

**BOARD PROCEEDINGS**  
**February 23, 2021**  
**REGULAR February SESSION**

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

Chairman, Roger Tjarks called the meeting to order at 7:59 a.m. followed by the Pledge of Allegiance.

Motion by Plathe and 2<sup>nd</sup> by Stecker to approve the agenda, the minutes of the previous meeting dated February 16, 2021. Motion carried unanimously.

The board acknowledged Wellness Committee Minutes.

Motion by Casey and 2<sup>nd</sup> by Loss to approve Jeans Day on St. Patrick's Day at no cost to employees. Motion carried unanimously.

Discussion with the Mental Health Advocate for new laptop or I-Pad was held and will be continued to next week's meeting.

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

Motion by Casey and 2<sup>nd</sup> by Stecker to approve the Liquor License for Spring Valley Golf Course. Motion carried unanimously.

Motion by Casey and 2<sup>nd</sup> by Plathe to approve the contract with Mark Laddusaw regarding trees on property in PAK 1 Drainage Project and have it recorded in with documents in PAK 1. Motion carried unanimously.

Discussion/Decision to sign a contract with Brian Thul regarding trees on property in PAK 1 Drainage Project was postponed until next week.

Held discussion with Todd Holmes regarding 13% consumables for LEC Contract and 28E Agreement. More discussion will be held during next week's board meeting.

Held Secondary Road Letting: LFM-IM (GE) – 7X-55; LFM-C771200 – 7X-55; L-C982106-73-55; MSC-1-21 thru MSC-6-21.

Motion by Plathe and 2<sup>nd</sup> by Stecker to approve Resolution 02-23-21-01 to award the contract for Bridge Replacement Iowa DOT Contract ID: 55-C055-189. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

**RESOLUTION TO AWARD CONTRACT:**  
**Iowa DOT Contract ID: 55-C055-189**  
**Kossuth County Resolution No. 02-23-21-01**

**WHEREAS**, A Competitive Highway Bridge Program (CHBP) made funds available for specific Iowa County bridges to be replaced by "bundling" or "tying" the specific projects; and

**WHEREAS**, Calhoun County Bridge Replacement Project BRS-CHBP-C013(98)--GB-13 and Kossuth County Bridge Replacement Projects BRS-CHBP-C055(176)--GB-55 and BROSCHBP-C055(189)--GA-55 were identified as specific projects to be bundled; and

**WHEREAS**, Calhoun County and Kossuth County have executed a 28E Agreement that provides each County's responsibilities for the Bridge Replacement Projects; and

**WHEREAS**, Kossuth County is the Contracting Authority and is responsible for the Contract Administration according to the aforementioned 28E Agreement; and

**WHEREAS**, Iowa DOT Contract ID: 55-C055-189 contains Calhoun County Bridge Replacement Project BRS-CHBP-C013(98)--GB-13 and Kossuth County Bridge Replacement Projects BRS-CHBP-C055(176)--GB-55 and BROSCHBP-C055(189)--GA-55; and

**WHEREAS**, the Kossuth County Board of Supervisors, hereafter referred to as "the Board", believes Bridge Replacement Project BRS-CHBP-C055(176)--GB-55, hereafter referred to as "project 1" is in the best interest of Kossuth County, Iowa, and the residents thereof. Project 1 is defined as a bridge replacement located on the North line of Section 19, Greenwood Township; and

**WHEREAS**, the Board believes Bridge Replacement Project BROSCHBP-C055(189)--GA-55, hereafter referred to as "project 2" is in the best interest of Kossuth County, Iowa, and the residents thereof. Project 2 is defined as a bridge replacement located on the North line of Section 12, Burt Township; and

**WHEREAS**, the Board has sought appropriate professional guidance for the concept and planning for project 1 and project 2 and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

**WHEREAS**, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Kossuth County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

**IT IS THEREFORE RESOLVED** by Board to accept the bid from Graves Construction Company, Inc. in the amount of \$2,489,115.30 and awards the associated contract to the same;

**BE IT FURTHER RESOLVED** that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Kossuth County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Douglas A. Miller, the County Engineer for Kossuth County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction projects let through the DOT for this county.

February 23, 2021  
Dated at Algona, Iowa

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Roger Tjarks, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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Tammy Eden  
Kossuth County Auditor

Held discussion with Kossuth County Auditor and discussion with Board of Supervisors.

Motion by Plathe and 2<sup>nd</sup> by Loss to go in to Closed Session in accordance with Iowa Code Chapter 21.5(1)(C) in regards to Lawsuit regarding Antoine v. Kossuth County Board of Supervisors Et Al Case # LACV027372 and discussion of DD 4 & DD 80 Landowner William and Mary Goche LLC Tiling from one drainage district to another. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried. Request by Joe Goche to be present for closed session on behalf of William and Mary Goche LLC. Request denied.

No action was taken in closed session.

Motion by Loss and 2<sup>nd</sup> by Stecker to approve Resolution 02-23-21-02 to award the contract for Lane Expansion Project LFM-IM(GE)-7X-55. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

**RESOLUTION TO AWARD CONTRACT:  
Local Contract ID: LFM-IM(GE)--7X-55  
Kossuth County Resolution No. 02-23-21-02**

**WHEREAS**, the Kossuth County Board of Supervisors, hereafter referred to as "the Board", believes Lane Expansion Project LFM-IM(GE)--7X-55, hereafter referred to as "the project" is in the best interest of Kossuth County, Iowa, and the residents thereof. The project is defined as a regrading, expansion and paving project located on the North line of section 10, Buffalo Township; and

**WHEREAS**, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

**WHEREAS**, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Kossuth County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

**IT IS THEREFORE RESOLVED** by Board to accept the bid from Peterson Contractors, Inc. in the amount of \$522,791.88 and awards the associated contract to the same;

**BE IT FURTHER RESOLVED** that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Kossuth County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Roger Tjarks, the Chairperson of the Board of Supervisors for Kossuth County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let for this county.

February 23, 2021  
Dated at Algona, Iowa

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Roger Tjarks, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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Tammy Eden  
Kossuth County Auditor

Motion by Plathe and 2<sup>nd</sup> by Stecker to approve Resolution 02-23-21-03 to award the contract for Bridge Replacement Project LFM-C771200—7X-55. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

**RESOLUTION TO AWARD CONTRACT:  
Local Contract ID: LFM-C771200--7X-55  
Kossuth County Resolution No. 02-23-21-03**

**WHEREAS**, the Kossuth County Board of Supervisors, hereafter referred to as "the Board", believes Bridge Replacement Project LFM-C771200--7X-55, hereafter referred to as "the project" is in the best interest of Kossuth County, Iowa, and the residents thereof. The project is defined as a bridge replacement located at the Northwest corner of Section 12, Buffalo Township; and

**WHEREAS**, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

**WHEREAS**, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Kossuth County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

**IT IS THEREFORE RESOLVED** by Board to accept the bid from JB Holland Construction, Inc in the amount of \$1,138,941.50 and awards the associated contract to the same;

**BE IT FURTHER RESOLVED** that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Kossuth County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Roger Tjarks, the Chairperson of the Board of Supervisors for Kossuth County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let for this county.

February 23, 2021  
Dated at Algona, Iowa

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Roger Tjarks, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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Tammy Eden  
Kossuth County Auditor

Motion by Tjarks and 2<sup>nd</sup> by Plathe to approve Resolution 02-23-21-04 to award the contract for Culvert Replacement Project L-C982106—73-55. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

**RESOLUTION TO AWARD CONTRACT:  
Local Contract ID: L-C982106--73-55  
Kossuth County Resolution No. 02-23-21-04**

**WHEREAS**, the Kossuth County Board of Supervisors, hereafter referred to as "the Board", believes Culvert Replacement Project L-C982106--73-55, hereafter referred to as "the project" is in the best interest of Kossuth County, Iowa, and the residents thereof. The project is defined as a culvert replacement located on the West line of Section 21, Ledyard Township; and

**WHEREAS**, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

**WHEREAS**, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Kossuth County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

**IT IS THEREFORE RESOLVED** by Board to accept the bid from Peterson Contractors, Inc. in the amount of \$132,837.50 and awards the associated contract to the same;

**BE IT FURTHER RESOLVED** that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Kossuth County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Roger Tjarks, the Chairperson of the Board of Supervisors for Kossuth County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let for this county.

February 23, 2021  
Dated at Algona, Iowa

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Roger Tjarks, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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Tammy Eden  
Kossuth County Auditor

Motion by Stecker and 2<sup>nd</sup> by Casey to approve Resolution 02-23-21-05 to award contract for Maintenance Seal Coat Projects MSC-1-21 thru MSC-6-21. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

**RESOLUTION TO AWARD CONTRACT:  
Local Contract ID: MSC-1-21 thru MSC-6-21  
Kossuth County Resolution No. 02-23-21-05**

**WHEREAS**, the Kossuth County Board of Supervisors, hereafter referred to as “the Board”, believes Maintenance Seal Coat Projects MSC-1-21 thru MSC-6-21, hereafter referred to as “the project” is in the best interest of Kossuth County, Iowa, and the residents thereof. The project is defined as a maintenance seal coat project in various locations in Kossuth County; and

**WHEREAS**, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

**WHEREAS**, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Kossuth County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

**IT IS THEREFORE RESOLVED** by Board to accept the bid from Fahrner Asphalt Sealers, LLC in the amount of \$383,991.25 and awards the associated contract to the same;

**BE IT FURTHER RESOLVED** that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Kossuth County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Roger Tjarks, the Chairperson of the Board of Supervisors for Kossuth County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let for this county.

February 23, 2021  
Dated at Algona, Iowa

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Roger Tjarks, Chairperson  
Kossuth County Board of Supervisors

ATTEST:

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Tammy Eden  
Kossuth County Auditor

There was no construction within ROW.

Held discussion with Kossuth County Engineer/Zoning Administrator.

On motion adjournment was taken at 12:06 p.m. until Tuesday March 2, 2021.

Attest:

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Tammy Eden  
Kossuth County Auditor

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Roger Tjarks, Chairman  
Kossuth County Board of Supervisors