

BOARD PROCEEDINGS
May 7, 2024
REGULAR May SESSION

The Board of Supervisors met pursuant to adjournment. Present were Kyle Stecker, Chairman, Carter Nath, Roger Tjarks, and Jack Plathe. Absent: Joshua Waechter

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

Public discussion was held.

Motion by Tjarks and 2nd by Nath to approve the agenda and minutes of the previous meetings dated April 30, 2024. Motion carried unanimously.

Motion by Tjarks and 2nd by Stecker to approve the claims. Motion carried unanimously.

Ahlers & Cooney, P.C.	Srvs	560.24	2
AMU	Srvs	7439.18	7
Algona Plumb & Htg	Srvs	2083.55	2
Alg Pub Co	Notices	1299.02	2
Alg Welding & Mach	Srvs	210.15	1
Alliant Energy	Srvs	299.69	1
Amazon Capital Serv	Supp	26.98	1
AU Life Ins	Ins.	90.00	1
Arnold Motor Supply	Parts	1417.22	1
Fidelity Sec Lif Ins	Ins	47.85	1
Ban Mun Utlities	Utilities	361.54	1
Bancroft Reg.	Notices	893.37	2
BMC Aggregates	Rock	2190.51	1
Bob Barker Co	Supp	553.05	2
Bomgaars	Supp	646.22	4
Bound Tree Medical	Supp	1559.70	1
Brown's Shoe Fit Co	Supp	682.43	2
Bugs N Stuff	Srvs	368.00	2
D. Burma	Exp	1000.00	1
Business Forms & Systems	Supp	390.06	1
C & D Used Oil Services, LLC	Engineer Sup	60.00	1
Calhoun-Burns & Associates, In	Engineer Sup	2094.75	1
Card Services	Exp	1394.05	2
Central IA Dist	Supp	597.00	2
Centurylink	Phone	163.13	2
Clark H Christensen	Exp	2015.00	1
Cintas	Supplies	181.61	1
City of Algona	Phone	11681.98	1
City of Fenton	Utilities	117.08	1
City of Lone Rock	Exp	106.35	1
City of Wesley	Cons	67.67	1
City of West Bend	Utilities	503.18	1
City of Whittemore	Exp	830.86	1
Dump-It Sanit	Srvs	474.00	2
Ecolab	Srvs	241.11	1
Elec Systems & Software	Supp	10645.90	1
Electronic Specialties	Srvs	24.00	1
C. Elston	Exp	7.50	1
Mid-IA Sales	Srvs	249.96	1
FedEx	Exp	33.43	1
Fenton Coop Telephone	Srvs	27.50	1
Frank Dunn Co.	Engineer Sup	1898.00	1
Galls	Supp	200.08	1
Gardiner Thomsen	Supp	32625.00	1
General Traffic Controls, Inc.	Supp	619.00	1
W. Gibbs	Exp	271.14	1
D Green	Exp	200.33	2
Hamilton County Sheriff's Off	Exp	254.80	1
D Heidner	Exp	49.58	1
Holiday Inn	Lodging	386.40	1
Hy-Vee	Exp	7496.00	1
IA Assoc of MU	Service	2214.00	1

Iowa GEMT Payment Program	Exp	21330.22	1
IA St Bank	Supp	98.73	1
Iowa State University	Reg	720.00	1
ISAC	Reg	625.00	3
ISCTA	Exp	25.00	1
ITsavvy LLC	Supp	12370.53	7
Jacks OK Tire Srv	Srvs	21187.79	1
JEO Consulting Group Inc	Exp	1025.50	1
K.C. Nielsen, LTD	Srvs	69.15	1
KLGA	Adv.	188.00	1
KC Sec Road	Fuel	55.11	1
KC Treas	Srvs	135.92	1
KRHC	Srvs	2471.45	4
Lone Rock Coop Tel	Phone	133.95	1
Mail Serv	Supp	642.60	1
Martin Marietta Agg	Rock	20247.70	1
Mathy Const	Exp	5176.18	1
Mercy Medical Ctr	Exp	2500.00	1
Merryman Bridge Cons	Cons	140827.92	1
Mid Am Energy	Srvs	6527.60	6
Midland Power Coop	Utilities	424.80	1
Midwest AcuTech LLC	Supp	3184.49	1
Mike Looft TW	Fuel	4620.22	1
A Miller	Exp	25.00	1
NASSCO	Supp	1203.66	1
Nates Auto and Truck Repair	Engineer Sup	665.93	1
NIACC	Exp	136.00	1
NIA Lumber&Design	Exp	47.90	1
NW Comm	Service	111.02	1
O'Reilly	Exp	57.64	1
Oakcrest	Srvs	900.00	1
IOS	Supp	1417.49	8
D Olson	Exp	11.76	1
MC Overhead Door	Service	365.00	1
Pelzer Law Firm LLC	Exp	146.00	1
Pete's Plumbing	Srvs	563.51	1
Joan L. Peterson	Exp	3255.00	1
Petroblend	Exp	1827.92	1
Pitney Bowes Bank Inc	Exp	2500.00	3
J Plathe	Exp	21.44	1
Reutzel Excav	Srvs	2042.50	1
RingTel Communications	Phone	93.67	1
T. Ritland	Exp	83.60	2
Roethler Elec.	Srvs	139.00	1
N Roethler	Exp	25.00	1
Ruhnke Bros	Srvs	264.82	1
Safety X-treme	Engineer Sup	2750.30	1
Sec St Bank	Srvs	30.00	1
Shamrock Recycling Inc	Engineer Sup	11720.00	1
Smidt Automotive & Repair	Srvs	1606.75	1
Solutions	Srvs	1687.62	4
Sportsmans Corner	Exp	127.50	1
D Struecker	Exp	25.00	1
SC Herald Press	Notices	636.87	1
The Master's Touch, LLC	Servs	502.36	1
Water Conn	Srvs	129.25	1
Z Thompson	Exp	25.00	1
Thomson Reuters West	Supp	451.03	1
Threads	Supp	46.00	1
Thrifty White Pharmacy	Exp	28.97	1
Titonka Munc Utilities	Srvs	527.87	2
Titonka Burt Comm	Phone	39.84	1
Tom Eischen Sales	Parts	31.00	1
Truck Country "OF IOWA"	Engineer Supp	14991.18	1
Uline	Supp	434.78	2
US Bank	Exp	268.80	1
US Cellular	Srvs	406.77	2
Verizon Wireless	Exp	441.30	2
Verizon Wireless	Supp	41.41	1

Verizon Connect Fleet USA	Engineer Supp	1613.45	1
Verizon Connect Fleet USA	Exp	279.20	1
Verus	Supp	4116.90	1
Counsel Ofs & Doc	Supp	987.01	8
Counsel Ofs & Doc	Suppl	81.42	1
West Bend Ford	Exp	121.38	1
West Bend Journal	Notices	113.90	1
Windstream	Srvs	87.85	1
Winnebago Coop Telecom Assoc	Phone	128.54	1
88 Tactical	Exp	1650.00	1
911 Custom	Exp	1550.00	1
Grand Total		408020.12	

Drainage Claims

Bolton & Menk	Drain 4 Lat 40	\$8095.00
Bolton & Menk	Drain 4 Lat 2	\$684.00
Bolton & Menk	Drain 60 Sub 4	\$30810.50
Bolton & Menk	Drain 129	\$636.50
Brandt Farm Drainage	Drain 78 Lat 6	\$1192.00
Empire Pipe Services	Drain 165	\$950.00
Empire Pipe Services	Drain 4 Lat 62	\$3320.00
Empire Pipe Services	Drain 80 Lat 6	\$950.00
Erpelding Excavating Ent	Drain 9	\$2402.16
Goodwin Law Office	Drain 80 OD	\$4370.00
Goodwin Law Office	Drain 90 Lat 1	\$345.00
Goodwin Law Office	Drain 4 Lat 2	\$161.00
Goodwin Law Office	Drain 4 Lat 11	\$368.00
I & S Group	Drain 90 Lat 1	\$131.25
Jacobson Westergard Assoc	Drain PAK 1	\$601.25
Kossuth County Secondary Road	Drain 105	\$427.85
Kossuth County Secondary Road	Drain 114	\$570.65
Kossuth County Secondary Road	Drain 132	\$1183.17
Kossuth County Secondary Road	Drain 152	\$740.00
Kossuth County Secondary Road	Drain 185	\$740.00
Kossuth County Secondary Road	Drain 4	\$2040.00
Kossuth County Secondary Road	Drain 82	\$1764.00
Kossuth County Secondary Road	Drain 90 Lat 66	\$341.04
Kossuth County Secondary Road	Drain 91	\$4731.44
Zachary Laubenthal Excav	Drain 83 Lat 32	\$9410.00
Zachary Laubenthal Excav	Drain 165 Lat 4	\$3072.00
Zachary Laubenthal Excav	Drain 80 Lat 6	\$5210.00
Zachary Laubenthal Excav	Drain 60 Sub 1	\$64458.98
Reutzel Excavating Inc	Drain 4 Lat 64	\$10172.00
Reutzel Excavating Inc	Drain 106	\$400.00
Reutzel Excavating Inc	Drain TRI 84	\$4243.50
Reutzel Excavating Inc	Drain 83	\$912.00
Reutzel Excavating Inc	Drain WK 3-11	\$54.24
Reutzel Excavating Inc	Drain 53	\$3845.00
Travis Tjarks	Drain WK 35-89	\$185.00
Algona Publishing	Drain 60 Sub 1	\$79.96
Kossuth County Auditor	Drain 60 Sub 1	\$22.44
Hutchinson Family Farm Trust	Drain 60 Sub 1 Main	\$9744.00
Thomas J Maday Rev Trust	Drain 60 Sub 1 Main	\$2302.00
Paul Eisenmann Fam Irrev	Drain 60 Sub 1 Main	\$1680.00
Paul Eisenmann Fam Irrev II	Drain 60 Sub 1 Main	\$9576.00
Roger A & Karen E Farland	Drain 60 Sub 1 Main	\$33696.00
Paul Eisenmann Fam Irrev II	Drain 60 Sub 1 Minn	\$17568.00
Steven I Johanson	Drain 60 Sub 1 Minn	\$576.00
Paul Eisenmann Fam Irrev II	Drain 60 Sub 1 Lat 1	\$11232.00
Roger A & Karen E Farland	Drain 60 Sub 1 Lat 1	\$2304.00
Roger A & Karen E Farland	Drain 60 Sub 1 Lat 2	\$14400.00
Mildred Eicher Trustee	Drain 60 sub 1 Lat 2	\$9504.00
Paul Eisenmann Fam Irrev II	Drain 60 Sub 1 Lat 2	\$864.00
Paul Eisenmann Fam Irrev	Drain 60 Sub 1 Lat 2	\$5760.00

Roger A & Karen E Farland	Drain 60 Sub 1 Lat 3	\$2880.00
Thomas J Maday Rev Trust	Drain 60 Sub 1 Lat 3	\$3053.00
TOTAL		\$294758.93

Motion by Stecker and 2nd by Plathe to approve the Microsoft Office 2024/2025 License renewal. Motion carried unanimously.

The board acknowledged transfers that were made by the Kossuth County Auditor from General Basic to Secondary Road in the amount of \$20,175.17 and from Rural Basic to Secondary Road in the amount of \$146,445.62. The transfers were made on May 2, 2024.

Motion by Tjarks and 2nd by Plathe to open the public hearing regarding the construction permit for TA Site in the SE SE Section 9 T99N R28W Ledyard Township. Chairman Stecker called for a roll call vote: Plathe: yes, Tjarks: yes, Nath: yes, Stecker: yes. Motion carried.

There were no public comments.

Motion by Plathe and 2nd by Tjarks to close the public hearing regarding the construction permit for TA Site in the SE SE Section 9 T99N R28W Ledyard Township. Chairman Stecker called for a roll call vote: Plathe: yes, Tjarks: yes, Nath: yes, Stecker: yes. Motion carried.

Motion by Tjarks and 2nd by Nath to recommend to the Iowa Department of Natural Resources the approval by Resolution #05-07-24-01 of the construction permit application for TA Site in the SE ¼ SE ¼ Section 9 T99N R28W Ledyard Township due to them meeting the requirements on the Master Matrix scoring system per Aaron Montag and to have Tammy Eden send notice to the Iowa Department of Natural Resources the Kossuth County Board of Supervisors adopted recommendation. Chairman Stecker called for a roll call vote: Plathe: yes, Tjarks: yes, Nath: yes, Stecker: yes. Motion carried.

**Recommendation to Iowa DNR to Approve the Application Permit for Construction of a Confinement Feeding Operation Site #69370
Resolution # 05-07-24-01**

WHEREAS, the Kossuth County Board of Supervisors has adopted the Master Matrix for the purpose of scoring construction applications to provide an opportunity for local input and

WHEREAS, The Master Matrix Delegate, Aaron Montag has informed the Kossuth County Board of Supervisors that he scored this matrix identically to the applicant and this site has met the requirements of the Master Matrix. His score is based on the Master Matrix filed in the Kossuth County Auditor's Office on April 11, 2024.

WHEREAS, the Kossuth County Board of Supervisors has approved the Master Matrix submitted on April 11, 2024. The score of this facility is 445 points.

NOW THEREFORE BE IT RESOLVED, that the Kossuth County Board of Supervisors hereby recommends to the Iowa Department of Natural Resources the **approval** of the construction permit application for Trevor Amy (TA Site) in the SE SE Section 9 T99N R28W Ledyard.

Public Comments: Yes or No (If yes, they are attached)

Passed and Approved this 7th day of May, 2024.

Chairman, Kyle Stecker
Kossuth County Board of Supervisors

Attest:

Tammy Eden, Auditor
Kossuth County

Motion by Stecker and 2nd by Nath to approve the contract with KRHC for transport of mental health patients. Motion carried unanimously.

Motion by Nath and 2nd by Plathe to approve Resolution #05-07-24-02, which is a resolution approving the policy for crossing Kossuth County Secondary Roads with drainage tile. Chairman Stecker called for a roll call vote: Plathe: yes, Tjarks: yes, Nath: yes, Stecker: yes. Motion carried.

POLICY FOR CROSSING KOSSUTH COUNTY SECONDARY ROADS WITH PRIVATE OWNED DRAINAGE TILE

Department: Secondary Roads
Policy Number: T-1A
Approved and Adopted: May 07, 2024

Purpose:

The purpose of this policy is to establish guidelines for Kossuth County to use when private parties request to cross Kossuth County Secondary Roads with private drainage tiles.

Overview:

Kossuth County receives requests from private parties to install private drainage tile in and across Kossuth County Secondary Roads. The code of Iowa addresses this type of drainage work. In an effort to expediate the process, Kossuth County adopts this Policy for Crossing Kossuth County Secondary Roads with Privately Owned Drainage Tile.

Motion By: _____ Seconded By: _____

To adopt the following resolution as policy for Kossuth County, Iowa

Plathe: _____
Tjarks: _____
Waechter: _____
Nath: _____
Stecker: _____

Resolution Number 05-27-24-02

POLICY FOR CROSSING KOSSUTH COUNTY SECONDARY ROADS WITH DRAINAGE TILE

Be it resolved by the Board of Supervisors of Kossuth County, Iowa, to adopt the following road crossing with drainage tile policy for Kossuth County, Iowa

WHEREAS, Chapter 318 of the Code of Iowa requires any person working within the right of way of a public road to obtain a permit from the highway authority having jurisdiction of the public road or highway, and

WHEREAS, Chapter 468 of the Code of Iowa prescribes a method for landowners to improve drainage by construction of field tile through road right of ways, and

WHEREAS, The Kossuth County Board of Supervisors desires to adopt a road crossing with drainage tile policy that includes an option which will expedite procedures relating to projecting a drainage tile across a public highway to a suitable outlet.

THEREFORE, be it resolved and enacted by the Kossuth County Board of Supervisors that Kossuth County, Iowa, agrees, upon receipt of proper application, to;

- 1) provide materials used to cross the road right of way installed to Kossuth County's specifications and pay **\$250.00** to offset against the labor expense to open cut a secondary road, or
- 2) pay **70% of the cost** to offset against the expense to bore under a secondary road as approved by the Kossuth County Engineer.

If a landowner chooses not to be bound by the above policy, then, the procedures for securing such crossing shall be in accordance with applicable sections of the Code of Iowa Sections 468.600 through 468.622.

A summary of those procedures is shown below:

1. File application in writing with the Kossuth County Auditor and provide information required by Iowa Code Chapter 468.600. Include five copies of the following information:
 - a. Applicant(s)' name, address and a complete legal description of the property owned by applicant.
 - b. A complete and accurate legal description of the property across which the drainage improvements are proposed, including the names, address and phone numbers of all affected property owners(s) and or tenant(s), if applicable.
 - c. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area served by the existing drainage tile including the starting point, route terminus, character, size and depth of existing drainage tile.
 - d. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area to be served by the proposed improvements including the starting point, route, terminus, character, size and depth of the proposed drainage improvements.
 - e. A detailed estimate giving the total cost of construction of the proposed drainage improvements with a separate, detailed estimate of the cost of road crossings.
 - f. After the application material has been submitted to the county auditor and prior to scheduling the required public hearing, the auditor will route the application materials to the county attorney, county engineer and Natural Resources Conservation Service to review and submit any comments or recommendation.
2. A public hearing shall be set by the Kossuth County Auditor pursuant to Iowa Code Chapter 468.601.
3. File claims for damages at or before hearing pursuant to Chapter 468.604 of the Code of Iowa.
4. A public hearing shall be held in compliance with Iowa Code Section 468.605. If the Board of Supervisors find that the purpose is to secure more complete drainage or a better outlet and the levee, open ditch, tile or other underground drain is found to be beneficial it will be approved. If the Board of Supervisors find that a proposed drain runs in the course of natural drainage to a public road the owner of such land shall have the right to enter upon such highway for the purpose of connecting owners drain or ditch with any drain or ditch constructed along or across said road.
5. If the supervisors approve the merits of the application, Iowa Code Section 468.606 shall be followed. The landowner, however, in making such connections or crossings shall do so in accordance with specification furnished by the Secondary Road Department at the time of filing a crossing application.
6. If the Board of Supervisors approve the tile line to be projected across the right-of-way to a suitable outlet, the expense, of both material and labor used in installing the tile line across the highway and any subsequent repair thereof shall be paid from funds available for the highway affected.
7. If funds are not available in the Kossuth County Secondary Road Fund for reimbursement of the applicant for the cost of said tile crossing at the time of the construction of the crossing, it is understood that the applicant will be reimbursed at such time as funds are available in the Kossuth County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Kossuth County Board of Supervisors reserves the right to negotiate any type of cost sharing arrangement with the applicant.

Passed on this 7th day of May, 2024

ATTEST:

 Tammy Eden
 Kossuth County Auditor

 Kyle Stecker
 Kossuth County Board of Supervisors

Motion by Nath and 2nd by Tjarks to hereby authorize and give its permission to Ron Monson to replace private 8" tile and 30" tile outlets approximately 1190 feet north of Highway 18 in the east right of way of 240th Avenue in the southwest quarter of Section 25, T-96N, R-27W of the 5th P.M., Wesley

Township. Agreement OT-24-04-01 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 Tjarks and 2nd by Stecker to have the Supervisors handle their requests as follows:
Supervisor Nath: Request 2024-031 DD PAK 1 Lat 6 and Request 2024-032 DD 40. Motion carried unanimously.

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

Motion by Tjarks and 2nd by Plathe to adjourn at 9:02 A.M. Motion carried unanimously.

Attest:

Tammy Eden
Kossuth County Auditor

Kyle Stecker, Chairman
Kossuth County Board of Supervisors