

BOARD PROCEEDINGS
May 24, 2022
REGULAR May SESSION

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

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

There was no public discussion.

Motion by Loss and 2nd by Plathe to approve the agenda and the minutes from May 17, 2022. Motion carried unanimously.

Motion by Casey and 2nd by Stecker to approve the route for Algona Rotary’s BRAK – Bikes for Kids Bike Ride and Service Project scheduled for Saturday June 4, 2022. Motion carried unanimously.

The Board of Supervisors acknowledged the Safety Minutes and the Wellness Committee Minutes.

Public Hearing
FY 2021-2022 Budget Amendment

Motion by Loss and 2nd by Stecker to open the Public Hearing for Budget Amendment for FY 21-22. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

There were no public comments by mail or in person.

Motion by Plathe and 2nd by Loss to close the FY 21-22 Budget Amendment Public Hearing. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Plathe and 2nd by Tjarks to approve Resolution #05-24-22-01 which is a resolution approving the budget amendment and appropriations for FY 21-22. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION #05-24-22-01
NOTICE OF PUBLIC HEARING
2nd AMENDMENT OF CURRENT BUDGET
2021-2022

The Board of Supervisors met this date for the purpose of amending the current FY 21-22 Budget. No objectors were present therefore.

BE IT RESOLVED: That the board of Supervisors of Kossuth County, Iowa approves the Budget Amendments and Appropriation of Funds for FY 21-22 this 24th day of May, 2022.

EXPENDITURES		
Service Area 1 (Public Safety and Legal Services)		
Twelve Handheld Radios - ARPA	01000-01200-246-36-700	\$25,639.56
One Base Radio System - ARPA	01000-01200-246-36-700	\$3,000.00
EMS Staff Wages - ARPA	01000-01200-354-36-700	\$20,000.00
Sheriff Jail Supplies - ARPA	01000-01050-232-05-700	\$15,315.83
Ventilators - EMS	01000-01200-444-36	\$54,862.41
Service Area 1 Total		\$118,817.80
Service Area 4 (Mental Health)		
Fund Disbursement to Region	10000-04413-951-60	\$113,000.00
Service Area 4 Total		\$113,000.00
Service Area 9 (Administration)		
Fuel New Building	01000-09100-430-01	\$2,000.00
Electric New Building	01000-09100-431-01	\$2,000.00

Unemployment - Auditor	01000-09230-116-02	\$14,000.00
Miscellaneous - Auditor	01000-09010-391-02	\$3,000.00
Service Area 9 Total		\$21,000.00
Service Area 10 (Non Program Expenditures)		
Disbursements - Cares Act	01000-10500-382-99-185	\$6,615.00
Service Area 10 Total		\$6,615.00
Capital Projects		
Courthouse Roof - ARPA	31000-10220-610-51-700	\$211,659.00
Total Capital Projects		\$211,659.00

Resolution declared adopted this 24th day of May, 2022.

Chairman
Kossuth County Board of Supervisors

ATTEST:

Tammy Eden, Kossuth County Auditor

Discussion was held to appeal DNR Preliminary Determination on the Application for Bittner Finisher Site (Matchwood Farms LLC) SW NW Section 28 T95N R29W Cresco Township. Opposition was presented by Nancy Erickson, Teresa & Joel Kellenberger, Don & Deb Schultz and Steve Slagle. Motion by Casey and 2nd by Loss to File a demand for hearing in front of the Environmental Protection Commission in Des Moines on the Bittner Finisher Site, (Matchwood Farms LLC) SW NW Section 28 T95N R29W Cresco Township. Chairman Tjarks called for a roll call vote: Stecker: no, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Plathe and 2nd by Stecker to approve and authorize the chair to sign the Annual Financial Assurance Report for Kossuth County Sanitary Landfill for FY2021. Motion carried unanimously.

Motion by Casey and 2nd by Loss to approve the request of the Iowa Department of Transportation to use County Roads B40 and R14 as a detour route while railroad crossing FRA 385580G is being reconstructed. The detour route will begin at the intersection of US 18 and R14, thence south on R14 approximately two miles to the intersection with B40, thence east approximately one mile to the intersection of B40 and IA 17. Motion carried unanimously.

Motion by Casey and 2nd by Loss to approve Resolution #05-24-22-02 which is a Resolution approving the Road Use and Repair Agreement between Kossuth County and Kossuth County Wind LLC (Kossuth Wind Phase 2). Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by _____ and Seconded by _____ to approve the following resolution:

Stecker _____, Casey _____, Loss _____, Tjarks _____, Plathe _____

RESOLUTION TO APPROVE THE ROAD USE AND REPAIR AGREEMENT

Kossuth County Resolution No. _____

WHEREAS, Kossuth County has Ordinance #310-B, An Ordinance Regulating The Construction and Operation of Commercial Wind Energy Conversion Systems (WECS) in Kossuth County, Iowa and

WHEREAS, Wisconsin Power and Light Company (WPL) Partially assigned Wind Energy Conversion System Construction (WECS) Permit No. WECS-2019-01 to Kossuth County Wind LLC (KCW) and

WHEREAS, Kossuth County approved of the previously mentioned Partial Assignment on April 5, 2022 and

WHEREAS, Kossuth County and KCW want to enter into an Road Use and Maintenance Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the attached Kossuth County Road Use and Repair Agreement be approved.

May 24, 2022
Dated at Algona, Iowa

Roger Tjarks, Chairperson
Kossuth County Board of Supervisors

ATTEST:

Tammy Eden
Kossuth County Auditor

There was no construction ROW.

Held discussion with the Kossuth County Engineer and Zoning Administrator.

Motion by Plathe and 2nd by Stecker to have the supervisors handle their requests as follows: Supervisor Casey: Request 2022-020 DD 76. Motion carried unanimously.

Motion by Tjarks and 2nd by Stecker to approve Resolution #05-24-22-03 which is a Resolution for Fall Assessments on DD HK 2-36. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION NO. 05-24-22-03
JOINT DRAINAGE DISTRICT NO. HK 2-36

The Joint Board of Supervisors of Kossuth and Hancock Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth County Supervisor _____ and seconded by _____, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. HK 2-36 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Hancock Counties, Iowa, that there is hereby levied \$5721.40 (Hancock \$2784.03/ Kossuth \$2937.37) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. HK 2-36, Kossuth and Hancock Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable September 30, 2022.

Motion carried and Resolution duly adopted on this 24th day of May, 2022.

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Motion by Tjarks and 2nd by Loss to approve Resolution #05-24-22-04 which is a Resolution for Fall Assessments on HK 5-87. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION NO. 05-24-22-04
JOINT DRAINAGE DISTRICT NO. HK 5-87

The Joint Board of Supervisors of Kossuth and Hancock Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth County Supervisor _____ and seconded by _____, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. HK 5-87 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Hancock Counties, Iowa, that there is hereby levied \$12765.35 (Hancock \$2553.07/ Kossuth \$10212.28) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. HK 5-87, Kossuth and Hancock Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable September 30, 2022.

Motion carried and Resolution duly adopted on this 24th day of May, 2022.

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Motion by Casey and 2nd by Plathe to approve Resolution #05-24-22-05 which is a Resolution for Fall Assessments on TRI 100-131-93. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION NO. 05-24-22-05
JOINT DRAINAGE DISTRICT NO. TRI 100-131-93

The Joint Board of Supervisors of Kossuth and Hancock and Humboldt Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth County Supervisor _____ and seconded by _____, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. TRI 100-131-93 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Hancock and Humboldt Counties, Iowa, that there is hereby levied \$9296.86 (Hancock \$314.66/ Kossuth \$8982.20/Humboldt has paid their portion) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. TRI 100-131-93, Kossuth and Hancock and Humboldt Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable September 30, 2022.

Motion carried and Resolution duly adopted on this 24th day of May, 2022.

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Motion by Tjarks and 2nd by Stecker to open the public hearing for DD 75 Main and Lateral 1 Improvement. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

ISG presented the Completion report for DD 75 Main and Lateral 1 Improvement and public discussion was held.

Motion by Loss and 2nd by Casey to close the public hearing for DD 75 Main and Lateral 1 Improvement. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Stecker and 2nd by Tjarks to pay the 2021 crop damages on DD 75 Main and Lat 1 in the amount of \$1,300/acre corn, \$900/acre beans and \$567/acre CRP and to add .11 acres for Duane Hellman. Motion carried unanimously.

Motion by Tjarks and 2nd by Plathe to approve the ISG compaction ratio and pay according to the ISG schedule for 50' width along all plastic tile on DD75 Lat 1 and Main except for three parcels and to add the 10' across the Hellman Property. Motion carried unanimously.

Duane Hellman had requested \$500 for Tile Cleanup in the Spring for DD 75 Lat 1 and Main Project. ISG did not recommend paying. No motion was made.

Motion by Tjarks and 2nd by Plathe to accept the Completion Report and pay the contractor, Reutzel Excavating the retainage in the amount of \$121,780.49. Chairman Tjarks called for a roll call vote: Stecker: no, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

The Final Audit Report for FY 20-21 was presented by Gardiner and Company. Motion by Plathe and 2nd by Loss to approve the Final Audit Report from Gardiner & Company for FY 20-21. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Supervisor Loss left the meeting at 12:44 PM.

Discussion was held with the Board of Supervisors.

Adjournment was taken at 12:56 P.M.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors