

BOARD PROCEEDINGS
September 24, 2019
REGULAR SEPTEMBER SESSION

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

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

Public discussion was held.

The Board of Supervisors reviewed the handwritten claims.

Motion by Tjarks and 2nd by Casey to approve the agenda, the minutes of the previous meeting dated September 17th, and to approve the handwritten claims payable to Card Services in the amount of \$411.08 and two claims to Boyer Trucks in the amount of \$117,980.00 and \$102,740.00. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried. (Thomas S. Reavely, the 10:00 item will be moved to next week per his request)

Motion by Stecker and 2nd by Tjarks to go into closed session per Iowa Code 21.5.1.c per advice from our County Attorney to discuss the County Social Services Arbitration Settlement. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

No decision was made following closed session.

Discussion was held in regards to Chapter 21 of the Iowa Code. Kristi Harshbarger was not available to speak but Supervisor Stecker gave her comments per their discussion. Todd Holmes was also present.

The Board of Supervisors acknowledged the Safety Committee meeting minutes from September 11, 2019.

The Board of Supervisors acknowledged the Wellness Committee meeting minutes from September 4, 2019.

Motion by Loss and 2nd by Stecker to approve Resolution #09-24-19-01 which is a resolution to approve Kossuth Wind Energy LLC, A Delaware Corporation, 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.

RESOLUTION TO APPROVE KOSSUTH WIND ENERGY LLC, A DELEWARE CORPORATION, APPLICATION FOR EASEMENT THROUGH DRAINAGE DISTRICT RIGHT-OF-WAY

Kossuth County Resolution No. 09-24-19-01

WHEREAS, Kossuth Wind Energy LLC desires to construct a Wind Energy Conversion System in Kossuth County, and

WHEREAS, The proposed components of the wind energy conversion system include but are not limited to access roads, collector lines and turbines that cross the right-of-way of various public drainage districts in the County, and

WHEREAS, Iowa Code section 468.186 mandates that any person proposing to construct a pipeline, electric transmission line, communication line, underground service line, or similar installation on, over, across or beneath a Drainage District right-of-way must, prior to construction, obtain from the governing body of the District an easement to cross the right-of-way, and

WHEREAS, Kossuth County has Procedures and Conditions for Construction in Drainage District Right-of-Way, and

WHEREAS, Kossuth Wind Energy LLC has filed an Application for Crossing Easements across the drainage district Right-of-Way in Kossuth County, and

WHEREAS, The Kossuth County Board of Supervisors has set the Application Fee for this as \$43,000 for this application, and

WHEREAS, Kossuth Wind Energy LLC has made payment of \$48,000 for the application fee,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY to approve the Application for Easement through Drainage District Right-of-Way submitted by Kossuth Wind Energy LLC

Resolution adopted this 24th day of September, 2019.

Kossuth County Board of Supervisors

Jack Plathe
Board of Supervisors Chairperson

ATTEST:

Amber Garman
Kossuth County Auditor

Motion by Stecker and 2nd by Tjarks to approve Resolution #09-24-19-02 which is a resolution to grant Kossuth Wind Energy LLC, a Delaware Corporation a Drainage District Crossing Easement. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION TO GRANT KOSSUTH WIND ENERGY LLC, A DELEWARE CORPORATION A DRAINAGE DISTRICT CROSSING EASEMENT

Kossuth County Resolution No. 09-24-19-02

WHEREAS, Kossuth Wind Energy LLC desires to construct a Wind Energy Conversion System in Kossuth County, and

WHEREAS, The proposed components of the wind energy conversion system including but are not limited to access roads, collector lines and turbines that cross the right-of-way of various public drainage districts in the County, and

WHEREAS, Iowa Code section 468.186 mandates that any person proposing to construct a pipeline, electric transmission line, communication line, underground service line, or similar installation on, over, across or beneath a District right-of-way must, prior to construction, obtain from the governing body of the District an easement to cross the right-of-way, and

WHEREAS, Procedures and Conditions for Construction in Drainage District Right-of-Way were adopted June 21, 2016 by the Kossuth County Board of Supervisors, and

WHEREAS, Kossuth Wind Energy LLC has filed an Application for Crossing Easements across the drainage district Right-of-Way in Kossuth County, and

WHEREAS, The application of, Kossuth Wind Energy LLC has been approved by the Kossuth County Board of Supervisors.

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

Article 1. To require all collection and communication line intersections with Drainage District Facilities to be bored under the said Drainage District Facilities.

Article 2. To issue a Crossing Easement to, Kossuth Wind Energy LLC, in accord Article 1 with the Application on file and subject to Kossuth County's Procedures and Conditions for Construction in Drainage District Right-of-Way.

Resolution adopted this 24th day of September, 2019.

Kossuth County Board of Supervisors

Jack Plathe
Board of Supervisors Chairperson

ATTEST:

Amber Garman
Kossuth County Auditor

Motion by Stecker and 2nd by Casey to take no action on Kossuth Wind Energy LLC Wind Energy LLC Wind Farm (Invenergy) Road Use and Repair Agreement and investigate items discussed. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: no, Tjarks: no, Plathe: no. Motion fails with Loss, Tjarks and Plathe being the no votes.

Motion by Loss and 2nd by Casey to approve Resolution #09-24-19-03 which is a resolution to approve the road use and repair agreement with Kossuth Wind Energy LLC Wind Farm (Invenergy) with the change to paragraph 2.6 which is changing the penalty fee from \$250 to \$500 per occasion. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: no, Loss: yes, Tjarks: yes, Plathe: yes. Motion carries with Stecker being the no vote.

RESOLUTION TO APPROVE THE ROAD USE AND REPAIR AGREEMENT

Kossuth County Resolution No. 09-24-19-03

WHEREAS, Kossuth County has Ordinance #310-A, An Ordinance Regulating ,The Construction and Operation of Commercial Wind Energy Conversion Systems (WECS) in Kossuth County, Iowa and

WHEREAS, Kossuth Wind Energy LLC (KWE) has applied for a WECS Permit, and

WHEREAS, the previously mentioned ordinance requires that a Road Use and Repair Agreement be executed prior to issuance of a WECS Construction Permit, and

WHEREAS, Kossuth County and KWE have agreed to terms and wish to reduce them to writing.

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the attached Kossuth County Road Use and Repair Agreement be approved.

September 24, 2019
Dated at Algona, Iowa

Jack Plathe, Chairperson
Kossuth County Board of Supervisors

ATTEST:

Amber Garman
Kossuth County Auditor

Motion by Tjarks and 2nd by Casey that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Wayne Gerhart, Bancroft, IA, to install an 18" corrugated metal pipe for transporting hog manure under 40th Avenue. The culvert crossing 40th Avenue is located approximately 1200 feet south of 310th Street, the Northwest quarter of section 22, Fenton Township. The installation is per agreement and permit number MP 19-09-01 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 2nd by Loss to authorize chairman to sign the National Pollutant Discharge Elimination System (NPDES) General Permit #5 Fee Invoice for Cylinder Gravel Pit.

Supervisor Stecker withdrew the motion before the vote as after further discussion it will be added to the agenda next week.

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

Daniel Green, Kossuth County Veteran Affairs Director was present to give his monthly report.

Motion by Tjarks and 2nd by Casey to have the Supervisors handle their requests for drainage as follows: Supervisor Stecker (1 request - #141). Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Drainage

Motion by Tjarks and 2nd by Wirtz to organize the joint teleconference PAK 1 meeting appointing Jack Plathe as Chairman and Marg Mergen as secretary. Ayes: all Nays: none Motion carried.

Motion by Solberg and 2nd by Stecker to amend motion made at June 11, 2019 public hearing to change interest rate on stamped warrants to 5% and 20 years for waiver payments. Ayes: all Nays: none Motion carried.

Motion by Stecker and 2nd by Wirtz to approve plans and specifications for PAK 1 Open Ditch repair. Ayes: all Nays: none Motion carried.

Motion by Tjarks and 2nd by Solberg to set Bid Letting for Tuesday November 12, 2019 at 9:45 a.m. and considerations of bids to be held Tuesday, November 19, 2019 at 9:45 a.m. in the Kossuth County Supervisor's Board Room by teleconference with Palo Alto County Supervisors. Ayes all Nays: none Motion carried.

Motion by Wirtz and 2nd by Stecker to adjourn. Ayes: all Nays: none Motion carried.

Motion by Tjarks and 2nd by Loss to award the contract to the low bid from Reutzell Excavating in the amount of \$274,088 for Drainage District 80 Main Open Ditch B and Lateral 30 Cleanout Repairs. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes

Discussion was held with the Kossuth County Auditor.

Board Discussion and Committee Reports were held.

On motion adjournment was taken at 12:22 until October 1, 2019.

Attest:

Amber Garman
Kossuth County Auditor

Jack Plathe, Chairman
Kossuth County Board of Supervisors