

BOARD PROCEEDINGS
March 14, 2017
REGULAR MARCH 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 discussion with Secondary Road Foreman.

Motion by Plathe and 2nd by Tjarks to approve the agenda and the minutes of the previous meeting dated March 7, 2017. Motion carried.

Scott Curtis was present to give the monthly report for Kossuth Regional Health Center.

Motion by Tjarks and 2nd by Wymore to authorize the Chairman to sign letter to ISAC to end 28E Technical Support for Case Management. Motion carried.

The 2nd Reading of Ordinance #310, An Ordinance Regulating the Construction and Operation of Commercial Wind Energy Systems in Kossuth County, Iowa was held.

Motion by Besch to insert the word easement behind the words Public Drainage District Right-of-Way in the protected area portion of section III – Siting and Design Standards. Motion died for a lack of a second.

Motion by Tjarks and 2nd by Plathe to insert the words center line behind the word tile in the protected area section.

Motion by Besch and 2nd by Wymore to amend above motion to add the word Easement behind the words Right of Way in the protected area section. Chairman McGregor called for a roll call vote on this amendment: Wymore: yes, Tjarks: no, Plathe: no, Besch: yes, McGregor: no Motion for amendment fails 2 to 3 with Tjarks, Plathe and McGregor being the no votes.

Chairman McGregor called for a roll call vote on original motion above: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes. Motion carried 5 to 0.

Motion by Wymore and 2nd by Tjarks to approve the 2nd reading of Ordinance #310, An Ordinance Regulating The Construction and Operation of Commercial Wind Energy 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 to 1 with Besch being the no vote. . The full text of this ordinance can be viewed in the Kossuth County Auditor's Office.

Motion by Plathe and 2nd by Wymore to adopt the policy for mailbox installation for Secondary Roads. Motion carried.

KOSSUTH COUNTY MANUAL OF WRITTEN POLICY

POLICY FOR MAILBOX INSTALLATION

Department: Secondary Roads

Policy Number: M-1

Approved and Adopted: March 14, 2017

Purpose:

To establish guidelines for the installation of mailboxes and their supports within the Kossuth County Secondary Road Right of Way that will not interfere with the safety of the traveling public or normal secondary road operations. This policy will also give guidance for replacement or reimbursement of mailboxes damaged by Kossuth County during normal secondary road operations.

Overview:

A mailbox provides postal patrons and delivery personnel safety and convenience. Mailbox locations shall not restrict or interfere with normal maintenance or snow removal operations and shall be constructed of crash friendly obstacles.

- 1) This policy is a general guideline and references Chapter 11 of American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide, 4th Edition, "Erecting Mailboxes on Street and Highways"
- 2) Kossuth County will allow postal patrons to use existing road Right of Way (R.O.W.) for placement of their mailboxes meeting the requirements of the U.S. Postal Service.
- 3) Postal Patrons wishing to place a mailbox(s) within 200 feet of an intersection must obtain the County Engineers approval prior to its installation.
- 4) The mailbox(s) roadside face shall be no closer to the traveled way than the outer most edge of the existing shoulder.
- 5) Mail box supports shall be installed with materials that will not create a highway safety problem. They should be no more substantial than required to resist service loads and reasonably minimize vandalism. Nominal 4"x4" or 4 ½" diameter wood posts or 1 ½" to 2" diameter standard steel or aluminum pipe posts are the maximum strength posts allowed for mail box supports.
- 6) If the Kossuth County Secondary Road Department damages any mailbox or post conforming to current policies and regulations during normal secondary road operations, the Secondary Road Department will repair the mailbox and post. If the damaged mailbox and support is not able to be repaired, the Secondary Road Department will replace and reinstall it with a standard, Galvanized Steel rural mailbox and a standard 4"x4"x6' wood post. If the postal patron desires to repair or replace a damaged mailbox and support with a mailbox and support meeting current policies and regulations, the Secondary Road Department will pay the postal patron \$30.00.
- 7) Kossuth County has the right under Ordinance #101 (A) to remove any mailbox deemed a traffic hazard/obstacle or not conforming to current Kossuth County policies at the owner's expense.

Passed this 14th day of March, 2017.

ATTEST: _____
 Amber Garman
 Kossuth County Auditor

 Don McGregor
 Kossuth County Board of Supervisors

Motion by Tjarks and 2nd by Plathe to adopt Resolution #03-14-17-01 which is a policy for crossing Kossuth County Secondary Roads with Drainage Tile. Chairman McGregor called for a roll call vote: Wymore: yes, Tjarks: yes, Plathe: yes, Besch: yes, McGregor: yes

KOSSUTH COUNTY MANUAL OF WRITTEN POLICY

POLICY FOR CROSSING KOSSUTH COUNTY SECONDARY ROADS WITH DRAINAGE TILE

Department: Secondary Roads
Policy Number: T-1
Approved and Adopted: March 14, 2017

Purpose:

The purpose of this policy is to establish guidelines for Kossuth County to use when private parties request to cross Kossuth County Secondary Roads with private drainage tiles.

Overview:

Kossuth County receives requests from private parties to install private drainage tile in and across Kossuth County Secondary Roads. The code of Iowa addresses this type of drainage work. In an effort to expediate the process, Kossuth County adopts this Policy For Crossing Kossuth County Secondary Roads with Drainage Tile.

Resolution Number 03-14-17-01

POLICY FOR CROSSING KOSSUTH COUNTY SECONDARY ROADS WITH DRAINAGE TILE

Be it resolved by the Board of Supervisors of Kossuth County, Iowa, to adopt the following road crossing with drainage tile policy for Kossuth County, Iowa

WHEREAS, Chapter 318 of the Code of Iowa requires any person working within the right of way of a public road to obtain a permit from the highway authority having jurisdiction of the public road or highway, and

WHEREAS, Chapter 468 of the Code of Iowa prescribes a method for landowners to improve drainage by construction of field tile through road right of ways, and

WHEREAS, The Kossuth County Board of Supervisors desires to adopt a road crossing with drainage tile policy that includes an option which will expedite procedures relating to projecting a drainage tile across a public highway to a suitable outlet.

THEREFORE, be it resolved and enacted by the Kossuth County Board of Supervisors that Kossuth County, Iowa, agrees, upon receipt of proper application, to;

- 1) pay for the cost of materials used to cross the road right of way installed to Kossuth County's specifications and pay **\$250.00** to offset against the labor expense to open cut a secondary road, or
- 2) pay **70% of the cost** to offset against the expense to bore under a secondary road as approved by the Kossuth County Engineer.

If a landowner chooses not to be bound by the above policy, then, the procedures for securing such crossing shall be in accordance with applicable sections of the Code of Iowa Sections 468.600 through 468.622.

A summary of those procedures is shown below:

1. File application in writing with the Kossuth County Auditor and provide information required by Iowa Code Chapter 468.600. Include five copies of the following information:
 - a. Applicant(s)' name, address and a complete legal description of the property owned by applicant.
 - b. A complete and accurate legal description of the property across which the drainage improvements are proposed, including the names, address and phone numbers of all affected property owners(s) and or tenant(s), if applicable.
 - c. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area served by the existing drainage tile including the starting point, route terminus, character, size and depth of existing drainage tile.
 - d. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area to be served by the proposed improvements including the starting point, route, terminus, character, size and depth of the proposed drainage improvements.
 - e. A detailed estimate giving the total cost of construction of the proposed drainage improvements with a separate, detailed estimate of the cost of road crossings.
 - f. After the application material has been submitted to the county auditor and prior to scheduling the required public hearing, the auditor will route the application materials to the county attorney, county engineer and Natural Resources Conservation Service to review and submit any comments or recommendation.
2. A public hearing shall be set by the Kossuth County Auditor pursuant to Iowa Code Chapter 468.601.
3. File claims for damages at or before hearing pursuant to Chapter 468.604 of the Code of Iowa.

4. A public hearing shall be held in compliance with Iowa Code Section 468.605. If the Board of Supervisors find that the purpose is to secure more complete drainage or a better outlet and the levee, open ditch, tile or other underground drain is found to be beneficial it will be approved. If the Board of Supervisors find that a proposed drain runs in the course of natural drainage to a public road the owner of such land shall have the right to enter upon such highway for the purpose of connecting owners drain or ditch with any drain or ditch constructed along or across said road.
5. If the supervisors approve the merits of the application, Iowa Code Section 468.606 shall be followed. The landowner, however, in making such connections or crossings shall do so in accordance with specification furnished by the Secondary Road Department at the time of filing a crossing application.
6. If the Board of Supervisors approve the tile line to be projected across the right-of-way to a suitable outlet, the expense, of both material and labor used in installing the tile line across the highway and any subsequent repair thereof shall be paid from funds available for the highway affected.
7. If funds are not available in the Kossuth County Secondary Road Fund for reimbursement of the applicant for the cost of said tile crossing at the time of the construction of the crossing, it is understood that the applicant will be reimbursed at such time as funds are available in the Kossuth County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Kossuth County Board of Supervisors reserves the right to negotiate any type of cost sharing arrangement with the applicant.

Passed on this 14th day of March, 2017

ATTEST:

Amber Garman
Kossuth County Auditor

Don McGregor
Kossuth County Board of Supervisors

Motion by Tjarks and 2nd by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Heartland Power Coop, St. Ansgar IA, to replace old poles and wire with new poles and wire. Poles and wire will follow existing lines.

Work will be completed within the following right of way of sections 20, 21, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35 and 36, German Township:

200th Avenue between 360th Street and 340th Street
 350th Street between 200th Avenue and 220th Avenue
 210th Avenue between 370th Street and 350th Street
 230th Avenue between 360th Street and 340th Street
 350th Street between 230th Avenue and 250th Avenue
 240th Avenue between 360th Street and 340th Street
 250th Avenue between 350th Street and 340th Street

Permit number 03-05-2017 and 03-06-2017 are on file in the Kossuth County Engineer's Office, see map attached to permit for installation details. Motion carried.

Discussion with Kossuth County Engineer/Zoning Administrator was held followed by Drainage.

Motion by Wymore and 2nd by Plathe to approve applications for exemption from buffer strip ban in Drainage District Facilities. Motion carried.

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

On motion adjournment was taken until March 21, 2017.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors