

BOARD PROCEEDINGS
September 6, 2022
REGULAR September SESSION

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

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 Plathe and 2nd by Casey to approve the agenda and minutes from August 23, 2022. No vote. Motion by Plathe and 2nd by Casey to rescind the previous motion and make a motion to approve the agenda, minutes dated August 30, 2022 and the claims minus one of the payments to Mid American Energy for \$13.08 that was entered twice. Motion carried unanimously. Information was then provided by the Auditor's Office that the two payments of \$13.08 were not duplicate but for two separate locations. Motion by Plathe and 2nd by Casey to amend the second motion to approve the agenda, claims and minutes dated August 30, 2022 as presented. Motion carried unanimously.

P Albers	Exp	20.31	1
Algona EMS	Srvs	544.54	1
AMU	Srvs	318.71	2
Alg Pub Co	Notices	457.11	3
Allstate Peterbilt Group W.D.	Supp	753.26	1
American Glass Co	Supp	203.54	1
AU Life Ins	Ins.	80.00	1
Arnold Motor Supply	Parts	2059.69	1
AT & T Teleconf Srvs	Srvs	54.73	1
ATLAS STAMP & SEAL	Exp	28.00	1
Fidelity Sec Lif Ins	Ins	92.53	1
Ben Berte	Exp	700.00	1
BMC Aggregates	Rock	536.76	1
Bomgaars	Supp	814.34	8
Brown's Shoe Fit Co	Supp	314.94	2
Buscher Bros	Srvs	256.36	1
Campbell's	Engineer Supp	291.41	1
Carrot-Top Industries	Srvs	754.39	1
Central IA Dist	Supp	339.00	1
Centurylink	Phone	123.38	1
Cintas	Supp	66.91	1
Cintas	Supplies	259.96	1
City of Fenton	Utilities	123.22	1
City of Wesley	Cons	66.45	1
City of West Bend	Utilities	160.88	1
Counsel Ofs & Doc	Supp	588.92	6
Crisis Intervention Srvs	Srvs	10000.00	1
Croell Inc	Roads	475343.04	1
Crysteel Dist Inc	Exp	4081.00	1
E Davis	Exp	12.40	1
DLT Solutions	Srvs	15195.48	1
Echo Group Inc	Supp	248.91	1
Ecolab	Srvs	219.19	1
Elec Systems & Software	Supp	2860.00	1
Electronic Specialties	Srvs	7220.00	1
Electronic Specialties	Supp	40.25	1
Farmers Coop Elev	Fuel	25.70	1
Fire Fire Equip	Srvs	438.00	1
Fenton Coop Telephone	Srvs	27.50	1
Force America	Parts	301.59	1
Galls	Supp	92.20	1
Geo Comm	Srvs	1778.00	1
Government Forms and Supplies	Exp	74.63	1
J Grandgenett	Exp	44.25	2
Great Americal Financial Svcs	Exp	134.59	1
D Green	Exp	284.25	4
K Groesbeck	Exp	54.78	2
Hancock Co Treasurer	Engineer Supp	454.00	1

Heartland Asphalt, Inc.	Engineer Supp	388629.02	1
Hiway Truck Equipment	Supp	1894.12	1
Hy-Vee	Supp	6116.06	3
Inland Truck Parts	Engineer Supp	268.80	1
Ia Co Attorney's Assoc	Exp	80.00	1
Ia Law Enforcement Academy	Srvs	175.00	1
IA Prison Ind	Supp	13.60	1
IA Transit	Supp	124.09	1
ITsavvy LLC	Supp	968.00	3
Jacks OK Tire Srv	Srvs	119.60	1
JB Holland Construction Inc	Engineer Supp	64325.43	1
John Deere Financial	Parts	3642.75	1
Johnston Autostores	Parts	668.42	1
Kemna GM	Serv	74.62	1
Koss Co Recorder	Exp	7.00	1
KC Sec Road	Fuel	99.58	1
KC Treas	Srvs	16745.30	3
Lacal Equip	Parts	6945.24	1
Law Enforcement Systems	Serv	264.00	1
Lawson Products	Engineer Supp	25.60	1
Lentz Funeral Home	Serv	2400.00	1
Lone Rock Coop Tel	Phone	133.95	1
Louscher Fam. Dentist	Srvs	345.00	1
Mail Serv	Supp	594.09	1
Martin Marietta Agg	Rock	63661.76	1
McDonough County Sheriff	Exp	66.00	1
Mechanical Air Systems Co.	Exp	19623.00	2
Mid Americ PublsH	Srvs	182.16	1
Mid Am Energy	Exp	13.08	1
Mid Am Energy	Srvs	90.31	3
Midland Power Coop	Utilities	426.80	1
Midwest Wheel	Exp	1886.12	1
A Miller	Exp	15.00	1
A. Miller	Exp	120.00	1
D Miller	Reim	20.00	1
MSC Industrial Supply Co	Supplies	2036.99	1
NASSCO	Supp	1696.98	3
Nates Auto and Truck Repair	Exp	351.90	1
D Nielsen	Exp	48.13	1
NIA Lumber&Design	Exp	418.03	4
NW Comm	Service	111.04	1
NUGENCO	Exp	815.00	1
IOS	Srvs	30.54	1
IOS	Supp	169.14	3
D Olson	Exp	118.95	2
K Omdahl	Exp	84.76	1
MC Overhead Door	Service	324.30	1
Palo Alto Co Treas	Exp	2063.95	1
Palo Alto Co Sheriff	Exp	79.57	1
Petroblend	Exp	3805.15	1
Prairie Energy Coop	Lights	28.00	1
Quality Motors	Exp	102.41	1
Quill Corp	Supp	124.95	1
J Radmaker	Supp	120.45	1
RingTel Communications	Phone	93.69	1
Rinker Materials	Engineer Sup	4252.00	1
River Valley Orchards & Winery	Exp	798.00	1
N Roethler	Exp	15.00	1
Ruhnke Bros	Srvs	1734.31	1
B Runneberg	Exp	106.37	1
Schaeffer Mfg. Co.	Engineer Sup	1608.00	1
Sign Works	Supp	117.76	1
C. Skilling	Exp	90.50	2
Smidt Automotive & Repair	Srvs	71.89	1
L Snyder	Exp	122.85	2
Steier Ag	Supp	362.20	1
Stone & Steel	Exp	6.00	1
The Master's Touch, LLC	Servs	3316.43	1
Water Conn	Srvs	61.68	2

Z Thompson	Exp	15.00	1
Titonka Munc Utilities	Srvs	105.62	1
Titonka Burt Comm	Phone	2191.95	2
R Tjarks	Exp	175.50	1
Tom Eischen Sales	Parts	74.95	1
St. Lukes Res.	Srvs	42.00	1
US Cellular	Srvs	553.21	2
Verizon Wireless	Engineer Supp	80.02	1
Verizon Wireless	Exp	47.28	1
Western Ia Tourism Region	Allocation	500.00	1
White Tools LLC	Engineer Supp	313.75	1
Winnebago Coop Telecom Assoc	Phone	128.03	1
Grand Total		1139216.83	

Drainage Claims

Algona Publishing	Drain 60 Sub 1	\$86.80
Blair Drainage & Excav	Drain 166 OD 2	\$4860.00
Blair Drainage & Excav	Drain 166 Lat 15	\$383.00
Holland Contracting Corp	Drain 4 Lat 28	\$147646.80
Hudson Law Firm	Drain 60 Sub 1	\$280.00
Jacobson Westergard	Drain 80	\$254.00
Jacobson Westergard	Drain 82	\$3033.75
Larson Contracting	Drain 82	\$14895.11
Zachary Laubenthal Excav	Drain 4	\$7130.00
McClure Engineering	Drain 4 Lat 11	\$302.92
McClure Engineering	Drain 60 Sub 1	\$10775.12
Phyllis Hanna	Drain TRI 84	\$1092.00
Marilyn Heifner LE	Drain TRI 84	\$764.00
Matthew Henriksen	Drain TRI 84	\$704.00
Duane Lieb	Drain 82	\$340.00
Reutzel Excavating	Drain TRI 84	\$15201.00
Reutzel Excavating	Drain TRI 84	\$11492.73
William Lofstrom	Drain 82	\$990.00
TOTAL		\$220231.23

Motion by Tjarks and 2nd by Stecker to accept the resignation of Haley Keihn as Mental Health Advocate. Motion carried unanimously.

Discussion was held regarding the approval of the agenda for staff safety training on October 10, 2022. The Courthouse will remain open and trainings will be offered both morning and afternoon.

Motion by Stecker and 2nd by Plathe to approve the Kossuth County EMS purchase of a 2023 Chevy Suburban LS 4 Wheel Drive from Kemna's for \$54,489.00 using grant funds received by EMS. Motion carried unanimously.

Discussion was held with Todd Holmes regarding his conversation with Attorney Max Kirk from Ball, Kirk & Holm, PC from Waterloo, IA on attorney malpractice after the DD 7 Ruling. Mr. Kirk would not advise going forward with legal malpractice action. No action was taken by the board.

Motion by Casey and 2nd by Tjarks to approve the Proclamation of National Voter Registration Month. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Plathe and 2nd by Tjarks to approve Resolution #09-06-22-01 which is a Resolution to use ARPA Funds for three projects. No vote taken. Motion by Plathe and 2nd by Tjarks to withdraw the previous motion and to approve the Resolution approving the Transfer Switch for the LEC Generator and the Sheriff's Office Impound Building Improvement. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Plathe: yes, Tjarks: yes. Motion carried.

Resolution No. 09-06-22-01

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:

Transfer Switch For LEC Generator	Approx. Cost: \$ 7,250.00
Sheriff's Office Impound Building Repair	Approx. Cost: <u>\$25,639.56</u>
Total:	\$32,889.56

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 6th day of September, 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 Plathe and 2nd by Stecker to approve Resolution #09-06-22-02, which is a Resolution to amend the FY 2023 County Roads Five Year Program. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION# _____

Amend 2023 County Five Year Program

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

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

Kossuth County Secondary Roads

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Five Year Program and previous revisions, requiring changes to the sequence, funding, and timing of the proposed work plan.

The Board of Supervisors of Kossuth County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2023), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

The following projects shall be MODIFIED as follows:

Project Number Name Project ID	Project Location Description of Work	AADT Length Bridge ID	Type of Work Fund	Modifications	Total
BRS-C055(198)--60 -55 Replace Bridge - P64 Bridges LB671608 24975	P64: W Line 16 Wesley Twp. over PLUM CREEK Replace I-Beam bridge with Continuous Concrete Slab Bridge	350 0.000 miles 33050	320 Bridges FA	added 40,000 FM dollars to 2023 added 160,000 FA dollars to 2023	\$600,000

Fund	Accomplishment		
	Previous Amount	New Amount	Net Change
Local	\$1,840,000	\$1,840,000	\$0
Farm-to-Market	\$2,340,000	\$2,380,000	\$40,000
Special	\$300,000	\$300,000	\$0
SWAP	\$0	\$0	\$0
Federal Aid	\$320,000	\$480,000	\$160,000
Totals	\$4,800,000	\$5,000,000	\$200,000

Recommended

Kossuth County Engineer

Date

Approved

Chair, Kossuth County Board of Supervisors

Date

Attested

I, Tammy Eden, Auditor in and for Kossuth County, Iowa, do hereby certify the above and foregoing to be a true and exact copy of a resolution passed and approved by the Board of Supervisors of Kossuth County, Iowa, at its meeting held on the 6th day of September, 2022.

Kossuth County Auditor

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Motion by Casey and 2nd by Tjarks to approve Resolution #09-06-22-03, which is a Resolution to waive the separation distance requirement between Dairy Confinement and Public Road, Banwart Dairy, 108 10th Street, Section 31, Garfield Township. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION # 09-06-22-03

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

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

WHEREAS section 459.202 of the Code of Iowa provides for separation distances for Confinement Feeding Operations, and

WHEREAS section 459.202 of the Code of Iowa specifies that Confinement Feeding Operation structures shall not be constructed or expanded within 100' from a public throughfare, and

WHEREAS section 459.205 of the Code of Iowa provides exemptions for separation distances for Confinement Feeding Operations, and

WHEREAS section 459.205 of the Code of Iowa allows political subdivisions to execute written waivers with the owners Confinement Feeding Operations, and

WHEREAS Banwart Dairy Inc., 108 110th Street, West Bend, IA 50597 requests a waiver to the separation distance between a proposed dairy confinement operation and 110th street in the NW ¼ of the NE ¼ of section 31, Garfield Township be reduced to 55 feet, and

NOW, THEREFORE, BE IT RESOLVED THAT by the Kossuth County Board of Supervisors to execute a written waiver to Banwart Dairy Inc. that reduces the separation distance as requested above.

Dated September 6, 2022 at Algona Iowa.

Roger Tjarks, Chairperson

ATTEST

Tammy Eden, Kossuth County Auditor

Motion by Tjarks and 2nd by Plathe to authorize and give its permission to Interstate Power and Light, Armstrong, IA, to install underground electric service under 300 Street approximately 1,000 feet west of 70th Ave. to 608 300th St. Work will be Sections 24-25, Fenton Township. Permit number 09-29-2022 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Held discussion with the Kossuth County Engineer/Zoning Administrator.

Motion by Tjarks and 2nd by Stecker to approve having Jim Hudson draw up an agreement with Mr. Johanson and bring the agreement for DD 60 Sub 1 back to the board for approval. Motion carried unanimously.

Motion by Casey and 2nd by Plathe to have the Supervisors handle their requests as follows: Supervisor Stecker: Request #2022-042 DD4; Request #2022-043 DD 4 and Supervisor Tjarks: Request #2022-044 DD TRI 84 Lat 1. Motion carried unanimously.

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

Adjournment was taken at 10:12 A.M.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors