

**BOARD PROCEEDINGS**  
**March 9, 2021**  
**REGULAR March 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 8:02 a.m. followed by the Pledge of Allegiance.

Discussion was held with the Secondary Road Foreman.

Motion by Loss and 2<sup>nd</sup> by Stecker to approve the agenda, the minutes of the previous meeting dated March 2, 2021 and approve the handwritten claim. Motion carried unanimously.

Vince Johnson was present and given a copy of the quote dated 11-20-20 for Swea Section 25 DD4 Dredge by Supervisor Stecker. A copy of the quote was added to the drainage minutes.

Motion by Plathe and 2<sup>nd</sup> by Tjarks to approve the Meeting/Mileage Reimbursement Policy. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Kossuth Regional Health Center presented their FY 2021 Financial Performance Report, Monthly Update and their FY 2022 Budget.

Motion by Plathe and 2<sup>nd</sup> by Stecker to approve Resolution #03-09-21-01 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. Motion carried unanimously.

**RESOLUTION #03-09-21-01**

**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 \$962,127; 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 9 day of March, 2021.

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 Roger Tjarks Chairperson  
 Kossuth County Board of Supervisors

ATTEST:

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 Tammy Eden, Kossuth County Auditor

**Public Hearing  
 Proposed Property Tax Levy  
 FY 2020-2021**

Motion by Plathe and 2<sup>nd</sup> by Loss to Open the Public Hearing on Proposed Property Tax Levy for Fiscal Year 2021-2022. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

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

Motion by Plathe and 2<sup>nd</sup> by Casey to Close the Public Hearing on Proposed Property Tax Levy for Fiscal Year 2021-2022. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Plathe and 2<sup>nd</sup> by Tjarks to approve Resolution #03-09-21-02 which approves the maximum property tax dollars that will be used for the FY 21-22 Budget Year. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried unanimously.

**Resolution #03-09-21-02**

**Approval of FY 21/22 Maximum Property Tax Dollars**

**WHEREAS**, the Kossuth County Board of Supervisors have considered the proposed FY 21/22 County Maximum Property Tax Dollars for both General County Services and Rural County Services, and

**WHEREAS**, a notice concerning the proposed county maximum property tax dollars was published as required and posted on the county website, and

**WHEREAS**, a public hearing concerning the proposed county maximum property tax dollars was held on March 9, 2021 at 8:30 a.m.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Kossuth County that the maximum property tax dollars for General County Services and Rural County Services for FY 21/22 shall not exceed the following:

General County Services:	\$7,580,060
Rural County Services:	\$2,113,690

The Maximum Property Tax dollars requested in General County Services does represent an increase of 1.99% and in Rural County Services an increase of 1.99% from the Maximum Property Tax Dollars requested in FY 20/21.

By Roll Call Vote:

Ayes:

Nays:

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Passed and adopted the 9<sup>th</sup> day of March 2021.

Attest:

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Roger Tjarks, Chairman  
Kossuth County Board of Supervisors

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Tammy Eden, Kossuth County Auditor

Motion by Casey and 2<sup>nd</sup> by Loss to set the date and time for FY 2021-2022 Budget Hearing for March 23, 2021 at 8:30 a.m. Motion carried unanimously.

Motion by Stecker and 2<sup>nd</sup> by Tjarks to approve the Engineer’s Report from I & S Group for Annexation of DD75. Motion carried unanimously.

Motion by Tjarks and 2<sup>nd</sup> by Plathe to approve Acquisition Report from I & S Group for DD75 Right of Way Open Ditch. Motion carried unanimously.

Motion by Tjarks and 2<sup>nd</sup> by Stecker to approve Engineer’s report from I & S Group for DD75 Lat 5. Motion Carried unanimously.

Motion by Stecker and 2<sup>nd</sup> by Plathe to set hearing date for April 20, 2021 at 8:30 a.m. for Annexation of DD75. Motion carried unanimously.

Motion by Tjarks 2<sup>nd</sup> by Casey to set hearing date for Acquisition of DD75 Right of Way Open Ditch on April 20, 2021 at 8:45 a.m. Motion carried unanimously.

Motion by Tjarks 2<sup>nd</sup> by Loss to set hearing date for Improvement DD75 Lat 5 on April 20, 2021 at 9:00 a.m. Motion carried unanimously.

Motion by Loss and 2<sup>nd</sup> by Plathe to approve Resolution #03-09-21-03 which extends the moratorium of the construction or operation of commercial wind energy conversion systems under Kossuth County Ordinance #310A. Motion carried unanimously.

**KOSSUTH COUNTY BOARD OF SUPERVISORS  
RESOLUTION #03-09-21-03**

**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, on or about November 20, 2020 Kossuth County issued a WECS permit (Permit Number: WECS-2020-01) to Ledyard Windpower, LLC/Duke Energy Renewables Wind, LLC (“Permittee”) concerning a proposed project known as Ledyard Windpower Project (“Ledyard Windpower Project”); and

WHEREAS, Kossuth County has previously issued other WECS permits to other entities, 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 Permittee 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 was set to expire on October 22, 2020. The moratorium did not apply to the project known as Ledyard Windpower Project; and

WHEREAS, in Resolution 10-27-20-01 Kossuth County imposed an extension of the moratorium established in Resolution 10-22-19-01, 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 extended by Kossuth County Resolution 10-27-20-01 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 June 1, 2021. This moratorium shall not apply to the project known as Ledyard Windpower Project or have any impact on the WECS permit issued to Permittee.

March 9, 2021

Dated at Algona, Iowa

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Roger Tjarks, Chairperson

Kossuth County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Tammy Eden

Kossuth County Auditor

Motion by Stecker and 2<sup>nd</sup> by Loss that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to RingTel, Armstrong, IA, to bury fiber optic cable in the right of way. Work includes plowing the traveled portion of gravel roads, shoulder of paved roads, boring all intersecting roads and drainage structures:

Work will be completed within the following right of way of:

**Eagle Township:**

-510<sup>th</sup> St between 50<sup>th</sup> Ave and 60<sup>th</sup> Ave  
-500<sup>th</sup> St between 50<sup>th</sup> Ave and 70<sup>th</sup> Ave  
-490<sup>th</sup> St between 30<sup>th</sup> Ave and 70<sup>th</sup> Ave  
-480<sup>th</sup> St between 30<sup>th</sup> Ave and 70<sup>th</sup> Ave  
-470<sup>th</sup> St between 30<sup>th</sup> Ave and 70<sup>th</sup> Ave  
-40<sup>th</sup> Ave between 460<sup>th</sup> St and 480<sup>th</sup> St  
-40<sup>th</sup> Ave between 490<sup>th</sup> St and 510<sup>th</sup> St  
-50<sup>th</sup> Ave between 470<sup>th</sup> St and 480<sup>th</sup> St  
-50<sup>th</sup> Ave between 490<sup>th</sup> St and 500<sup>th</sup> St  
-60<sup>th</sup> Ave between 460<sup>th</sup> St and 470<sup>th</sup> St  
-60<sup>th</sup> Ave between 490<sup>th</sup> St and 510<sup>th</sup> St

**Grant Township:**

-510<sup>th</sup> St between 80<sup>th</sup> Ave and 100<sup>th</sup> Ave  
-500<sup>th</sup> St between 80<sup>th</sup> Ave and 100<sup>th</sup> Ave  
-490<sup>th</sup> St between 70<sup>th</sup> Ave and 80<sup>th</sup> Ave  
-480<sup>th</sup> St between 70<sup>th</sup> Ave and 100<sup>th</sup> Ave  
-470<sup>th</sup> St between 90<sup>th</sup> Ave and 110<sup>th</sup> Ave  
-70<sup>th</sup> Ave between 460<sup>th</sup> St and 480<sup>th</sup> St  
-70<sup>th</sup> Ave between 490<sup>th</sup> St and 500<sup>th</sup> St  
-80<sup>th</sup> Ave between 460<sup>th</sup> St and 510<sup>th</sup> St  
-90<sup>th</sup> Ave between 460<sup>th</sup> St and 510<sup>th</sup> St  
-100<sup>th</sup> Ave between 480<sup>th</sup> St and 510<sup>th</sup> St

**Swea Township:**

-460<sup>th</sup> St between 40<sup>th</sup> Ave and 50<sup>th</sup> Ave  
-460<sup>th</sup> St between 60<sup>th</sup> Ave and 70<sup>th</sup> Ave  
-450<sup>th</sup> St between 40<sup>th</sup> Ave and 60<sup>th</sup> Ave  
-440<sup>th</sup> St between 30<sup>th</sup> Ave and 70<sup>th</sup> Ave  
-30<sup>th</sup> Ave between 440<sup>th</sup> St and 460<sup>th</sup> St  
-40<sup>th</sup> Ave between HWY 9 and 460<sup>th</sup> St  
-45<sup>th</sup> Ave between 450<sup>th</sup> St and 460<sup>th</sup> St  
-50<sup>th</sup> Ave between HWY 9 and 440<sup>th</sup> St  
-60<sup>th</sup> Ave between HWY 9 and 440<sup>th</sup> St  
-60<sup>th</sup> Ave between 450<sup>th</sup> St and 460<sup>th</sup> St

**Harrison Township:**

- 460<sup>th</sup> St between 80<sup>th</sup> Ave and 110<sup>th</sup> Ave
- 450<sup>th</sup> St between 70<sup>th</sup> Ave and 80<sup>th</sup> Ave
- 450<sup>th</sup> St between 90<sup>th</sup> Ave and 120<sup>th</sup> Ave
- 440<sup>th</sup> St between 70<sup>th</sup> Ave and 80<sup>th</sup> Ave
- 440<sup>th</sup> St between 90<sup>th</sup> Ave and 125<sup>th</sup> Ave
- 70<sup>th</sup> Ave between HWY 9 and 460<sup>th</sup> St
- 80<sup>th</sup> Ave between HWY 9 and 460<sup>th</sup> St
- 90<sup>th</sup> Ave between HWY 9 and 460<sup>th</sup> St
- 100<sup>th</sup> Ave between HWY 9 and 450<sup>th</sup> St
- 110<sup>th</sup> Ave between HWY 9 and 440<sup>th</sup> St
- 120<sup>th</sup> Ave between HWY 9 and 440<sup>th</sup> St
- 125<sup>th</sup> Ave between HWY 9 and 440<sup>th</sup> St

Above locations exclude the City of Swea City and IDOT responsibility. Work will be in Sections 9-16, 21-28, and 33-36 of Eagle Township; Sections 8-10, 15-22, and 27-34 of Grant Township; Sections 1-4 and 9-16 Swea Township; Sections 2-18 Harrison Township. Permit number 03-02-2021 is on file in the Kossuth County Engineer's Office, see map attached to permit for installation details. Motion carried unanimously.

Motion by Stecker and 2<sup>nd</sup> by Tjarks that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Iowa Lakes Electric Cooperative, Estherville, IA, to install overhead power in the north right of way, between 805 500<sup>th</sup> Street and 90<sup>th</sup> Avenue. Work will be in Section 8, Grant Township. Permit 03-04-2021 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Motion by Tjarks and 2<sup>nd</sup> by Stecker that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Interstate Power and Light, Iowa Falls, IA, to bury overhead electric from 2104 330<sup>th</sup> Street, to just east of 2202 330<sup>th</sup> Street in the south right of way and from the intersection of 330<sup>th</sup> Street and 220<sup>th</sup> Avenue to 3207 220<sup>th</sup> Avenue in the west right of way and complete general electric line maintenance: Above work excludes the City of Titonka responsibility. Work will be in Sections 28, 33-34 of German Township and Sections 2-4, 9-10 Buffalo Township. Permit number 03-3-2021 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Held discussion with the Kossuth County Engineer/Zoning Administrator.

Motion by Loss and 2<sup>nd</sup> by Stecker to install 220 Outlet at Election Center. Motion carried unanimously.

Discussion with the Kossuth County Auditor and Board Discussion was held.

Held discussion workshop on Kossuth County Drainage District policies.

Attest:

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Tammy Eden  
Kossuth County Auditor

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Roger Tjarks, Chairman  
Kossuth County Board of Supervisors