

**BOARD PROCEEDINGS**  
**Tuesday, September 28, 2021**  
**REGULAR September SESSION**

The Board of Supervisors met pursuant to adjournment. Present were Roger Tjarks, Chairman, Kyle Stecker, Donnie Loss, and Galen Casey. Absent: 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 Loss and 2<sup>nd</sup> by Stecker to approve the agenda and the minutes of the previous meeting dated September 21, 2021 as amended. Motion carried unanimously.

The New Kossuth County Environmental Health/Weed Commissioner, Aaron Montag, was introduced to the board.

The board acknowledged the Safety Committee Minutes.

The board acknowledged the Wellness Committee Minutes.

Motion by Casey and 2<sup>nd</sup> by Tjarks to approve extending the Covid Leave for Kossuth County Employees for one month. Motion carried unanimously.

Motion by Casey and 2<sup>nd</sup> by Loss to approve the draft permit for Construction Permit Application for Summit Pork III, LLP Weber Finisher Site, Section 21, Whittemore Township, Kossuth County. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Stecker to approve Resolution #09-28-21-01 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 Weber Finisher Site, Section 21, Whittemore Township, Kossuth County. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

**RESOLUTION #09-28-21-01**

**Kossuth County Board of Supervisors**  
**September 28, 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, Weber Finisher Site Expansion has been issued a draft permit for the construction of a confined animal feeding operation buildings in the SW ¼ of the SE ¼ Section 21, T95N, R30W, Whittemore 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 September 14, 2021.

**Section 3** The Kossuth County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (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 28nd day of September, 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

Motion by Casey and 2<sup>nd</sup> by Loss to approve the draft permit for Construction Permit Application for Summit Pork III, LLP Dorweiler Finisher Site, Section 4, Garfield Township, Kossuth County. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

Motion by Casey and 2<sup>nd</sup> by Stecker to approve Resolution #09-28-21-02 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 Dorweiler Finisher Site, Section 4, Garfield Township, Kossuth County. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

#### **RESOLUTION #09-28-21-02**

**Kossuth County Board of Supervisors  
September 28, 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, Dorweiler Finisher Site Expansion has been issued a draft permit for the construction of a confined animal feeding operation buildings in the SE ¼ of the NW ¼ Section 4, T94N, R30W, Garfield 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 September 14, 2021.

**Section 3** The Kossuth County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (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 28nd day of September, 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

Motion by Stecker and 2<sup>nd</sup> by Loss to approve the 28E Agreement with Elderbridge on Aging. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

Motion by Tjarks and 2<sup>nd</sup> by Stecker to authorize and give its permission to James Goche, Burt, IA, to install 72 feet of 18" 0 Class 3 reinforced concrete pipe by cutting through 410<sup>th</sup> Street 85 feet west of the Northeast Corner of Section 32 Harrison Township, Kossuth County. Permit number 09-30-2021 is on file in the Kossuth County Engineer's Office. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

Discussion was held with Kossuth County Engineer/Zoning Administrator.

Motion by Stecker and 2<sup>nd</sup> by Casey to approve Pay Request #13 for PAK 1 Joint Drainage District Open Ditch Cleanout to Cory Juergens Construction, LLC in the amount of \$243,519.74. Motion carried unanimously.

Motion by Tjarks and 2<sup>nd</sup> by Loss to approve Change Order #4 for DD 75 Main Tile and Lateral 1 Tile increasing the amount \$9,924.35 for the project. Motion carried unanimously.

Motion by Tjarks and 2<sup>nd</sup> by Casey to approve Pay Request #4 for DD 75 Main Tile and Lateral 1 Tile Improvement to Reutzell Excavating, Inc. in the amount of \$320,768.13. Motion carried unanimously.

Motion by Casey and 2<sup>nd</sup> by Loss to approve the drainage repair requests as follows: Supervisor Stecker: Request #2021-048 DD EK 4. Motion carried unanimously.

Motion by Tjarks and 2<sup>nd</sup> by Stecker to Award the Contract for DD 82 Open Ditch and Lateral B Open Ditch Cleanout to Larson Contracting Central, LLC for \$104,215.99. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks; yes. Motion carried.

Held discussion with Kossuth County Auditor and Board of Supervisors.

Adjournment was taken at 10:25 A.M. until October 5, 2021.

Attest:

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Tammy Eden  
Kossuth County Auditor

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Roger Tjarks, Chairman  
Kossuth County Board of Supervisors