

**BOARD PROCEEDINGS**  
**June 1, 2021**  
**REGULAR June SESSION**

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

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

Public discussion was held.

Motion by Stecker and 2<sup>nd</sup> by Loss to approve the agenda, minutes of the previous meeting dated May 25, 2021 and the claims. Motion carried 4-0.

Algona Chamber	Srvs	300.00	1
AMU	Srvs	1754.46	13
Algona Plumb & Htg	Srvs	296.00	2
Alg Pub Co	Notices	1269.95	7
AU Life Ins	Ins.	80.00	1
Arnold Motor Supply	Parts	2014.21	2
AT & T	Phone	43.91	1
Fidelity Sec Lif Ins	Ins	138.31	1
Bancroft Reg.	Notices	189.20	2
M Bollig	Exp	10.08	1
Bomgaars	Supp	1028.69	3
Rebecca Bonstetter	Exp	8.55	1
Brick Gentry PC	Srvs	2485.00	1
Brown Supp Co	Supp	27.37	1
Brown's Shoe Fit Co	Supp	30.45	1
Calhoun-Burns & Associates, In	Engineer Suppl	6999.30	1
Card Services	Exp	39.22	1
Care Team	Srvs	12500.00	1
Central IA Dist	Supp	778.60	1
Central Salt, LLC	Engineer Supp	8356.54	1
Centurylink	Phone	981.02	2
Cintas	Supplies	108.99	1
City of Fenton	Utilities	90.53	1
City of Wesley	Cons	62.13	1
City of West Bend	Utilities	241.29	1
Cleverbridge	Exp	1235.00	1
Counsel Ofs & Doc	Supp	206.49	3
Counsel Ofs & Doc	Suppl	51.97	1
Country Gardens	Supp	233.95	1
County Binders	Srvs	8238.90	2
Deitering Bros	Srvs	66.00	1
Emagine	Supp	109.45	1
Emmet Co Eng	Exp	6231.45	1
Farmers Coop Elev	Fuel	51.40	1
Fenton Coop Telephone	Srvs	27.50	1
Frontier Precision, Inc.	Exp	6969.00	1
Galls	Supp	261.42	1
Grainger, Inc.	Exp	125.68	1
Jordan Grimm	Engineer Suppl	250.00	1
Hy Vee Food Store	Exp	387.91	1
Hy-Vee	Supp	2920.38	2
ICIT	Membership	500.00	1
IMWCA	Work Comp	13282.00	1
Interstate All Battery Ctr	Supp	198.00	1
Intoximeters	Supp	1975.00	1
Ia Law Enforcement Academy	Srvs	600.00	1
IA One Call	Srvs	36.90	1
IA Transit	Supp	2013.66	1
IPAC	Supp	3947.44	1
ITsavvy LLC	Supp	5000.00	2
Jack's Uniforms & Equip	Supp	59.94	1
John Deere Financial	Parts	496.12	1

Koss Co Recorder	Exp	14.00	1
KC Sheriff	Srvs	478.69	2
KC Treas	Srvs	33.99	2
LiftOff, LLC	Supp	40.00	1
Main Street Specialties, LLC	Servs	13107.66	1
Martin Marietta Agg	Rock	673.76	1
Martins Flag	Sup	741.01	1
MCHS EMS Program	Exp	25.00	2
Metal Culverts	Pipe	51198.00	1
Mid Am Energy	Srvs	1616.81	3
Midland Power Coop	Serv	240.00	1
Midland Power Coop	Utilities	395.20	1
A Miller	Exp	25.69	1
NASSCO	Supp	489.98	2
North Central Rentals	Exp	203.00	1
NIA Lumber&Design	Exp	546.63	3
NW Comm	Service	278.07	2
IOS	Supp	261.13	5
D Olson	Exp	359.94	1
Peterson Contrctrs	Srvs	102939.80	1
P Bowes	Postage	234.17	1
Print Shoppe Plus	Srvs	20.95	1
J Radmaker	Exp	194.09	1
C Robinson	Exp.	9.20	1
Roethler Elec.	Srvs	1312.85	2
N Roethler	Exp	15.00	1
Rolling Tree Service	Srvs	5100.00	1
Ruhnke Bros	Srvs	174.27	1
Shamrock Recycling Inc	Engineer Supp	4330.00	1
Sign Works	Supp	156.84	1
L Snyder	Exp	275.00	1
Solutions	Srvs	2063.85	2
SC Herald Press	Notices	189.20	2
The Retrofit Companies	Engineer Supp	621.69	1
Water Conn	Srvs	18.68	1
D Thilges	Exp	10.08	1
Z Thompson	Exp	15.00	1
Threads	Supp	103.00	1
Titonka Munc Utilities	Srvs	128.56	1
Tom Eischen Sales	Parts	36.23	1
US Cellular	Srvs	61.62	1
US Postmaster	Exp	300.00	1
Verizon Wireless	Phone	47.35	1
J Wagner	Exp	24.00	1
Watch Guard Video	Supp	720.00	2
J Weichert	Supp	9.30	1
Marlow White	Exp	87.00	1
Windstream	Srvs	66.55	1
L Winkel	Exp	272.84	1
<b>Grand Total</b>		<b>285575.04</b>	

#### Drainage Claims

Algona Publishing	Drain 75	\$204.24
Cory Juergens Construction	Drain PAK 1	\$72108.00
D & M Drainage	Drain TRI 131	\$6338.61
Brian Blair	Drain 166 Lat 26	\$50.00
Derek Blair	Drain 166 Lat 26	\$50.00
Blair Drainage & Excav	Drain 166 Main OD 1	\$4372.00
Blair Drainage & Excav	Drain 166 Main OD 3	\$1230.00
Blair Drainage & Excav	Drain 135	\$934.50
Blair Drainage & Excav	Drain 80 Lat 55	\$1620.00
Blair Drainage & Excav	Drain 102	\$5775.00
Blair Drainage & Excav	Drain EK 4	\$710.00
Blair Drainage & Excav	Drain TRI 84 Lat 42	\$3560.00
Brandt Farm Drainage	Drain 86	\$537.36
Brandt Farm Drainage	Drain 90 Lat 118	\$282.18
Brandt Farm Drainage	Drain WK 35-89	\$6.96

Brandt Farm Drainage	Drain 82	\$404.58
Dornbier Inc.	Drain 84	\$5330.92
Bolton & Menk	Drain 9	\$2750.00
Bolton & Menk	Drain 4	\$3115.00
Bolton & Menk	Drain 4 Lat 28	\$3094.00
Bolton & Menk	Drain 80	\$2639.00
Bolton & Menk	Drain PAK 1	\$11325.00
Erpelding Excavating Ent.	Drain HK 2-36	\$4980.00
I & S Group	Drain 75 Lat 5	\$7591.94
I & S Group	Drain 75	\$42259.27
I & S Group	Drain 90 Lat 1	\$3933.44
Jacobson Westergard	Drain WK 68-136	\$90.00
Jacobson Westergard	Drain 82	\$5288.35
Zachary Laubenthal Excav	Drain 166 Main 1	\$1130.50
McClure Engineering	Drain 4 Lat 11 OD	\$332.50
McClure Engineering	Drain 129	\$865.00
McClure Engineering	Drain 60 Sub 1	\$1202.50
Peterson & Lipps	Drain 80	\$2300.00
Peterson & Lipps	Drain 7	\$425.00
TOTAL		\$195970.85

Discussion was held with Stacy Thompson, Human Resources Generalist regarding self-defense classes offered to Kossuth County Employees. Classes would be taught by Deputy Jake Radmaker at no charge. The board agreed that classes could be given to the employees on their own time, not during working hours.

Stacy Thompson also presented recommendations from IMWCA on safety programs, policies, and safety aids after their Site Visit. A discussion will be held with department heads to determine what programs, policies and aids should be implemented, if any.

Motion by Loss and 2<sup>nd</sup> by Casey to approve the purchase of two Lucas Devices (Automatic CPR Devices) for Ambulance in the amount of \$5,176.20. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Motion by Loss and 2<sup>nd</sup> by Stecker to open the public hearing for amending the Wind Energy Conversion System Ordinance. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

There were no written or verbal comments from the public.

Motion by Casey and 2<sup>nd</sup> by Stecker to close the public hearing for amending the Wind Energy Conversion System Ordinance. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Motion by Loss and 2<sup>nd</sup> by Tjarks to approve the First Reading of Kossuth County Ordinance 310 B, an ordinance regulating the construction and operation of commercial wind energy conversion systems in Kossuth County, Iowa. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Stecker to open the public hearing for Amending Snow Removal Ordinance. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

There were no written or verbal comments from the public.

Motion by Loss and 2<sup>nd</sup> by Stecker to close the public hearing for Amending Snow Removal Ordinance. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Casey to approve the first reading of Kossuth County Ordinance 3B, an Ordinance that establishes the policy and level of service in respect to clearance of snow and ice and maintenance of this county's Secondary Roads during the winter months and repeals Kossuth County Ordinance #A. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Loss to open the public hearing regarding the construction permit for Garfield 10 Site in the NE NW Section 10 T94N R30W Garfield Township. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

There were no written or verbal comments from the public.

Motion by Stecker and 2<sup>nd</sup> by Loss to close the public hearing regarding the construction permit Garfield 10 Site in the NE NW Section 10 T94N R30W Garfield Township. Chairman Tjarks called for a roll call vote: Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Tjarks to recommend to the Iowa Department of Natural Resources the approval by Resolution #06-01-21-01 of the construction permit application for Garfield 10 Site in the NE NW Section 10 T94N R30W Garfield Township due to them meeting the requirements on the Master Matrix scoring system per Blaine Struthers and to have Tammy Eden send notice to the Iowa Department of Natural Resources the Kossuth County Board of Supervisors adopted recommendation. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

**Recommendation to Iowa DNR to Approve the Application Permit for  
Construction of a Confinement Feeding Operation Site #71716  
Resolution #06-01-21-01**

WHEREAS, the Kossuth County Board of Supervisors has adopted the Master Matrix for the purpose of scoring construction applications to provide an opportunity for local input and

WHEREAS, The Master Matrix Delegate, Blaine Struthers has informed the Kossuth County Board of Supervisors that he scored his matrix identically to the applicant and this site has met the requirements of the Master Matrix. His score is based on the Master Matrix filed in the Kossuth County Auditor's Office on May 12, 2021.

WHEREAS, The Kossuth County Board of Supervisors has approved the Master Matrix submitted on May 12, 2021. The score of this facility is 445 points.

NOW THEREFORE BE IT RESOLVED that the Kossuth County Board of Supervisors hereby recommends to the Iowa Department of Natural Resources approval of the construction permit application for Summit Pork III, LLP (Garfield 10 Site) in the NE NW T94N R30W Garfield Township.

Public Comments: Yes or No (If yes, they are attached)

Passed and approved this 1<sup>st</sup> day of June 2021.

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Chairman, Roger Tjarks  
Kossuth County Board of Supervisors

Attest:

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Tammy Eden, Auditor  
Kossuth County

Motion by Stecker and 2<sup>nd</sup> by Loss to approve the draft permit for Construction Permit Application for Summit Pork III, LLP Irvington 25 Site, Section 25, Irvington Township, Kossuth County. Motion carried 4-0.

Motion by Casey and 2<sup>nd</sup> by Stecker to approve Resolution #06-01-21-02 which provides approval of waiver of Kossuth County's Right to Appeal Issuance of final construction permit for the construction of confined animal feeding operation by the Iowa Department of Natural Resources for Construction Permit Application Summit Pork III, LLP Irvington 25 Site, Section 25, Irvington Township, Kossuth County. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

**RESOLUTION #06-01-21-02**

**Kossuth County Board of Supervisors  
June 1, 2021**

**APPROVAL OF WAIVER OF KOSSUTH COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.**

BE IT RESOLVED by the Kossuth County Board of Supervisors as follows:

**Section 1** The Kossuth County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Summit Pork III, LLP, Irvington 25 Site has been issued a draft permit for the construction of a confined animal feeding operation buildings in the NE ¼ of the NW ¼ Section 25, T95N, R28W, Irvington Township, Kossuth County, Iowa in unincorporated Kossuth County.

**Section 2** The Kossuth County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on May 11, 2021.

**Section 3** The Kossuth County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the (14) day limit from the time of receipt of notice of the issuance of the draft permit.

**Section 4** The Kossuth County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.

**Section 5** The Kossuth County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.

**Section 6** This resolution shall take effect immediately.

**ADOPTED this 1<sup>st</sup> day of June 2021 with the vote thereon being as follows:**

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Chairman, Roger Tjarks  
Kossuth County Board of Supervisors

Attest:

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Tammy Eden, Auditor  
Kossuth County

Discussion with Bolton & Menk to file plans on specifications for DD 4 FEMA OD Repairs. Further discussion will be tabled until June 15, 2021 at 10:00 A.M.

Motion by Tjarks and 2<sup>nd</sup> by Casey to hold an informal meeting for DD 4 Open Ditch Repairs and set date for June 15<sup>th</sup> at 10:00 A.M. in the Kossuth County Board Room. Chairman Tjarks called for a roll call vote. Stecker: no, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: yes. Motion carried.

Discussion was held regarding updating the current ATV/UTV Ordinance. Petitioners request that vehicles are allowed to operate on all secondary roads in the county, speed limits are followed as posted and hours of operation are extended to include the hours of 5:00am – 11:30pm. Emmet County, Iowa has a current ordinance that matches these recommendations. A copy of Emmet County's Ordinance will be sent to County Attorney Todd Holmes and Sheriff Roger Fisher for their review.

Motion by Casey and 2<sup>nd</sup> by Stecker to accept Richard Deitering's resignation from the Kossuth County Planning and Zoning Commission and to thank Dick for his years of service to Kossuth County through this commission. Motion carried 4-0.

Motion by Casey and 2<sup>nd</sup> by Tjarks to accept Delores Thilges' resignation from the Kossuth County Planning and Zoning Commission and Kossuth County Board of Adjustment as well as to thank Delores for her years of service to Kossuth County through this commission and board. Motion carried 4-0.

There was no construction in ROW.

Held discussion with the Kossuth County Engineer/Zoning Administrator.

Motion by Tjarks and 2<sup>nd</sup> by Casey to approve Jacobson & Westgard to proceed with voluntary annexation DD 18 and DD 96. Chairman Tjarks called for a roll call vote. Stecker: yes, Casey: yes, Loss: yes, Plathe: Absent, Tjarks: 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 (Request #2021-033 DD 82). Motion carried 4-0.

Held discussion with Kossuth County Auditor and Board of Supervisors.

Attest:

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Tammy Eden  
Kossuth County Auditor

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Roger Tjarks, Chairman  
Kossuth County Board of Supervisors