

BOARD PROCEEDINGS
September 27, 2022
REGULAR September SESSION

The Board of Supervisors met pursuant to adjournment. Present were Chairman Roger Tjarks, Jack Plathe, Galen Casey, Donnie Loss 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 minutes from September 20, 2022.

Motion carried unanimously.

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

Motion by Stecker and 2nd by Plathe to approve the draft permit for construction permit application for Summit Pork IV, LLP Kossuth Springfield 24 Site, Section 4, Springfield Township, Kossuth County.

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 Plathe to approve Resolution #09-27-22-01 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 IV, LLP Kossuth Springfield 24 Site, Section 24, Springfield Township, Kossuth County. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION #09-27-22-01

Kossuth County Board of Supervisors
September 27, 2022

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 IV, LLP has been issued a draft permit for the construction of a confined animal feeding operation building(s) at NW SW Section 24 Springfield Township 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 27, 2022.

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.

Chairman, Roger Tjarks
Kossuth County Board of Supervisors

Attest:

Tammy Eden, Auditor
Kossuth County

Motion by Loss and 2nd by Stecker to appoint Deputy Mark McGregor as First Deputy for the Kossuth County Sheriff's Office with the salary set at 75% of the sheriff's salary effective October 1, 2022.

Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

The discussion on a policy for animals allowed in the courthouse was postponed until next week's board meeting.

Discussion was held regarding following Robert's Rules of Order for all board meetings. The board stated they are already following Robert Rules of Order and will continue to follow them so no further action is needed.

The board spoke with IT Coordinator Derek Olson regarding purchasing and using an OWL recording device to record all board meetings. Derek will get information on pricing and present it at next weeks meeting.

Motion by Casey and 2nd by Stecker to approve the purchase of two 2023 Dodge ¾ ton pickups from Kemna Auto Center for \$101,390m less trade for 2008 Ford half-ton pickup, VIN# 1FTRF14W28KC95208 and a 2003 Ford ¾ ton pickup, VIN# 1FTNF21L33EA65956 for \$14,390. The total purchase price for the two pickups is \$87,000. Motion carried unanimously.

Motion by Plathe and 2nd by Loss to approve the purchase of one 2023 Dodge ¾ ton crew cab pickup from Kemna Auto Center for \$53,715 less trade for 2007 Dodge ¾ ton crew cab pickup, VIN# 1D7KS28D87J577990 for \$11,000. Total purchase price for the pickups is \$42,715. Motion carried unanimously.

Motion by Stecker and 2nd by Casey to approve Resolution #09-27-22-02 which is a resolution to close sections of roadways on B46, R14 and P66 during construction work. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

RESOLUTION# _____

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

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

WHEREAS, Section 306.41 of the Code of Iowa provides for the temporary closing of sections of roadway when necessary because of construction, and

WHEREAS, the County Engineer has been authorized by a previous resolution of this Board of Supervisors to execute the requirements of Section 306.41 regarding temporary road closures, and

WHEREAS, resurfacing project STBG-SWAP-C055(195)--FG-55 will require that B46 (190th Street) from P60 (190th Avenue) east 6 miles to HWY 17 be closed to all traffic, and

WHEREAS, resurfacing project LFM-(196)--7X-55 will require that P66 (190th Ave) from C12 (100th St) north 6 miles to B55 (160th St) be closed to all traffic, and

WHEREAS, resurfacing project FM-C055(197)--55-55 will require that R14 (240th Ave) from B55 north 6.5 miles to Wesley Railroad crossing (Old 18) be closed to all traffic, and

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the above-described roads be closed and proper signs be erected for the duration of the construction project as determined by the County Engineer.

BE IT FURTHER RESOLVED, that upon completion of the construction work, as determined by the County Engineer, the roads shall be opened to the traveling public without further action of this board.

September 27, 2022
Dated at Algona, Iowa

ATTEST:

Roger Tjarks, Chairperson
Kossuth County Board of Supervisors

Tammy Eden
Kossuth County Auditor

Motion by Stecker and 2nd by Plathe to authorize and give its permission to Alliant Energy, Mason City, IA, to remove overhead and install underground electric on the south side of the driveway to 3807 185th Avenue. Work will be in Section 12, Ramsey Township. Permit number 09-31-2022 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Discussion was held with the Kossuth County Engineer/Zoning Administrator.

Motion by Stecker and 2nd by Loss to approve Change Order #2 for a decrease of \$3,414.83 for DD 4 Lateral 28 repair. Motion carried unanimously.

Motion by Stecker and 2nd by Plathe to approve Pay App #3 for DD4 Lateral 28 Repair in the amount of \$64,319.41 payable to Holland Contracting Corp. Motion carried unanimously.

Motion by Tjarks and 2nd by Stecker to acknowledge the report for DD 82 and set a date and time for a Voluntary Annexation and Classification Hearing for November 15, 2022 at 10:00 A.M. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Loss and 2nd by Plathe to have the board handle their drainage requests as follows:
Supervisor Tjarks: Request #2022-045 DD PAK 34 and Supervisor Casey: Request: #2022-046 DD 132 Lat 14. Motion carried unanimously.

A conference call was held with Palo Alto County regarding a petition filed with the Palo Alto County Auditor requesting a Trustee Election for DD 61 North. Palo Alto is the control county and will hold the trustee election on December 13, 2022 from 1-5PM.

Motion by Casey and 2nd by Plathe to go into closed session per Iowa Code 21.5(1)(c) with Attorney David Stein regarding litigation and review of Case #LACV027372 (DD 7 Antoine). Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

No decision was made in closed session.

Motion by Tjarks and 2nd by Stecker for Drainage Deputy Marg Mergen to speak with Attorney Jim Hudson regarding DD 7 Litigation LACV027372. Motion carried unanimously.

Motion by Plathe and 2nd by Casey to go into closed session per Iowa Code 21.5(1)(c) with Attorney David Stein regarding possible litigation on DD 4 & DD 80 Landowner William & Mary Goche LLC. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

No decision was made in closed session.

Motion by Plathe and 2nd by Tjarks for Drainage Deputy Marg Mergen to contact Attorney Jim Hudson & McClure Engineering to give an opinion on DD 4 & DD 80 William & Mary Goche Tiling. Motion carried unanimously.

Held discussion with the Kossuth County Auditor and the Kossuth County Board of Supervisors.

Motion by Plathe and 2nd by Casey to adjourn at 11:08 A.M.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors