

**BOARD PROCEEDINGS**  
**September 17, 2019**  
**REGULAR SEPTEMBER SESSION**

The Board of Supervisors met pursuant to adjournment. Present were: Jack Plathe, Chairman, Galen Casey, Donnie Loss, Roger Tjarks and Kyle Stecker.

Jack Plathe, Chairman called the meeting to order at 8:00 a.m.

Public discussion was held and the Board of Supervisors reviewed the claims.

Motion by Tjarks and 2<sup>nd</sup> by Stecker to approve the agenda, the minutes of the previous meetings dated September 3<sup>rd</sup>, September 5<sup>th</sup> and September 10<sup>th</sup> and to approve the claims which also includes the Conservation Claims and one Handwritten claim payable to the Kossuth County Sheriff in the amount of \$600.00. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes Plathe: yes. Motion carried.

|                          |           |          |   |
|--------------------------|-----------|----------|---|
| AgSource Coop Srvs       | Srvs      | 420.00   | 1 |
| Algona Floor Desgn       | Srvs      | 2150.76  | 1 |
| Algona Machine & Sply    | Supp      | 602.42   | 2 |
| AMU                      | Srvs      | 8823.97  | 6 |
| Algona Plumb & Htg       | Srvs      | 150.00   | 1 |
| Alg Pub Co               | Notices   | 1705.47  | 4 |
| Alliant Energy           | Srvs      | 8396.93  | 4 |
| American Glass Co        | Supp      | 240.00   | 1 |
| Animal Med Ctr           | Srvs      | 70.00    | 1 |
| Arnold Motor Supply      | Parts     | 1352.14  | 2 |
| B & W Control Spec       | Supp      | 25001.00 | 2 |
| Ban Mun Utilities        | Utilities | 212.15   | 1 |
| Bancroft Reg.            | Notices   | 682.13   | 2 |
| K Benschoter             | Exp       | 19.99    | 1 |
| Bergland Cram            | Srvs      | 871.46   | 1 |
| A Berte                  | Exp       | 62.15    | 1 |
| Blackstrap, Inc.         | Engineer  | 2129.30  | 1 |
| BMC Aggregates           | Rock      | 480.19   | 1 |
| Bomgaars                 | Supp      | 226.06   | 2 |
| Brown's Shoe Fit Co      | Supp      | 97.60    | 2 |
| Bugs N Stuff             | Srvs      | 86.00    | 1 |
| Builders FirstSource     | Supp      | 1297.56  | 1 |
| B Buscher                | Exp       | 350.00   | 1 |
| Buschers Srvs Ctr        | Srvs      | 136.00   | 1 |
| Campbell's               | Engineer  | 61.08    | 1 |
| Card Services            | Exp       | 1714.21  | 2 |
| Cellular Dim.            | Supplies  | 39.99    | 1 |
| Central IA Dist          | Supp      | 400.00   | 1 |
| Centurylink              | Phone     | 349.34   | 2 |
| Chrome Country Inn       | Supp      | 5814.00  | 1 |
| Cintas                   | Supplies  | 116.58   | 1 |
| City of Lakota           | Exp       | 80.25    | 1 |
| City of Lone Rock        | Exp       | 84.00    | 1 |
| City of Swea City        | Exp       | 56.65    | 1 |
| K Claude                 | Exp       | 131.25   | 1 |
| Clerk of Dist Court      | Srvs      | 679.61   | 1 |
| Columbia Hall            | Exp       | 525.00   | 1 |
| Cooks Scrap Iron & Metal | Supp      | 206.29   | 1 |
| Counsel Ofs & Doc        | Supp      | 841.45   | 6 |
| Dave D Lane              | Exp       | 34.99    | 1 |
| L Deitering              | Exp       | 99.75    | 1 |
| Diamond Mowers           | Srvs      | 2795.96  | 1 |
| DLT Solutions            | Srvs      | 6272.00  | 1 |
| Dump-It Sanit            | Srvs      | 185.00   | 1 |
| M Eckels                 | Exp       | 200.00   | 1 |
| Ed's Srvs                | Fuel      | 68.00    | 1 |
| Electronic Specialties   | Srvs      | 37.50    | 1 |
| Emagine                  | Supp      | 37.50    | 1 |
| Fareway                  | Supp      | 674.84   | 1 |
| Farmers Coop Elev        | Fuel      | 267.77   | 3 |
| Mid-IA Sales             | Srvs      | 28.80    | 1 |
| Fenton Coop Telephone    | Srvs      | 27.50    | 1 |
| FleetPride               | Parts     | 570.33   | 1 |

|                              |               |          |   |
|------------------------------|---------------|----------|---|
| Adam & Jennifer Foertsch     | Rent, Instit. | 175.00   | 1 |
| Force America                | Parts         | 873.41   | 1 |
| Cretex Concrete Products     | Supp          | 6903.75  | 1 |
| Franklin County Sheriff      | Court Expense | 6.00     | 1 |
| Galls                        | Supp          | 324.63   | 1 |
| GreatAmerica Financial Srvs  | Srvs          | 71.64    | 1 |
| R Harms                      | Exp           | 450.00   | 1 |
| Harrison Truck Centers       | Supp          | 58.82    | 1 |
| Heartland Power Coop         | Utilities     | 52.00    | 1 |
| B Heeetland                  | Exp           | 194.96   | 1 |
| Hy-Vee                       | Supp          | 728.01   | 2 |
| Ia Dept of Natural Resources | Dues          | 350.00   | 1 |
| ICIT                         | Membership    | 60.00    | 1 |
| IMWCA                        | Work Comp     | 6951.00  | 1 |
| IOS                          | Supp          | 2041.37  | 9 |
| IA Assoc of MU               | Service       | 1649.46  | 1 |
| Ia Dept of Natural Resources | Dues          | 500.00   | 1 |
| Iowa Hoist & Crane           | Engineer      | 1570.00  | 1 |
| IA Lakes EC                  | Elec          | 1735.02  | 2 |
| Iowa Lakes Regional Water    | Utilities     | 48.50    | 1 |
| IA One Call                  | Srvs          | 28.80    | 1 |
| IP Pathways                  | Srvs          | 568.75   | 1 |
| ISAC                         | Reg           | 140.00   | 1 |
| ITsavvy LLC                  | Supp          | 2503.50  | 7 |
| Jacks OK Tire Srv            | Srvs          | 11968.36 | 3 |
| JCL Solutions                | Supp          | 59.80    | 1 |
| Johnston Autostores          | Parts         | 368.92   | 1 |
| Kemco Tires                  | Srvs          | 90.00    | 1 |
| Kmart                        | Supp          | 6.98     | 1 |
| Knight Protection            | Serv          | 300.00   | 1 |
| KC Sec Road                  | Fuel          | 3752.95  | 5 |
| KC Sheriff                   | Srvs          | 423.60   | 7 |
| KC Treas                     | Srvs          | 383.80   | 3 |
| KRHC                         | Srvs          | 154.00   | 1 |
| KRHC                         | Srvs          | 808.00   | 2 |
| KRHC-Phar                    | Srvs          | 15.63    | 1 |
| LiftOff, LLC                 | Supp          | 7102.70  | 1 |
| Lone Rock Coop Tel           | Phone         | 123.90   | 1 |
| Maple Park Apts              | Exp           | 143.00   | 1 |
| Martin Marietta Agg          | Rock          | 18921.90 | 1 |
| MaxYield Coop                | Fuel          | 3886.34  | 1 |
| McClure Engineer             | Srvs          | 3605.00  | 1 |
| Merryman Bridge Cons         | Cons          | 11541.06 | 1 |
| Mid Americ Publsh            | Srvs          | 36.64    | 1 |
| Midland Power Coop           | Utilities     | 721.26   | 3 |
| Midwest AcuTech LLC          | Supp          | 592.25   | 1 |
| Midwest Building Mat         | Exp           | 31.87    | 1 |
| Midwest Wheel                | Exp           | 621.19   | 1 |
| Mike Looft TW                | Fuel          | 4058.37  | 1 |
| D Miller                     | Reim          | 30.00    | 1 |
| Motor Inn/Alg                | Rep.          | 29.95    | 1 |
| T Naimi                      | Exp           | 144.07   | 1 |
| NAPA                         | Parts         | 15.21    | 1 |
| NIA Lumber&Design            | Exp           | 50.44    | 1 |
| North Iowa TelCom            | Parts         | 270.00   | 1 |
| NW Comm                      | Service       | 119.85   | 1 |
| NUGENCO                      | Exp           | 700.00   | 1 |
| K & H                        | Fuel          | 23232.09 | 2 |
| C Opheim                     | Exp           | 63.00    | 1 |
| MC Overhead Door             | Service       | 200.00   | 1 |
| Pet Kingdom                  | Exp           | 64.79    | 1 |
| Petroblend                   | Exp           | 2649.25  | 1 |
| Pitney Bowes                 | Srvs          | 1979.22  | 2 |
| Prairie Energy Coop          | Lights        | 28.00    | 1 |
| Quality Motors               | SRVS          | 40.95    | 1 |
| Quill Corp                   | Supp          | 1084.24  | 1 |
| Rental Zone, LLC             | Srvs          | 39.00    | 1 |
| RingTel Communications       | Phone         | 93.37    | 1 |
| Roethler Elec.               | Srvs          | 63.00    | 1 |
| Schindler Lawn Care          | Srvs          | 1095.00  | 1 |
| Sec St Bank                  | Srvs          | 25.00    | 1 |
| Solutions                    | Srvs          | 9665.21  | 3 |

|                              |             |                  |   |
|------------------------------|-------------|------------------|---|
| St Hygienic Lab              | Supp        | 341.50           | 1 |
| B Struthers                  | Exp         | 521.81           | 3 |
| SC Herald Press              | Notices     | 652.13           | 1 |
| Swisher&Cohrt                | Srvs        | 125.00           | 1 |
| The Gallery Ect.             | Supplies    | 267.26           | 1 |
| The Retrofit Companies       | Recycling   | 327.11           | 1 |
| Water Conn                   | Srvs        | 203.52           | 3 |
| Thompson Sewer & Drain       | Supp        | 200.00           | 1 |
| Thomson Reuters West         | Supp        | 222.28           | 1 |
| Threads                      | Supp        | 10.00            | 1 |
| Titonka Burt Comm            | Phone       | 164.83           | 2 |
| Truck Country "OF IOWA"      | Engineer    | 7113.11          | 1 |
| Underground Vaults & Storage | Srvs        | 424.00           | 1 |
| St. Lukes Res.               | Srvs        | 84.00            | 1 |
| US Cellular                  | Srvs        | 1219.96          | 5 |
| Vaccum Cleaning Center       | Srvs        | 424.90           | 1 |
| Verizon Wireless             | Phone       | 422.18           | 2 |
| W & H Coop Oil Co            | Fuel        | 19595.46         | 1 |
| Wallace Water Conditioning   | Srvs        | 6.00             | 1 |
| J Waller                     | Exp         | 465.00           | 1 |
| Waste Mgmt of WI-MN          | Srvs        | 95562.82         | 5 |
| Watch Guard Video            | Supp        | 6562.00          | 1 |
| Wellmark BCBS                | Fees        | 160827.24        | 1 |
| West Bend Journal            | Notices     | 38.80            | 1 |
| B Willie                     | Exp         | 17.37            | 1 |
| Winnebago Coop Telecom Assoc | Phone       | 127.29           | 1 |
| WM Recycle America           | Srvs        | 1364.51          | 1 |
| Woodward Youth Corp          | Srvs        | 2099.25          | 1 |
| Youth Shelter Care           | Srvs        | 1212.90          | 1 |
| Ziegler                      | Parts       | 22545.51         | 1 |
| ZOHO Corporation             | Programming | 1237.00          | 1 |
| <b>Grand Total</b>           |             | <b>541731.44</b> |   |

Motion by Tjarks and 2<sup>nd</sup> by Stecker to approve the draft permit for Construction Permit Application for Uthof Family Farm LLC Site SE SW Section 32 Greenwood Township. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Stecker and 2<sup>nd</sup> by Tjarks to approve Resolution #09-17-19-01 which provides approval of waiver of Kossuth County's Right of Appeal Issuance of final construction permit for the construction of confined animal feeding operation by the Iowa Department of Natural Resources for Construction Permit Application Uthof Family Farm LLC Site SE SW Section 32 of Greenwood Township. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION #09-17-19-01  
Kossuth County Board of Supervisors  
September 17, 2019

APPROVAL OF WAIVER OF KOSSUTH COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Kossuth County Board of Supervisors as follows:

Section 1 The Kossuth County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Uthof Family Farm LLC has been issued a draft permit for the construction of a confined animal feeding operation buildings at SE ¼ SW ¼ Section 32 Greenwood Township in unincorporated Kossuth County.

Section 2 The Kossuth County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on September 17, 2019.

Section 3 The Kossuth County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

Section 4 The Kossuth County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.

Section 5 The Kossuth County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.

Section 6 This resolution shall take effect immediately.

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Chairman, Jack Plathe  
Kossuth County Board of Supervisors

Attest:

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Amber Garman, Auditor  
Kossuth County

Todd Holmes, Kossuth County Attorney was present to discuss the Powerhouse LLC Nuisance Abatement. No action was taken.

Motion by Plathe and 2<sup>nd</sup> by Loss to approve the appointment of Don Walker to the EMS Advisory Board to replace Jack Plathe's original appointment of Gib Buscher. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

City of Algona representatives Curt Wiseman and Deb Bell were present to give an update of the City of Algona EMS financials.

Motion by Tjarks and 2<sup>nd</sup> by Casey to authorize Judy Samp, Kossuth County Assessor to reinstate the Homestead and Military credit for Carl Badje on parcel #080-04-13-400-004. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Plathe to approve the Wellmark Coverage Manual. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Loss and 2<sup>nd</sup> by Casey to have the Supervisors handle their requests for drainage as follows: Supervisor Stecker 2 requests # 139 and 140 and Supervisor Tjarks 1 request #138. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Tjarks to approve Pay Request #5 payable to Reutzel Excavating in the amount of \$318,227.71 for improvement project in Drainage District 84. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Loss to approve the joint application for the Army Corp or Engineers for McClure Engineering. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Supervisor Kyle Stecker gave his report on his trip to Washington D.C.

Motion by Tjarks and 2<sup>nd</sup> by Loss to approve Resolution #09-17-19-02 which sets the date and time for the public hearing on the Amendment to the Urban Renewal Plan for Kossuth County Buffalo Township Urban Renewal Area. The date and time public hearing is to be held is October 8<sup>th</sup>, 2019 at 8:35 a.m. This public hearing is being set because it has been reported that an amendment to the County's plan for the Kossuth County Buffalo Township Urban Renewal Area had been prepared, describing a new urban renewal project that will be undertaken in the Urban Renewal Area. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

**RESOLUTION #09-17-19-02**

**Setting date for a public hearing on 2019 Amendment to the Kossuth County Buffalo Township Urban Renewal Plan.**

WHEREAS, the Board of Supervisors of Kossuth County, Iowa (the "County") has created the Kossuth County Buffalo Township Urban Renewal Area (the "Urban Renewal Area") and has approved an urban renewal plan for the Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa requires that, before a county approves any new urban renewal project or adds new property to an urban renewal area, a county must amend the existing urban renewal plan to describe the new property and to include that new project; and

WHEREAS, an amendment to the urban renewal plan for the Urban Renewal Area has been prepared which describes a new urban renewal project related to a county road improvement in connection with widening 330<sup>th</sup> Street; and

WHEREAS, it is necessary that a date be set for a public hearing on this proposal;

NOW THEREFORE, Be it Resolved by the Board of Supervisors of Kossuth County, Iowa as follows:

Section 1. This Board will meet at the Board Room, County Courthouse, on the 8<sup>th</sup> day of October, 2019, at 8:35 o'clock a.m., at which time and place it will hold a public hearing on the proposed 2019 amendment to the Urban Renewal Area and plan

Section 2. Notice of the hearing shall be published, the same being in the form attached to this resolution, which publication shall be made in a newspaper of general circulation in Kossuth County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the County Auditor and Joe Myhre of NIACOG are hereby designated as the County's representatives in connection with the consultation process which is required under that section of the urban renewal law.

Passed and approved September 17, 2019.

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Jack Plathe, Chairman Board of Supervisors

Attest:

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Amber Garman, County Auditor

Motion by Stecker and 2<sup>nd</sup> by Tjarks to approve the language for notice of public hearing on 2019 amendments to the Kossuth County Buffalo Township Urban Renewal Plan and authorize Amber Garman, Kossuth County Auditor to publish notice as presented. (language on file in the Kossuth County Auditor's Office) Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Stecker to establish an application fee of \$1000 per crossing for Kossuth Wind Energy LLC Application for Easement through Drainage District Right-of-Way. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: no. Motion carried 4 to 1 with Plathe being the No vote.

Motion by Stecker and 2<sup>nd</sup> by Casey to clarify the previous motion stating \$1000 per crossing to state that there are 48 crossings for a total of \$48,000. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Tjarks to designate Bolton & Menk as the Drainage Engineer for Kossuth Wind Energy LLC Application for Easement through Drainage District Right-of-Way. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Casey that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Iowa Lakes Electric Cooperative, Estherville, IA, to: Bore a single cable under 500<sup>th</sup> Street approximately 1960 feet east of 110<sup>th</sup> Avenue. Work will be in Sections 11 & 14, Grant Township. Permit number 09-34-2019 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Stecker and 2<sup>nd</sup> by Casey that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Fenton Co-op Telephone Co., Fenton, IA, to: Bore a communications cable from the southeast corner of intersection 10<sup>th</sup> Avenue and 340<sup>th</sup> Street west under 10<sup>th</sup> Avenue, thence south approximately 1290 feet. Work will be in Section 6 of Fenton and Section 1 of Palo Alto Townships. Permit number 09-35-2019 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Loss that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Interstate Power & Light dba Alliant Energy, Spirit Lake, IA, to: Bore electric cable under 80<sup>th</sup> Avenue, 1540 feet south of 300<sup>th</sup> Street. Work will be in Sections 29 and 30 of Burt Township. Permit number 09-36-2019 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Discussion was held with the Kossuth County Engineer/Zoning Administrator.

Motion by Loss and 2<sup>nd</sup> by Stecker to approve the Fireworks Permit on file in the Kossuth County Auditor's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

The Board of Supervisors acknowledged the transfers made by Amber Garman, Kossuth County Auditor on September 5, 2019 from the General Basic Fund to the Secondary Road Fund in the amount of \$15,154.70 and from the Rural Basic Fund to the Secondary Road Fund in the amount of \$129,865.41.

Discussion was held amongst the Supervisors in regards to the public hearing held on September 5<sup>th</sup> in regards to Kossuth Wind Energy.

Discussion was held amongst the Supervisors in regards to Chapter 21 of the Iowa Code and how it applies to the Board of Supervisors and the Boards they are members of.

Discussion was held with the Kossuth County Auditor.

Board Discussion and Committee Reports were held.

The Oath of Office was given to Matt Holmquist, Kossuth County Sheriff's Deputy.

On motion adjournment was taken at 2:30 p.m. until September 24, 2019.

Attest:

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Amber Garman  
Kossuth County Auditor

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Jack Plathe, Chairman  
Kossuth County Board of Supervisors