

BOARD PROCEEDINGS
October 1, 2019
REGULAR OCTOBER 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 2nd by Stecker to approve the agenda, the minutes of the previous meeting dated September 24th, and to approve the claims. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion Carried.

Algona Appl	Srvs	75.00	1
AMU	Srvs	1943.85	12
Algona Plumb & Htg	Srvs	203.00	2
Algona Public Lib	Alloc	27656.56	1
Algona Public Lib	Exp	5000.00	1
AU Life Ins	Ins.	80.00	1
M Arndorfer	Exp	152.54	1
Arnold Motor Supply	Parts	51.86	1
Astech Corp	Engineer	373074.95	1
ATLAS STAMP & SEAL	Supp	23.50	1
Fidelity Sec Lif Ins	Ins	122.68	1
Banc Public Lib	Alloc	11384.31	1
K Benschoter	Exp	383.23	2
Bob Barker Co	Supp	427.00	1
Bomgaars	Supp	1203.43	2
K Briggs	Exp	10.15	1
Brown Supp Co	Supp	289.56	1
Brown's Shoe Fit Co	Supp	35.92	2
Burt Public Lib	Alloc	10713.60	1
Central IA Dist	Supp	329.00	1
Central IA Juv	Srvs	892.00	1
Centurylink	Phone	103.52	1
City of Algona	Exp	29142.25	2
City of Fenton	Utilities	90.37	1
City of LuVerne	Exp	90.00	1
City of Wesley	Cons	61.02	1
City of West Bend	Utilities	147.28	1
Counsel Ofs & Doc	Supp	1143.47	5
E Davis	Exp	16.07	1
Darren Driscoll Webster Co Att	Exp.	47.56	1
Ecolab	Srvs	202.95	1
Electronic Specialties	Srvs	765.48	1
Erpelding Excav	Srvs	1821.58	1
Farmers Coop Elev	Fuel	50.00	1
Fenton Coop Telephone	Srvs	223.56	1
Fenton Public Lib	Alloc	9857.52	1
Fetrow Reporting	Srvs	161.70	1

Cretex Concrete Products	Supp	7270.95	1
Galls	Supp	156.00	1
GRACIE GLOBAL LLC	Exp	995.00	1
GreatAmerica Financial Srvs	Srvs	258.47	2
D Green	Exp	38.86	1
K Groesbeck	Exp	34.80	1
Hargens Court Reporting	Srvs	68.50	1
Heartland Paper Co	Supp	398.29	1
Hi-Way Products Inc	Engineer	411.00	1
Holiday Inn	Lodging	732.48	1
Hy-Vee	Supp	224.12	2
Ia Fire Equip Co	Supp	254.00	1
IA One Call	Srvs	66.60	1
IA Prison Ind	Signs	422.51	1
IA Prison Ind	Supp	533.50	1
ISAC	Reg	70.00	1
ITsavvy LLC	Supp	1278.00	3
JCL Solutions	Supp	630.27	2
John Deere Financial	Parts	3392.75	1
T Johnson	Exp	37.12	1
Kollasch Rep.	Repairs	2519.87	1
KC Sheriff	Srvs	164.80	4
Lakota Pub Lib	Alloc	9776.63	1
Ledyard Pub Lib	Alloc	9355.33	1
Lone Rock Coop Tel	Phone	653.78	1
S Long	Exp	140.96	1
Luverne Pub Lib	Alloc	9796.85	1
MD Product	Supplies	367.58	1
Martin Marietta Agg	Rock	16481.39	1
Cinn Mawdsley	Exp	63.80	1
MCHS EMS Program	Exp	10.00	1
Mid Am Energy	Srvs	364.28	3
Midwest Radar & Equip	Supp	440.00	1
A Miller	Exp	15.00	1
Network Services Company	Srvs	242.19	1
NG 911	Exp	226.33	1
NIA Lumber&Design	Exp	42.46	2
NW Comm	Service	105.22	1
NUGENCO	Exp	240.00	1
M Nyman	Exp	37.12	1
IOS	Supp	150.80	4
Penguin Mgmt Inc	Srvs	5256.00	1
N Rahm	Exp	72.80	1
N Roethler	Exp	15.00	1
Ruhnke Bros	Srvs	43.91	1
Shield Tech Corp	Srvs	1500.00	1
Sioux Sales Co	Supp	291.75	1
Strauss Sec Solutions	Supp	88.00	1
SC Public Library	Alloc	10723.71	1
Bailey Taylor Webster Co Attor	Exp	47.56	1
The Messenger	Notices	85.00	1
Water Conn	Srvs	28.02	1
S Thompson	Exp	158.22	1
Z Thompson	Exp	15.00	1

Titonka Munc Utilities	Srvs	70.50	1
Titonka Public Library	Alloc	10521.49	1
Titonka Burt Comm	Phone	1133.00	1
Roger Tjarks	Meeting/Mileage	112.52	1
Tom Eischen Sales	Parts	41.95	1
US Postmaster	Postage	434.60	1
Verizon Wireless	Phone	130.52	1
Vogel Traffic Services	Engineer	80036.25	1
Von Bokern Assoc	Services	7425.00	1
Wesley Public Library	Alloc	10231.64	1
West Bend Pub Library	Alloc	4992.52	1
Whittemore Public Lib	Alloc	10615.86	1
Winnebago Coop Telep	Srvs	240.60	1
Grand Total		690755.50	

Drainage Claims

Fred Schmidt	Drain 9	\$300.00
Mike Frideres	Drain 9	\$300.00
Mary Kohlhaas	Drain 9	\$250.00
Mike Kohlhaas	Drain 9	\$300.00
B&W Control Specialists	Drain 9 Lat 7	\$521.00
B&W Control Specialists	Drain 9	\$1159.88
Bolton & Menk	Drain PAK 1	\$3190.50
Bolton & Menk	Drain 65	\$6641.00
Bolton & Menk	Drain 84	\$9777.50
Bolton & Menk	Drain 18	\$1380.00
Bolton & Menk	Drain 96	\$1476.00
Hudson Law Firm	Drain 84	\$27.50
I & S Group	Drain 75	\$2407.50
McClure Engineering	Drain 80 OD B	\$18307.31
McClure Engineering	Drain 129	\$232.50
McClure Engineering	Drain 4 Lat 11 OD	\$1010.00
McClure Engineering	Drain 110 Lat 23	\$2322.50
McClure Engineering	Drain 60 Sub 1	\$5647.50
Reutzel Excavating	Drain 84	\$318227.71
TOTAL		\$373478.40

Motion by Stecker and 2nd by Tjarks to approve, by Resolution and signed copy, the settlement agreement with the County Social Services as presented by Todd Holmes, Kossuth County Attorney. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes; Tjarks: yes, Plathe: yes. Motion carried.

Discussion was held with Steve Brick in regards to the possibility of amending Ordinance 310A regarding a 2 mile setback for communities in Kossuth County.

Discussion was held about the approval of the Application for Wind Energy Conversion System Permit. Ordinance 310A is current law. Application for WECS Construction Permit was reviewed and said to be complete by Zoning Commissioner, Doug Miller. Time line to approve the application after Public Hearing is 30 days. The final plan was submitted on September 9th, 2019. According to dates and law,

the Board of Supervisors are able to vote today, on the Application for the Construction Permit. Mr. Brick stated to his knowledge, there are no legal reasons for not approving the application. Mr. Brick also stated, that if a Supervisor is to vote no, they have to establish a legal reason that the application is incomplete at the time of their vote, it cannot be based on opinion.

Motion by Plathe and 2nd by Tjarks to approve Resolution #10-01-19-01 which approves an Application for WECS Construction Permit by Kossuth Wind Energy LLC. Chairman Plathe called for a roll call vote: Casey: no, Stecker: no, Loss: yes; Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION # 10-01-19-01
KOSSUTH COUNTY BOARD OF SUPERVISORS
October 1, 2019

**RESOLUTION APPROVING AN APPLICATION FOR WECS CONSTRUCTION PERMIT BY KOSSUTH
WIND ENERGY LLC**

WHEREAS, Kossuth County has heretofore enacted Ordinance #310-A – *“An Ordinance Regulating, the Construction and Operation of Commercial Wind Energy Conversion Systems (WECS) in Kossuth County, Iowa (the “Ordinance”)*, and

WHEREAS, Kossuth Wind Energy LLC (*“KWE”*) has, pursuant to the Ordinance, filed an Application for a WECS Permit to construct and operate a WECS in Kossuth County to be called Kossuth Wind Project (the *“Project”*), and

WHEREAS, the Application has been reviewed by the Zoning Administrator and found to be in conformity with the requirements of the Ordinance, and

WHEREAS, notice of the filing of the Application was mailed and published in accordance with the Ordinance, and

WHEREAS, notice of a public hearing on the Application was mailed and published in accordance with the Ordinance, and

WHEREAS, a public hearing was held by the Board of Supervisors on September 5, 2019, per the requirements of Iowa Law and the Ordinance, and

WHEREAS, following the public hearing, KWE submitted a Final Development Plan (*“FDP”*) to the Zoning Administrator showing the final location of all turbines and other components comprising the Project, and

WHEREAS, the Kossuth County Board of Supervisors has considered the public comments, and, having reviewed the Application and the FDP, FINDS that the Application and the FDP are complete and in compliance with the terms of the Ordinance, that all notice requirements pertaining to the Application and the public hearing were complied with in accordance with the Ordinance and Iowa law, and that all other requirements under the Ordinance for issuance of a WECS Construction Permit have been satisfied, and

WHEREAS, the Kossuth County Board of Supervisors concludes that a WECS Construction Permit for the Project should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the aforementioned Application and FDP of KWE be and hereby is approved; and the Kossuth County Zoning Administrator is hereby directed to issue a WECS Construction Permit to KWE for the construction and operation of the Project.

October 1, 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 Plathe to approve Resolution #10-01-19-02 which approves the assignment and transfer of WECS Construction Permit 2019-01 by Kossuth Wind Energy LLC to Wisconsin Power and Light Company. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes; Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION # 10-01-19-02
KOSSUTH COUNTY BOARD OF SUPERVISORS
October 1, 2019

**Approval of the assignment and transfer of WECS Construction Permit 2019-01 by
Kossuth Wind Energy LLC to *Wisconsin Power and Light Company*]**

WHEREAS, Kossuth County has heretofore enacted Ordinance #310-A – “*An Ordinance Regulating, the Construction and Operation of Commercial Wind Energy Conversion Systems (WECS) in Kossuth County, Iowa (the “Ordinance”)*”, and

WHEREAS, October 1, 2019, the Kossuth County Board of Supervisors (the “*Board*”) concluded that a WECS Construction Permit for the Kossuth Wind Project (the “*Project*”) should be issued to Kossuth Wind Energy LLC (“*KWE*”), and

WHEREAS, on October 1, 2019, the Board directed the Zoning Administrator to issue a WECS Construction Permit for the Project to KWE, and

WHEREAS, on October 1, 2019, the Zoning Administrator issued WECS Construction Permit 2019-01 for the Project to KWE (the “*Permit*”), and

WHEREAS, Wisconsin Power and Light Company (“*WPL*”) previously entered into an agreement to acquire the Project from KWE, and

WHEREAS, WPL and KWE expect to close on the sale of the Project, transferring ownership of the Project from KWE to WPL (the “*Transaction*”), and

WHEREAS, as part of the Transaction, KWE will assign and WPL will acquire, among other Project assets, the Permit and Ancillary Agreements (which include the Road Use and Repair Agreement and Public Drainage System Protection Agreement between EDF and Kossuth County, and the Emergency Response Plan), and Decommissioning Plan for the Project, and

WHEREAS, WPL has requested that the Zoning Administrator approve the transfer of the Permit from KWE to WPL, with such approval of the transfer to become effective as of the date of closing on the Project, and

WHEREAS, WPL provided written assurances to the Board that WPL is able and ready to assume the financial and operational responsibility for the WECS permit, the Ancillary Agreements and the Decommissioning Plan for the Project. WPL is a financially sound public utility that is regulated by the Public Service Commission of Wisconsin. In addition, The Public Service Commission of Wisconsin granted the Application of Wisconsin Power and Light Company for a Certificate of Authority for Construction, Installation, and Placement in Operation of a Wind Electric Generation Facility, Known as the Kossuth Wind Project, in Kossuth County, Iowa Case # 6680-CE-181 (PSC REF#356813) (Dated January 7, 2019) for a total estimated cost of \$223 million contemplating cost recovery through conventional ratemaking treatment, and

WHEREAS, the Board finds that WPL has the knowledge and financial resources to develop and operate the Project in a manner that complies with the WECS Permit, Ancillary Agreements, and Decommissioning Plan and, upon closing on the Transaction, will have the financial and operational responsibility to assume all obligations required by the Permit holder under the Ordinance and the Ancillary Agreements (as that term is defined in the Ordinance), and

WHEREAS, the Board finds that KWE’s obligations and financial security required under the Decommissioning Plan (as the term is defined in the Ordinance) are contemplated to be transferred and assigned to WPL; and

WHEREAS, the Board concludes that the requirements under the Ordinance for the assignment and transfer of the Permit, the Ancillary Agreements and the Decommissioning Plan have been met.

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the transfer and assignment of the Permit, the Ancillary Agreements, and the Decommissioning Plan from KWE to WPL is approved, with such approval to become effective as of the date of closing on the Project and submission to the county of a fully executed transfer and assignment of all obligations including the Permit, the Ancillary Agreements and the Decommissioning Plan and submission of the financial security

and satisfaction of all other requirements of the ordinance, and the Zoning Administrator is hereby authorized to execute any documentation necessary to confirm such approval and effectuate such transfer and assignment of the same.

October 1, 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 Bob Faber, Algona, IA, to install an 18" corrugated metal pipe for transporting hog manure under 115th Avenue and 160th Street. The culvert crossing 115th Avenue is located approximately 675 feet north of 180th Street, the Southwest quarter of section 23, Cresco Township.

AND

The culvert crossing 160th Street is located approximately 2510 feet west of 90th Avenue, the Southeast quarter of section 32, Cresco Township.

The installation is per agreement and permit number MP 19-10-02 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 Kossuth County Engineer/Kossuth County Zoning Administrator.

Motion by Casey and 2nd by Loss to have the Supervisors handle their requests for drainage as follows: Supervisor Stecker (3 requests - #142, 145, 146), Supervisor Tjarks (2 requests - #143, 144). Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

No discussion was held with Thomas S Reavely, Attorney for Kossuth County Citizens for Rural Property Rights regarding Kossuth Wind Energy Project, per Attorney Earl Hill, Mr. Reavely was unable to attend due to court. Mr. Hill appeared on his behalf. After approval of Construction Permit for WECS, Mr. Hill removed himself from the agenda and left.

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

On motion adjournment was taken at 11: 08 a.m. until October 8, 2019.

Attest:

Amber Garman
Kossuth County Auditor

Jack Plathe, Chairman
Kossuth County Board of Supervisors