

BOARD PROCEEDINGS
August 23, 2022
REGULAR August SESSION

The Board of Supervisors met pursuant to adjournment. Present were Chairman Roger Tjarks, Donnie Loss, Galen Casey and Kyle Stecker. 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 2nd by Casey to approve the agenda and minutes from August 16, 2022. Motion carried unanimously.

Update was given by Dona Nielsen on the Safety Committee.

The board acknowledged the Wellness Committee Minutes.

Motion by Stecker and 2nd by Tjarks to approve assignment of County Held Tax Sale Certificates on Parcel #'s 14-25-127-006, 14-25-127-007, 06-19-277-003, 06-19-207-002, 20-35-46-002, 20-35-406-001, 13-18-434-002, 07-24-407-004, 07-24-401-013 to Situs Cultivation, LLC and Parcel # 06-19-252-009 to Steve Fisher. Motion carried unanimously.

Motion by Tjarks and 2nd by Loss to approve Resolution #08-23-22-01, which is a Resolution to Use ARPA Funds to Pay for adding a driveway to the north side of the Annex Parking Lot in the amount of \$3,890. Chairman Tjarks called for a roll call vote: Stecker: Abstain, Casey: yes, Loss: yes, Tjarks: yes. Motion carried.

Resolution No. 08-23-22-01

A RESOLUTION TO APPROVE DISBURSEMENT OF FUNDS FOR THE AMERICAN RESCUE PLAN ACT

WHEREAS, on March 11, 2021 President Biden signed the 1.9 trillion dollar American Rescue Plan Act and,

WHEREAS, Kossuth County applied for and has received the first tranche of funds for the American Rescue Plan Act totaling \$1,438,626.00 and,

WHEREAS, Kossuth County applied for and has received the second tranche of funds for the American Rescue Plan Act totaling \$1,438,626.00 and,

WHEREAS, Kossuth County has reviewed and determined which requests for the American Rescue Plan Act will qualify and,

WHEREAS, based on the distribution guidelines from the U. S. Department of Treasury the following recommendations be considered for the American Rescue Plan Funds:

Adding Driveway to North Side Annex Parking Lot	Approx. Cost: <u>\$ 3,890.00</u>
	Total: \$ 3,890.00

WHEREAS, all items listed will be submitted to the Department of Treasury,

THEREFORE, BE IT RESOLVED the Kossuth County Board of Supervisors endorses the disbursement of American Rescue Plan Act Funds for the item listed and authorizes the Auditor to make these payments as they are presented once an amendment for the funds has been completed.

Passed and approved this 23rd day of August, 2022.

Attest:

Roger Tjarks, Chairman
Kossuth County Board of Supervisors

Tammy Eden, Kossuth County Auditor

By Roll Call Vote:
Ayes:

Nays:

Galen Casey, Supervisor

Galen Casey, Supervisor

Kyle Stecker, Supervisor

Kyle Stecker, Supervisor

Donnie Loss, Supervisor

Donnie Loss, Supervisor

Roger Tjarks, Supervisor

Roger Tjarks, Supervisor

Jack Plathe, Supervisor

Jack Plathe, Supervisor

Motion by Tjarks and 2nd by Casey to approve Resolution # 08-23-22-02, which is a Resolution Ordering an Election on an Ad Valorem Property Tax for Emergency Medical Services. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks: yes. Motion carried.

RESOLUTION ORDERING AN ELECTION ON AN AD VALOREM PROPERTY TAX FOR EMERGENCY MEDICAL SERVICES

WHEREAS the Kossuth County Board of Supervisors has declared emergency medical services and essential service and did so in compliance with Iowa Code Section 422D.1(2)(a).

WHEREAS the Kossuth County Board of Supervisors coordinated efforts with local emergency medical services agencies to establish a county emergency medical services system advisory council to assist in research and assessing the service needs of the county and guiding implementation of services in the county within a council structure.

WHEREAS the Kossuth County Board of Supervisors is in receipt of a recommendation from the county emergency medical services system advisory council, which recommends funding at a level of \$0.75 (Seventy-Five Cents) per \$1,000.00 (One Thousand Dollars) of assessed value on all taxable property within the county and said recommendation is on file with the Kossuth County Board of Supervisors, and has been examined by the Kossuth County Board of Supervisors, who have determined that it otherwise complies with Iowa Code Section 422D.1(2)(c).

WHEREAS the question for the imposition of the ad valorem property tax or any other proposal incorporating any portion of it has not or will not be submitted to the qualified electors of Kossuth County, Iowa, for a period of at least sixty days subsequent to the publication of the notice of the question, so as to comply with Iowa Code Section 422D.1(3)(a).

WHEREAS it is the intention of the Kossuth County Board of Supervisors to issue the ad valorem property tax to raise funds for emergency medical services.

NOW, THEREFORE, IT IS RESOLVED BY THE KOSSUTH COUNTY BOARD OF SUPERVISORS, STATE OF IOWA:

Section 1. That an election is called of the qualified electors of Kossuth County, Iowa, on Tuesday, November 8, 2022. The following Proposition is approved, and the Auditor is authorized and directed to submit and file the Proposition for the Ballot with the Kossuth County Commissioner of Elections at least 60 days prior to the election.

PROPOSITION

Shall the Kossuth County Board of Supervisors be authorized to impose an ad valorem property tax for the purposes of creation and maintenance of a stable revenue stream for its essential community emergency medical services (EMS), in the amount of \$0.75 (Seventy-Five Cents) per \$1,000.00 (One Thousand Dollars) of assessed value on all taxable property within the county to be used for funding of emergency medical services for a maximum period of 15 years?

_____ YES

_____ NO

[END OF BALLOT LANGUAGE]

Section 2. That the notice of the election and ballot form used at the election shall be prepared in accordance with the provisions of the Iowa Code and Iowa Administrative Rules.

Section 3. That the Election Board for the Voting Precinct of precincts be appointed by the County Commissioner of Elections for each county conducting an election, not less than 15 days before the election.

Section 4. The Commissioner of Elections for each county conducting an election is requested and directed to make publication of the Notice of Election at least once, not less than four days nor more than twenty days prior to the election, in a newspaper that meets the requirements of Section 49.53(2), Code of Iowa.

Section 5. Kossuth County, Iowa, is the Controlling County for this election.

Section 6. That the County Commissioner of Elections for the county conducting an election shall prepare all ballots and election registers and other supplies necessary for the proper and legal conduct of this election.

Section 7. That the Auditor is directed to file a certified copy of this Resolution in the Office of the County Commissioner of Elections of the Controlling County to constitute the "written notice" to the County Commissioner

of Elections of the election date, required to be given by the governing body under the provisions of Chapter 422D, Code of Iowa.

It was on motion by Supervisor _____ and seconded by Supervisor _____, that the foregoing Resolution be adopted as read. Motion carried.

Chairman Tjarks called for a roll call vote:

Casey: _____ Stecker: _____ Loss: _____ Tjarks: _____ Plathe: _____.

Resolution declared adopted this _____ day of August, 2022.

Roger Tjarks, Chairperson
Kossuth County Board of Supervisors
Kossuth County, Iowa

Discussion was held regarding the agreement with the City of Algona to use storage area at the Phillips Street Building. County Attorney Todd Holmes will finalize the agreement for approval at next week's board meeting.

The discussion with Todd Holmes regarding approving a Malpractice Litigation attorney to review the DD 7 ruling was postponed until next week.

First Reading of ATV/UTV Ordinance 114-B which amends ATV/UTV Ordinance 114-A was conducted. Motion by Casey and 2nd by Loss to approve the passage of Ordinance 114-B. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks: yes. Motion carried. The second reading and final vote for passage will be held at next week's board meeting.

Bid Letting was conducted for DD 60 Sub 1 Improvement Project.

Motion by Stecker and 2nd by Tjarks to have the board sign the Waiver of Conflict of Interest for Attorney Robert W. Goodwin. Motion carried unanimously.

Motion by Loss and 2nd by Stecker to approve the purchase of a Caterpillar 317 GC Excavator from Ziegler Cat for a total price of \$240,616.33, less trade of a 1995 Caterpillar 312 Excavator, Machine Number 408 for \$26,400 for a purchase price is \$214,216.33 for the machine and to approve the purchase of a Caterpillar 289 D3 Compact Track Loader from Ziegler Cat for a total price of \$107,422.45, less trade of a 2001 Caterpillar 939C Track Loader, Machine Number 304 for \$20,000 for a purchase price is \$87,422.45 for the machine. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks: yes. Motion carried.

Motion by Casey and 2nd by Loss to authorize and give its permission to Midland Power Cooperative, Jefferson, IA to replace electric overhead with underground for crane crossings by boring along: 180th Ave, between 33 to 250 feet south of 190th Street in the east ROW and 190th Ave, between 2310 to 2630 feet south of 170th Street in the west ROW. Work will be in Sections 24 and 36, Irvington Township. Permit 08-28-2022 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Discussion was held with Kossuth County Engineer/Zoning Administrator.

Discussion was held with the Kossuth County Board of Supervisors.

Motion by Stecker and 2nd by Tjarks to approve the bid from Zachary Laubenthal Excavating contingent on the final execution of the agreement and certification by the engineer. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Tjarks: yes. Motion carried.

Discussion was held with the Kossuth County Auditor.

Adjournment was taken at 11:05 A.M.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors