 0 Motion carried. Absent: Elsbecker.

**RESOLUTION #09-08-09-03**

:  
WHEREAS, Section 306.41 of the Code of Iowa provides for the temporary closing of sections of roadway when necessary because of construction, and

WHEREAS, the County Engineer has been authorized by a previous resolution of this Board of Supervisors to execute the requirements of Section 306.41 regarding temporary road closures, and

WHEREAS, a new Precast Concrete Crossing will be installed by the Union Pacific Railroad will require that B-63 (130<sup>th</sup> Street) be closed between Highway #15 (10<sup>th</sup> Avenue) and P-16 (20<sup>th</sup> Avenue),

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the above-described road be closed and proper signs be erected for the duration of the construction project as determined by the County Engineer.

BE IT FURTHER RESOLVED, that upon completion of the construction work, as determined by the County Engineer, the road shall be opened to the traveling public without further action of this board.

September 8, 2009  
Dated at Algona, Iowa

\_\_\_\_\_  
Jack Plathe, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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

There was an update on the Courtroom Accessibility Project. The Court System approves of Option 5. Rick Dean has been contacted and will be in touch with John Rasmussen of Bob Becker Construction.

Kossuth County Auditor talked with the Board on the agenda for Friday of this week to canvass the School Election. Amber Garman explained that she would be adding Review Claims and Approve Claims for the School Election to that item. Amber Garman also passed out copies of the Fund Status to the Board.

On motion adjournment was taken until September 11, 2009.

Attest: \_\_\_\_\_  
Amber Garman  
Kossuth County Auditor

\_\_\_\_\_  
Jack Plathe, Chairman  
Kossuth County Board of Supervisors