

BOARD PROCEEDINGS
February 25, 2020
REGULAR February SESSION

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

Jack Plathe, Chairman called the meeting to order at 8:00 a.m. followed by the Pledge of Allegiance.

The following Years of Service Awards were presented:

Secondary Road	Mark Blocker	20 Years
Secondary Road	Myron Carlson	35 Years
Secondary Road	Gary Goetz	40 Years
Secondary Road	James Smith	15 Years
Secondary Road	Michael Phelps	25 Years
Secondary Road	Fay Preston	15 Years

Motion by Loss and 2nd by Stecker to approve the agenda and the previous meeting minutes dated February 18, 2020. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Stecker to approve the appointments of Kerry Mastin as Hebron Township Clerk with a term ending December 31, 2022 and Jeff Willmert as Hebron Township Trustee with a term ending December 31, 2020. 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 Wellness Committee Meeting Minutes dated February 19, 2020.

Public Hearing for Noncurrent Debt
And
Approving Internal Advance for a Project in Buffalo Township Urban Renewal Area

Motion by Tjarks and 2nd by Loss to open the public hearing for Noncurrent Debt and Approving Internal Loan Advance for A Project in the Buffalo Township Urban Renewal Area. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

There were no comments received from the public in person or in writing.

Motion by Stecker and 2nd by Tjarks to close the public hearing for Noncurrent Debt and Approving Internal Loan Advance for A Project in the Buffalo Township Urban Renewal Area. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Loss to approve Resolution #02-25-20-01 which is the Authorization of an Internal Advance to Fund Urban Renewal Project Costs. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION #02-25-20-01

AUTHORIZING INTERNAL ADVANCE TO FUND URBAN RENEWAL PROJECT COSTS

WHEREAS, the Board of Supervisors (the "Board") of Kossuth County, Iowa (the "County"), has established the Kossuth County Buffalo Township Economic Development Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, the Board has also established the Kossuth County Buffalo Township Economic Development Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Urban Renewal Area should be deposited; and

WHEREAS, the Board has also identified a county road improvement involving widening 330th Street (the "Project") that should be constructed in the Urban Renewal Area; and

WHEREAS, it has been proposed that the County approve an internal advance of funds in the amount of \$457,500 (the "Advance") in order to pay the costs of the Project, and the County desires to make the Advance eligible to be repaid from future incremental property tax revenues to be derived from the Urban Renewal Area; and

WHEREAS, notice of a public hearing on approving the Advance as a non-current debt, pursuant to Section 331.479 of the Code of Iowa, was published, and the hearing was held;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of Kossuth County, Iowa, as follows:

Section 1. It is hereby directed that \$457,500 be advanced to the Tax Increment Fund from the County Rural Services Basic Fund for the funding of the Project. The Advance shall be treated as a loan (the "Loan") to the Tax Increment Fund and shall be repaid to the Rural Services Basic Fund without interest, out of future incremental property tax revenues received into the Tax Increment Fund.

Payments on the Loan are subject to annual appropriation by the Board and to the determination of the Board that there are incremental property tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Fund.

Section 2. The Tax Increment Fund is hereby pledged to the repayment of the Loan, and a copy of this Resolution shall be filed in the office of the County Auditor to evidence this pledge. Pursuant to Section 403.19 of the Code of Iowa, the County Auditor is hereby directed to certify, no later than December 1, 2020, the original amount of the Loan as an obligation that is eligible to be repaid from future incremental property tax revenues, and to certify no later than December 1 of each succeeding year any remaining outstanding balance of the Loan.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 25th day of February, 2020.

Attest:

Amber Garman, Kossuth County Auditor

Jack Plathe, Chairman Board of Supervisors

Motion by Casey and 2nd by Tjarks to approve B & W Control Specialists, Inc., quote for roadside weed control for 2020 which is on file in the County Engineer's Office. Total estimated cost for control of noxious weeds equals \$90,645.88. 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 Plathe to approve Resolution #02-25-20-02 which is a resolution regarding payment of the expenses of operation, maintenance and funded depreciation of the hospital from other county funds or by tax levy. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION #02-25-20-02

RESOLUTION REGARDING PAYMENT OF THE EXPENSES OF OPERATION, MAINTENANCE, AND FUNDED DEPRECIATION OF THE HOSPITAL FROM OTHER COUNTY FUNDS OR BY TAX LEVY

WHEREAS, Kossuth Regional Health Center is a hospital organized and operated pursuant to Iowa Code Chapter 347A; and

WHEREAS, Iowa Code Section 347A.3 provides:

If in any year, after payment of the accruing interest on and principal due of revenue bonds issued under chapter 331, division IV, part 4, and payable from the revenues derived from the operation of the county hospital, there is a balance of such revenues insufficient to pay the expenses of operation, maintenance, and funded depreciation of the hospital, the board of hospital trustees shall certify that fact as soon as ascertained to the board of supervisors of the county, and the board of supervisors shall make the amount of the deficiency for paying the expenses of operation, maintenance, and funded depreciation of the hospital available from other county funds or shall levy a tax not to exceed one dollar and eight cents per thousand dollars of assessed value in any one year on all the taxable property in the county in an amount sufficient for that purpose. However, general county funds or the proceeds of taxes shall not be used or applied to the payment of the interest on or principal of revenue bonds issued under chapter 331, division IV, part 4, but general county funds or proceeds of taxes may only be used and applied to pay expenses of operation, maintenance, and funded depreciation of the hospital

which cannot be paid from available revenue derived from its operation; and

WHEREAS, the Kossuth Regional Health Center Board of Trustees have certified that after payment of the accruing interest on and principal due of revenue bonds issued under chapter 331, division IV, part 4, and payable from the revenues derived from the operation of the county hospital, there is a balance of such revenues insufficient to pay the expenses of operation, maintenance, and funded depreciation of the hospital; and

WHEREAS, the certified deficiency is \$941,952; and

WHEREAS, the Kossuth County Board of Supervisors is obligated to “make the amount of the deficiency for paying the expenses of operation, maintenance, and funded depreciation of the hospital available” from other county funds or by tax levy; and

WHEREAS, general county funds or proceeds of taxes “shall not be used or applied to the payment of the interest on or principal of revenue bonds issued under chapter 331, division IV, part 4, but general county funds or proceeds of taxes may only be used and applied to pay expenses of operation, maintenance, and funded depreciation of the hospital which cannot be paid from available revenue derived from its operation.

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

1. That the Kossuth Regional Health Center Board of Trustees has certified to the Board the fact that after payment of the accruing interest on and principal due of revenue bonds issued under chapter 331, division IV, part 4, and payable from the revenues derived from the operation of the county hospital, there is a balance of such revenues insufficient to pay the expenses of operation, maintenance, and funded depreciation of the hospital.
2. That Kossuth Regional Health Center and its Board of Trustees is a “municipality” and a “certifying board” for purposes of Iowa Code Chapter 24. Therefore, they have the power to levy or certify a tax or sum of money to be collected by taxation. (See Iowa Op. Atty. Gen. 94-3-1(L))
3. That the Kossuth County Board of Supervisors shall make the amount of the deficiency for paying the expenses of operation, maintenance, and funded depreciation of the hospital available from other county funds or shall levy a tax not to exceed one dollar and eight cents per thousand dollars of assessed value in any one year on all the taxable property in the county in an amount sufficient for that purpose.
4. However, the general county funds or the proceeds of taxes shall not be used or applied

to the payment of the interest on or principal of revenue bonds issued under chapter 331, division IV, part 4, but general county funds or proceeds of taxes may only be used and applied to pay expenses of operation, maintenance, and funded depreciation of the hospital which cannot be paid from available revenue derived from its operation.

Passed and approved this 25th day of February, 2020.

Jack Plathe, Chairperson
Kossuth County Board of Supervisors

ATTEST:

Amber Garman, Kossuth County Auditor

Motion by Stecker and 2nd by Tjarks to approve the 28E Agreement for Region 3-4 chief Elected Official Consortium Workforce Innovation and Opportunity Act of 2014 and authorize Chairman to sign the Agreement. Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried. (this agreement is on file in the Kossuth County Auditor's Office)

Motion by Loss and 2nd by Stecker to approve the contract for Teamsters Local No. 238 and authorize the Chairman to sign the contract. Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Casey to approve the contract for Communications Workers of America and authorize the Chairman to sign the contract. Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Casey to approve the Design Partnership Agreement with Bergland + Cram for the Courthouse Annex Roof Replacement Project for a total cost not to exceed \$11,500 and payment to be made after July 1, 2020. Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2nd by Tjarks to approve the liquor license for Spring Valley Golf Course. Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Stecker and 2nd by Loss to have the Supervisors handle their requests for drainage as follows: Supervisor Tjarks with 1 request (#10). Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Stecker to approve the applications for exemption from buffer strip ban in drainage district facilities. Chairman Plathe called for the roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

There was no action taken for Awarding the contract for the Bundled Bridge Replacement.

Motion by Stecker to have the County Attorney look into pg 3 and 4 item 10a and 10b of the employment contract and agreement between Kossuth County Board of Supervisors and Kossuth County Engineer. Motion fails for lack of 2nd.

Motion by Tjarks and 2nd by Plathe to approve the Employment Contract and Agreement between Kossuth County Board of Supervisors and Kossuth County Engineer for the period beginning July 1, 2020 and ending June 30, 2023. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: no, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried 4 to 1 with Stecker being the No vote.

There were no Construction within the ROW to approve.

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

Phil Albers was present to give an update in regards to the KCEMS Board meeting that was held on Tuesday, February 18, 2020.

The Board of Supervisors discussed the options for the KCEMS Northern location.

Discussion with Kossuth County Auditor was held.

Board discussion and committee reports were held.

On motion adjournment was taken at 10:42 a.m. until March 3, 2020.

Attest:

Amber Garman, Kossuth County Auditor

Chairman, Kossuth County Board of Supervisors

