

BOARD PROCEEDINGS
April 26, 2022
REGULAR April SESSION

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

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 the minutes from April 19, 2022. Motion carried unanimously.

Motion by Plathe and 2nd by Stecker to approve the quarterly reports for the Auditor, Recorder, Sheriff and Veteran's Affairs. Motion carried unanimously.

Motion by Plathe and 2nd by Tjarks to approve the Ag-Land Allowances and Disallowances and authorize the chairman to sign the letters to landowners. Motion carried unanimously.

The Board of Supervisors acknowledge the Wellness Committee minutes.

A monthly update was given by the General Assistance Administrator.

Discussion was held with the Kossuth County Sheriff regarding the hiring of the next deputy sheriff.

Motion by Casey and 2nd by Loss to open the public hearing regarding the construction permit for Bittner Finisher Site in the SW ¼ NW ¼ Section 28 T95N R29W Cresco Township. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Eight letters of objection were received by the Auditors Office from Kossuth County landowners regarding the construction permit for Bittner Finisher Site in the SW ¼ NW ¼ Section 28 T95N R29W Cresco Township. All eight letters will be added to the record. A letter of objection from Joel & Teresa Kellenberger was read by Teresa. Concerns and objections were heard from other individuals residing near the proposed site.

Motion by Plathe and 2nd by Casey to close the public hearing regarding the construction permit Bittner Finisher Site in the SW ¼ NW ¼ Section 28 T95N R29W Cresco Township. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Motion by Casey and 2nd by Loss to recommend to the Iowa Department of Natural Resources the disapproval by Resolution #04-26-22-01 of the construction permit application for Bittner Finisher site in the SW ¼ NW ¼ Section 28 T95N R29W Cresco Township due to the supervisors not agreeing with the requirements on the Master Matrix scoring system and to have Tammy Eden send notice to the Iowa Department of Natural Resources that the Kossuth County Board of Supervisors did not recommend the application. Chairman Tjarks called for a roll call vote: Stecker: no, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried 4-1.

**Recommendation to Iowa DNR to Disapprove the Application Permit for Construction of a
Confinement Feeding Operation Site #71800
Resolution # 04-26-22-01**

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 4, 2022. The score of this facility is 445 points.

WHEREAS, the Kossuth County Board of Supervisors did not approve the Master Matrix submitted on April 4th, 2022, due to the proximity of a Recreational area.

NOW THEREFORE BE IT RESOLVED, that the Kossuth County Board of Supervisors hereby recommends to the Iowa Department of Natural Resources the **disapproval** of the construction permit application for Matchwood Farms, LLC (Bittner Finisher Site) in the SW ¼ NW ¼ Section 28 T95N R29W Cresco Township.

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

Passed and Approved this 26th day of April, 2022.

Chairman, Roger Tjarks
Kossuth County Board of Supervisors

Attest:

Tammy Eden, Auditor
Kossuth County

Motion by Stecker and 2nd by Tjarks to open the public hearing for the Second Reading and Approval of a Resolution Declaring Emergency Medical Services to Be an Essential Service in Kossuth County. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

Resolution to Declare Emergency Medical Services an Essential Service in Kossuth County was read by Phil Albers, Emergency Medical Services Coordinator. There was no public discussion.

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

Motion by Tjarks and 2nd by Stecker to approve the EMS Resolution as read. 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 set May 3, 2022 at 9:00 A.M for the final vote on the EMS Resolution and to waive the third and final reading. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: yes, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

A monthly update was given by the EMS Coordinator.

Motion by Stecker and 2nd by Tjarks to authorize and give its permission to Iowa Lakes Electric Cooperative, Estherville, IA, to interset poles along the east right of way of 210th Avenue beginning at 480th Street thence north one mile. Work will be in Section 21, Hebron Township. Permit 04-10-2022 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Motion by Tjarks and 2nd by Loss to authorize and give its permission to Titonka-Burt Communications, Titonka, IA to install a fiber optic cable by plowing and boring: A-the east shoulder of P64 (210th Avenue) approximately 500 feet south to 800 feet north of bridge between B19 (300th Street) and 310th Street; B-the north edge of road between 1402 – 1403 280th Street and crossing into 1402 acreage; C-from south right of way at 1707 290th Street, north into acreage; D-from north right of way at 1901 375th Street north into acreage; E-in south and north shoulder of B14 (330th Street) approximately 560 feet west to 1200 feet east of R14 (240th Avenue). Work will be in Sections 1-2, 12, and 21 of Buffalo Township; Sections 26, 32, and 35 Portland Township; Section 5 Plum Creek; and Section 18 of German Township. Permit number 04-11-2022 is on file in the Kossuth County Engineer's Office, see map attached to permit for installation details. Motion carried unanimously.

Motion by Casey and 2nd by Plathe to authorize and give its permission to Dean Hilbert, LuVerne, IA, to install 72 feet of 12" 0 Class 3 reinforced concrete pipe by cutting through 170th Avenue 1535 feet north of the southeast corner of Section 15, Sherman Township, Kossuth County. Permit number 11-41-2021 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 approve Change Order #9 for DD 75 Main Tile & Lat 1 which increases the amount by \$5,336.42 to a total of \$1,217,804.85. Motion carried unanimously.

Motion by Tjarks and 2nd by Plathe to approve Pay App #8 for DD 75 Main Tile and Lat 1 in the amount of \$11,957.77 to Reutzell Excavating, Inc. Motion carried unanimously.

Motion by Stecker and 2nd by Tjarks to re-schedule bid letting DD 4 Lat 11 OD for May 10, 2022 at 9:30 A.M. Motion carried unanimously.

Motion by Casey and 2nd by Loss to approve INREC Water Quality Project TZ0323 Black Site DD 48 for engineering in the amount of \$44,092 paid by IDALS. Motion carried unanimously.

Motion by Tjarks and 2nd by Stecker to approve INREC Water Quality Project TZ0857 Kohland Site Consent DD 2 for engineering in the amount of \$43,956 paid by IDALS. Motion carried unanimously.

Motion by Stecker and 2nd by Tjarks to approve INREC Water Quality Project TZ0882 Kahler Site E-K JDD 2 for engineering in the amount of \$46,612 paid by IDALS. Motion carried unanimously.

Motion by Stecker and 2nd by Tjarks to approve INREC Water Quality Project TZ0885 Johnson-Rolling Site DD 60 for engineering in the amount of \$39,862 paid by IDALS. Motion carried unanimously.

Discussion was held regarding JDD PAK 1 Supplemental Repairs.

Motion by Casey and 2nd by Plathe to have the supervisors handle their requests as follows: Supervisor Stecker: Request 2022-008 DD 90 Lat 1. Supervisor Tjarks: Request 2022-007 DD 133 Sub 1. Motion carried unanimously.

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

Adjournment was taken at 11:30 A.M.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors