

**BOARD PROCEEDINGS**  
**October 27, 2020**  
**REGULAR OCTOBER SESSION**

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

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

Public discussion was held.

The Board of Supervisors reviewed the claims.

Motion by Tjarks and 2<sup>nd</sup> by Loss to approve the agenda and the minutes from the previous meeting dated October 20, 2020 and the claims which includes the first half allocation to NW Iowa Care Connections in the amount of \$228,977. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: Absent, Loss: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

AgSource Coop Srvs	Srvs	60.00	1
AMU	Srvs	2459.86	14
AU Life Ins	Ins.	77.50	1
H Arndorfer	Exp	606.38	1
AT & T	Phone	85.56	1
Fidelity Sec Lif Ins	Ins	126.38	1
BMC Aggregates	Rock	2073.53	1
Bob Barker Co	Supp	53.58	1
Bomgaars	Supp	487.69	3
Buscher Bros	Srvs	99.78	1
Central IA Dist	Supp	671.00	1
Central IA Juv	Srvs	3318.00	1
Centurylink	Phone	992.44	3
Chally Repair	Repairs	126.00	1
Cintas	Supplies	887.12	1
City Dir.	Supp	152.00	1
City of Fenton	Utilities	90.53	1
City of West Bend	Utilities	175.56	1
Counsel Ofs & Doc	Supp	111.10	2
Counsel Ofs & Doc	Suppl	110.71	1
Ecolab	Srvs	154.69	1
Elec Systems & Software	Supp	1816.48	1
Fenton Coop Telephone	Srvs	223.56	1
Cretex Concrete Products	Supp	6294.00	1
D Green	Exp	38.24	1
H.T.C., Inc.	Supp	888.16	1
Heartland Paper Co	Supp	375.04	1
Hy Vee Pharmacy	Exp	24.22	1
IA Prison Ind	Signs	4828.10	1
ITsavvy LLC	Supp	1245.00	3
JCL Solutions	Supp	171.42	1
John Deere Financial	Parts	1324.16	1
Kemco Tires	Srvs	69.00	1
Koss Co Ext	Exp	70.00	1
KC Sec Road	Fuel	128.58	1
KRHC	Srvs	350.00	1
Martin Marietta Agg	Rock	3864.13	1
M Mergen	Exp	39.08	1
W Merron	Exp	42.99	1
Metal Culverts	Pipe	25779.25	1
Mid Am Energy	Srvs	18.98	1
A Miller	Exp	99.00	2
D Miller	Reim	85.98	1
S Nielsen	Exp	4.19	1
Modern Marketing	Exp	2070.00	1
Motorola Solutions Inc	Supp	45329.50	1

North Iowa TelCom	Parts	4992.00	1
Norther Cedar Srv	Srvs	46401.80	1
NW Comm	Phone	1178.40	1
NW Comm	Service	105.47	1
NW Iowa Care Connections	Exp	228977.00	1
IOS	Exp	74.23	1
IOS	Supp	92.82	2
Palo Alto Co Sheriff	Exp	36.96	1
Polk Co Sherrif's Ofs	Srvs	39.20	1
Ricoh USA, Inc.	Maint	12.50	1
N Roethler	Exp	57.00	2
Safety X-treme	Engineer Supp	1957.55	1
Sec St Bank	Service	36.21	1
St Hygienic Lab	Supp	20.00	1
Tanner Kockler	Exp	271.50	1
The Messenger	Notices	35.00	1
S Thompson	Exp	39.25	1
Z Thompson	Exp	15.00	1
Thomson Reuters West	Supp	231.17	1
US Cellular	Srvs	61.14	1
West Des Moines Marriott	Engineer Supp	141.12	1
Window Accents	Srvs	4007.00	1
Windstream	Srvs	66.55	1
Scott A Ziesman	Exp	85.98	1
1 Of A Kind Signs	Supp	150.00	1
3R Resources, Inc.	Supp	13.97	1
Grand Total		397197.29	

End of Report

#### Drainage Claims

Bolton & Menk	Drain 9	\$1092.50
Bolton &Menk	Drain 65	\$1675.00
Bolton & Menk	Drain 80	\$350.00
Bolton & Menk	Drain PAK 1	\$19411.50
I & S Group	Drain 75	\$3523.60
I & S Group	Drain 75	\$1166.90
I & S Group	Drain 75	\$3281.37
I & S Group	Drain 75 Lat 5	\$2139.00
I & S Group	Drain 75 Lat 5	\$2714.00
Jacobson Westergard	Drain 80	\$4448.00
Jacobson Westergard	Drain WK 68-136	\$1325.52
Jacobson Westergard	Drain 82	\$950.00
McClure Engineering	Drain 80 OD B	\$677.50
McClure Engineering	Drain 129	\$2432.50
Ken Ubben	Drain WK 68-136	\$102.90
DD TRI 84	Drain 16	\$4319.41
DD TRI 84	Drain 98	\$4139.96
DD 166 MOD	Drain 166 Sub 1	\$83.50
DD 166 MOD	Drain 3 Sub 3	\$99.91
DD 166 MOD	Drain 3 Sub 7	\$16.65
DD 166 MOD	Drain 3 Sub 8	\$32.44
DD 90	Drain 71	\$18.50
DD 166 MOD 2	Drain 3 Sub 2	\$19.34
DD 166 MOD 2	Drain 3 Sub 4	\$50.06
DD 166 MOD 2	Drain 3 Sub 5	\$61.43
DD 166 MOD 2	Drain 3 Sub 6	\$61.23
TOTAL		\$54192.72

Motion by Plathe and 2<sup>nd</sup> by Loss to approve the Liquor License for the Thul Shed, LLC.  
Chairman Plathe called for a roll call vote: Casey: yes, Stecker: Absent, Loss: yes, Tjarks: yes,  
Plathe: yes. Motion carried.

Motion by Loss and 2<sup>nd</sup> by Casey to approve the quarterly reports for the Auditor, Recorder, Sheriff and Veteran Affairs. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Phil Albers, Kossuth County EMS Administrator was present to give his monthly update.

Dona Nielsen, Kossuth County General Assistance Administrator was present to give her monthly update.

Motion by Casey and 2<sup>nd</sup> by Tjarks to approve the Annual Weed Commissioner Report as presented by Blaine Struthers, Kossuth County Weed Commissioner. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

The Board of Supervisors acknowledged the Wellness Committee Meeting Minutes.

Motion by Tjarks and 2<sup>nd</sup> by Casey to approve the Wellness Committee hold a 5K/Omelet Breakfast for the employees of Kossuth County and that the Public Purpose Statement for this event is: To educate, support and empower employees and their dependents to improve and maintain their overall health and well-being through a healthy lifestyle. Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Loss and 2<sup>nd</sup> by Casey to approve the EAP Program and the Public Purpose Statement for this expense is: To educate, support and empower employees and their dependents to improve and maintain their overall health and well-being through a healthy lifestyle. Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Loss and 2<sup>nd</sup> by Tjarks to approve the Biometric Lab Draws for employees and the Public Purpose Statement for this expense is: To educate, support and empower employees and their dependents to improve and maintain their overall health and well-being through a healthy lifestyle. Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Tjarks to set the Christmas Luncheon date for Wednesday, December 9, 2020 for 11-1 at the Kossuth County Election Center. Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Loss to approve Resolution #10-27-2020 which is a resolution imposing a moratorium on the filing or processing of further notices of intent and/or applications for commercial wind energy conversion systems under Kossuth County Ordinance #310-A. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent Loss: yes Tjarks: yes Plathe: yes

**KOSSUTH COUNTY BOARD OF SUPERVISORS  
RESOLUTION # 10-27-20-01**

**RESOLUTION IMPOSING A MORATORIUM ON THE FILING OR PROCESSING OF FURTHER  
NOTICES OF INTENT AND/OR APPLICATIONS FOR COMMERCIAL WIND ENERGY CONVERSION  
SYSTEMS UNDER KOSSUTH COUNTY ORDINANCE #310-A**

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, the Ordinance provides a limit for total name-plate production in Kossuth County in an amount not to exceed 700 megawatts; and

WHEREAS, Kossuth County has received, prior to this resolution, a Notice of Intent and Application from Ledyard Windpower, LLC/Amshore US Wind, LLC/Duke Energy Renewables Wind, LLC concerning a proposed project known as Ledyard Windpower Project (“Ledyard Windpower Project”); and

WHEREAS, Kossuth County has previously issued WECS permits, which as those projects are completed, would bring the total name-plate production within the County to **approximately** 600 megawatts, inclusive of the megawattage proposed by the Applicant for the Ledyard Windpower Project; and

WHEREAS, in Resolution 10-22-19-01 Kossuth County imposed a moratorium on the filing and/or processing of any new Notice of Intent to Construct or WECS Construction Permit Applications under Kossuth County Ordinance 310-A which is set to expire on October 22, 2020. The moratorium did not apply to the project known as Ledyard Windpower Project; and

WHEREAS, the County Board of Supervisors intends to refer a proposed change to the ordinance to the Regional Zoning Commission in accordance with Article XXIV of the Kossuth County Zoning Ordinance for consideration and processing; and

WHEREAS, the County desires to continue to preserve the status quo pending a review and potential amendment of Kossuth County Ordinance 310-A concerning the megawatt cap set forth therein and associated amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that a moratorium imposed by Kossuth County Resolution 10-22-19-01 is hereby extended on the filing and/or processing of any new Notice of Intent to Construct or WECS Construction Permit Applications under Kossuth County Ordinance 310-A. The moratorium shall sunset and be null and void on February 26, 2021. This moratorium shall not apply to the project known as Ledyard Windpower Project.

October 27, 2020  
Dated at Algona, Iowa

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Jack Plathe, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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Amber Garman  
Kossuth County Auditor

Discussion was held in regards to the Drainage District Easement for Ledyard Windpower, LLC WECS project.

Motion by Tjarks and 2<sup>nd</sup> by Plathe to approve the amended Resolution #10-06-20-01 which is the amended Resolution to approve Ledyard Windpower, LLC, a Texas Corporation, application for easement through Drainage District Right-of-way. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: Absent, Loss: yes, Tjarks: yes, Plathe: yes.

**AMENDED RESOLUTION TO APPROVE LEDYARD WINDPOWER, LLC, A TEXAS CORPORATION, APPLICATION FOR EASEMENT THROUGH DRAINAGE DISTRICT RIGHT-OF-WAY**

**Kossuth County Resolution No. 10-20-06-01 Amended**

**WHEREAS**, Ledyard Windpower, LLC desires to construct a Wind Energy Conversion System (WECS) 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**, Ledyard Windpower, 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 \$1,000 for this application, and

**WHEREAS**, The Trustees of Drainage District 166 are also the Trustees of Drainage District 184, and

**WHEREAS**, The Application of Ledyard Windpower, LLC identifies 60 drainage district facilities to be crossed for the WECS, 54 crossings for which the Board of Supervisors are Trustees, 1 crossing for Trustees of Drainage District 165, 3 crossings for Trustees of Drainage District 166 and 2 crossings for Trustees of Drainage District 184, and

**WHEREAS**, Ledyard Windpower, LLC has made payment of \$60,000 to Kossuth County for the application fee,

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

Article 1, To distribute \$1,000 to Drainage District 165, \$3,000 to Drainage District 166 and \$2,000 to Drainage District 184.

Article 2. To approve the Application for Easement through Drainage District Right-of-Way submitted by Ledyard Windpower, LLC.

Resolution adopted this 27<sup>th</sup> day of October 2020.

Kossuth County Board of Supervisors

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Jack Plathe  
Board of Supervisors Chairperson

ATTEST:

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Amber Garman  
Kossuth County Auditor

Motion by Casey and 2<sup>nd</sup> by Loss to approve Kossuth County's Commercial Driver's License Drug and Alcohol Education Guide and Substance Abuse Policy dated October 19, 2020 on file in the Kossuth County Engineer's Office and the Designated Employer Representative's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, 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 don Weber to outlet a private tile system into an existing 6" and 5" tile in the south right of way of Old Highway 18, approximately 590 and 1200 feet east of 230<sup>th</sup> Avenue, in the Southwest quarter of Section 35, T-96N, R-27W of the 5<sup>th</sup> P.M., Wesley Township. Permit number OT-20-10-01 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Plathe and 2<sup>nd</sup> by Loss that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Jordan Grimm, West Bend, IA, to install 72 feet of 30" diameter Class 3 reinforced concrete pipe by cutting through 190<sup>th</sup> Street, 1640 feet east of 60<sup>th</sup> Avenue. Work will be between Sections 13 and 24, Whittemore Township, Kossuth County. Permit number 10-41-2020 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Loss to have the Supervisors handle their requests for drainage as follows: Supervisor Tjarks: 2 requests (#133 DD80 Lat 30 OD and #114 DD 111). Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Casey to approve Drainage Ditch Brush Control Quotes from B & W Control Specialists for a total of \$27,000. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: absent, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Discussion with the Kossuth County Auditor was held.

Board discussion and committee reports were held.

On motion adjournment was taken at 11:35 a.m. until November 10, 2020.

Attest:

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Amber Garman  
Kossuth County Auditor

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Jack Plathe, Chairman  
Kossuth County Board of Supervisors