

BOARD PROCEEDINGS
January 24, 2017
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 followed by Secondary Road Foreman.

Motion by Besch and 2nd by Tjarks to approve the agenda and the minutes of the previous meeting dated January 17, 2017. Motion carried.

Motion by Tjarks and 2nd by Plathe to approve the 2nd Reading of Ordinance #310, an ordinance regulating the construction and operation of commercial wind energy conversion systems in Kossuth County, Iowa. Chairman McGregor called for a roll call vote. Wymore: yes, Tjarks: yes, Plathe: yes, Besch: no, McGregor: yes. Motion carried 4 -1 with Besch being the No vote. (Ordinance on file in Auditor's Office)

The Board of Supervisors acknowledged the Safety Committee Meeting Minutes for the month of January 2017.

The Board of Supervisors acknowledged the Wellness Committee Minutes for the month of January 2017.

Motion by Besch and 2nd by Wymore to approve the Quarterly Reports for Auditor, Recorder, Sheriff, and Veteran Affairs. Motion carried.

Motion by Wymore and 2nd by Tjarks to accept bid for the Courthouse Window Project from the The Wilson Group with a base bid of \$414,414.00 and ALT #1 \$27,620.00 and to award the contract. Chairman McGregor called for a roll call vote. Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes.

Drainage was held followed by Reclassification Hearing for Joint Drainage District PAK 1 Lateral 48, Continuance of Bid Let of Drainage District 2 Lateral 3-2, and 3-4, and Farm Bureau Discussion on Drainage.

Motion by Besch and 2nd by Wymore to approve Resolution 01-24-17-01 which is a resolution regarding maintaining drainage district assets in Kossuth County. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes.

RESOLUTION 01-24-17-01
RESOLUTION RELATIVE TO OBSTRUCTING OR DAMAGING PURSUANT TO SECTION 468.149 OF THE
CODE OF IOWA

WHEREAS, Kossuth County, Iowa, has established and is maintaining many drainage districts in said county as well as maintaining some joint drainage districts with adjacent counties wherein part of the property is in Kossuth County, and

WHEREAS, the agricultural economy in Kossuth County is greatly dependent upon the efficient operation and maintenance of said drainage district so as to provide for the efficient removal of excess water from the surface and subsurface so as to permit appropriate cultivation and production of agricultural products, and

WHEREAS, it is necessary for the operation of those farms served by a drainage district for certain agricultural practices and activity to be conducted on, across and adjacent to the drainage district facilities maintained by said drainage district, and

WHEREAS, said agricultural practices consist of the preparation of the soil, planting, cultivation, harvesting, and other activities relative to the production of crops on said soils, and

WHEREAS, Section 468.149 of the Code of Iowa provides in part for the adoption of a resolution by the governing body of the district, being the Board of Supervisors of each county, to provide an additional authority for the enforcement of said resolution and the proper maintenance and administration of said drainage district.

BE IT THEREFORE RESOLVED that the provisions of Section 468.149 of the Code of Iowa be and they are hereby adopted as a part of this resolution and the conduct therein described is deemed to be injurious to the drainage district improvements and interfere with the proper preservation, operation and maintenance of the same.

BE IT FURTHER RESOLVED that the Board of Supervisors as a governing body for said drainage districts shall have the authority for repair of any ditch, drain, or watercourse as is provided in the second paragraph of Section 468.149.

BE IT FURTHER RESOLVED that this resolution shall apply to all drainage districts in Kossuth County, Iowa.

BE IT FURTHER RESOLVED that a copy of this resolution shall be made a part of the minutes of the board of supervisors meeting for the Board of Supervisors of Kossuth County as public record.

BE IT FURTHER RESOLVED that any person seeking to avoid the consequences of this resolution for any prohibitive agricultural practices or activity may contact the Board of Supervisors of Kossuth County to review the proposed activities on the part of the landowner and seek proper guidance to comply with this resolution and avoid the enforcement of the provisions of the same.

BE IT FURTHER RESOLVED that this resolution shall be of full legal effect from the time of its adoption by the Board of Supervisors of Kossuth County, Iowa, and shall remain in full legal effect until such time as the Board of Supervisors may amend the said resolution or shall adopt a subsequent resolution dissolving this resolution.

It was on motion by Supervisor Besch, and seconded by Supervisor Wymore, that the foregoing resolution be adopted as read. Motion carried.

WHEREUPON, The Auditor called for roll call vote on said resolution and said supervisors voted as follows:

Ayes: Supervisors Besch, Plathe, Tjarks, Wymore, and McGregor

Nays: Supervisors none

WHEREUPON, the Chairperson of the Board of Supervisors declared said Resolution duly adopted this 24th day of January, 2017.

Don McGregor, Chairperson
Board of Supervisors
Kossuth County, Iowa

ATTEST:

Amber Garman, Auditor
Kossuth County, Iowa

Discussion was held with Kossuth County Engineer/Zoning Administrator.

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

On motion adjournment was taken until January 31, 2017.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors