

BOARD PROCEEDINGS
April 5, 2022
REGULAR April SESSION

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

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

Public discussion was held. Ron Monson and Don Tietz gave their support in favor of the partial assignment of WECS Construction Permit 2019-01 from Wisconsin Power & Light Company to Kossuth County Wind, LLC.

Motion by Plathe and 2nd by Loss to approve the agenda and the minutes from March 29, 2022. Motion carried unanimously.

Motion by Plathe and 2nd by Tjarks to approve the claims with the deletion of \$6,736.85 from the Uline Claim. Motion carried unanimously.

AG-NEWS	Exp	109.00	1
AMU	Srvs	247.94	2
Algona Plumb & Htg	Srvs	2374.40	1
Algona Public Lib	Alloc	24903.19	1
Alg Pub Co	Notices	43.38	1
All Traffic Solutions	Supp	28660.00	1
Alliant Energy	Srvs	3489.54	1
American Glass Co	Supp	675.00	1
AU Life Ins	Ins.	80.00	1
Arnold Motor Supply	Parts	2215.34	2
ATCO Intern	Exp	125.00	1
Fidelity Sec Lif Ins	Ins	92.53	1
Banc Public Lib	Alloc	8468.17	1
K Benschoter	Exp	592.49	1
A Berte	Exp	57.45	1
Bob Barker Co	Supp	862.12	1
Bomgaars	Supp	1382.11	6
Burt Public Lib	Alloc	7790.75	1
Calhoun-Burns & Associates, In	Exp	765.00	1
Central IA Dist	Supp	389.00	2
Central Ia Water	Srvs	587.00	1
Centurylink	Phone	120.12	1
Chally Repair	Repairs	242.60	1
Cintas	Supp	125.30	1
Cintas	Supplies	696.15	1
City of Fenton	Utilities	98.82	1
City of Lakota	Exp	95.85	1
City of LuVerne	Exp	90.00	1
City of Wesley	Cons	67.03	1
City of West Bend	Utilities	578.94	1
Counsel Ofs & Doc	Supp	241.60	3
Counsel Ofs & Doc	Suppl	62.04	1
County Binders	Srvs	206.47	1
Dave D Lane	Exp	369.27	1
Degen Extinguisher & Repair	Srvs	104.50	1
Dump-It Sanit	Exp	204.70	1
Echo Group Inc	Supp	514.50	1
T Eden	Exp	499.36	1
Farmers Coop Elev	Fuel	890.47	1
Fire Fire Equip	Srvs	856.00	1
Fenton Coop Telephone	Srvs	27.59	1
Fenton Public Lib	Alloc	6926.11	1
Five Star Tool & Supp	Supp	1094.95	1
Galls	Supp	599.23	1
Great Americal Financial Svcs	Exp	516.46	3
Hallett Materials	Supp	5807.87	1
D Heidner	Exp	95.00	1
Hiway Truck Equipment	Supp	719.34	1
C. Hjelmeland	Exp	500.00	1

Hy-Vee	Supp	5347.50	1
ICIT	Membership	600.00	1
Iowa Division of Criminal Inve	Exp	235.00	1
Ia Workforce Dev	Srvs	175.00	1
ISAC	Srvs	475.00	2
ISAC Group Health Program	Exp	1197.00	1
ITSavvy LLC	Exp	1035.00	1
ITSavvy LLC	Supp	2383.50	6
Jacks OK Tire Srv	Srvs	80.82	1
John Deere Financial	Parts	779.35	1
Johnston Autostores	Cons	918.55	1
K.C. Nielsen, LTD	Srvs	91.98	1
Kemna GM	Serv	781.16	1
KC Sec Road	Fuel	75.96	1
KC Treas	Srvs	265.59	2
KRHC-Phar	Srvs	35.48	1
Lakota Pub Lib	Alloc	6844.41	1
Ledyard Pub Lib	Alloc	6418.90	1
Luverne Pub Lib	Alloc	6864.83	1
Mail Serv	Supp	1062.20	1
Martin Marietta Agg	Rock	14329.98	1
Maverick Inc	Engineer Sup	90.80	1
M McGregor	Exp	26.08	1
Merryman Bridge Cons	Cons	43700.00	1
J Messerole	Servs	314.40	1
Mid Am Energy	Srvs	10916.39	4
Midland Power Coop	Utilities	393.20	1
Mike Looft TW	Fuel	8573.22	1
Mikes Fix It	Exp	98.64	1
A Miller	Exp	15.00	1
D Miller	Exp	40.00	1
Motorola Solutions Inc	Supp	25631.56	1
MSC Industrial Supply Co	Supplies	1197.29	1
Norris Asphalt	Exp	3756.09	1
NIA Lumber&Design	Exp	4721.55	6
NW Comm	Service	450.29	2
IOS	Supp	376.49	7
Official Court Reporter	Exp	199.50	1
B Pfeffer	Exp	84.31	1
Phil's Auto & Trk Rpr II	Srvs	445.92	1
Quality Motors	Exp	414.85	1
J Radmaker	Exp	10.65	1
RingTel Communications	Phone	92.98	1
Roethler Elec.	Srvs	3252.40	3
N Roethler	Exp	15.00	1
Rolling Tree Service	Srvs	6400.00	1
Ruhnke Bros	Srvs	117.91	1
B Runneberg	Exp	61.78	1
Schaeffer Mfg. Co.	Engineer Sup	1184.28	1
Sec St Bank	Srvs	25.00	1
Sheraton-West Des Moines	Lodging	860.16	1
Sign Works	Supp	297.96	1
Solutions	Srvs	120.00	1
K Stecker	Exp	372.96	1
Superior Hood Steamers Inc	Exp	495.00	1
SC Public Library	Alloc	7800.96	1
The DM Register	Subscription	358.03	1
The Retrofit Companies	Engineer Sup	266.00	1
Water Conn	Srvs	51.40	1
Z Thompson	Exp	15.00	1
Thomson Reuters West	Supp	417.00	1
Titonka Munc Utilities	Srvs	458.64	1
Titonka Public Library	Alloc	7596.72	1
Titonka Burt Comm	Phone	38.94	1
Tom Eischen Sales	Parts	701.42	1
Uline	Supp	13723.35	3
St. Lukes Res.	Srvs	84.00	1
US Bank	Exp	350.00	1
US Cellular	Srvs	62.73	1

Verus	Supp	2123.40	1
Wesley Public Library	Alloc	7303.96	1
West Bend Pub Library	Alloc	2012.45	1
White Tools LLC	Engineer Supp	296.80	1
Whittemore Public Lib	Alloc	7692.03	1
Winnebago Co Shf	Srvs	179.00	2
Zoll Medical Corporation	Supp	37926.89	1
Grand Total		360467.27	

Drainage Claims

Algona Publishing	Drain 75 Lat 5	\$47.77
A1 Excavating	Drain HK 5-87	\$738.00
Bolton & Menk	Drain PAK 1	\$16397.00
Bolton & Menk	Drain 72	\$8092.50
Bolton & Menk	Drain 80	\$188.00
Bolton & Menk	Drain 65	\$282.00
Bolton & Menk	Drain TRI 84	\$671.00
Bolton & Menk	Drain 60 Sub 4	\$207.00
Bolton & Menk	Drain 4	\$3168.00
Bolton & Menk	Drain 4 Lat 28	\$6363.00
Hudson Law Firm	Drain 80	\$70.00
Jacobson Westergard	Drain 80	\$5269.00
Kossuth County Auditor	Drain 18	\$812.22
Kossuth County Auditor	Drain 96	\$797.66
Kossuth County Sec Rd	Drain 179	\$511.29
Kossuth County Sec Rd	Drain 45	\$281.29
Kossuth County Sec Rd	Drain 82	\$693.57
Kossuth County Sec Rd	Drain 82	\$1052.08
Kossuth County Sec Rd	Drain 82	\$919.17
Kossuth County Sec Rd	Drain 82	\$428.87
Kossuth County Sec Rd	Drain 83	\$2387.46
Kossuth County Sec Rd	Drain 83	\$761.62
Kossuth County Sec Rd	Drain 90 Lat 20	\$424.68
Kossuth County Sec Rd	Drain 105 Lat 8	\$410.90
Kossuth County Sec Rd	Drain 105	\$636.72
Kossuth County Sec Rd	Drain WK 68-136	\$824.58
McClure Engineering	Drain 4 Lat 11 OD	\$1266.25
McClure Engineering	Drain 60 Sub 1	\$4492.50
Rodney Jensen	Drain 75	\$86.23
Rodney Jensen	Drain 30	\$37.50
Rodney Jensen	Drain 93	\$37.50
Tim Struecker	Drain 75	\$75.00
Tim Struecker	Drain 30	\$37.50
Tim Struecker	Drain 93	\$37.50
Reutzel Excavating Inc	Drain WK 3-11 Sub 1	\$1460.93
Reutzel Excavating Inc	Drain WK 3-11	\$381.44
TOTAL		\$60347.73

Discussion was held regarding the replacement of the Courthouse entry doors. The bid presented for replacement of the doors is currently outdated so estimates will be requested from the two local glass companies in Algona.

Motion by Tjarks and 2nd by Casey to approve the 2022 Applications for Natural Conservation. 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 Stecker to approve purchasing Firewall replacements from Verus Corporation in the amount of \$15,250 with \$690 Monthly Support Fee. Motion carried unanimously.

Motion by Plathe and 2nd by Loss to approve the purchase of three 140 Motor Graders from Ziegler for a total price of \$1,072,524.45 less trade for a 1995 140G Motor Grader, Machine Number 135 for \$61,400.

Purchase price is \$1,011,124.45 for the three machines. 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 Loss to approve the purchase of a 2011 Skyjack SJIII3226 Scissors Lift from Ziegler Cat for a purchase price of \$54,000 less trade value for 1995 Skyjack SJIII3220 (Kossuth County Equipment #813) of \$1,200 for a net purchase price of \$4,200. Motion carried unanimously.

The Annual Financial Assurance Report for the Landfill is postponed until after the yearly Audit is done.

Discussion was held regarding the partial assignment of WECS Construction Permit 2019-01 from Wisconsin Power & Light Company to Kossuth County Wind, LLC. Kossuth County Auditor Tammy Eden read a letter dated April 4, 2022 from Alan D. Mawdsley in support of the assignment.

Motion by Stecker and 2nd by Plathe to approve the partial assignment of WECS Construction Permit 2019-01 from Wisconsin Power & Light Company to Kossuth County Wind, LLC and Resolution #04-05-22-01. Chairman Tjarks called for a roll call vote: Stecker: yes, Casey: no, Loss: yes, Plathe: yes, Tjarks: yes. Motion carried.

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

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY, IOWA

RESOLUTION TO PARTIALLY ASSIGN WECS CONSTRUCTION PERMIT

Kossuth County Resolution No. _____

WHEREAS, Wisconsin Power and Light Company (“WPL”) currently holds all right, title and interest in and to that certain Wind Energy Conversion System Construction (WECS) Permit No. WECS-2019-01, issued by Kossuth County, Iowa to Kossuth Wind Energy LLC on October 1, 2019, and as assigned to WPL pursuant to that certain Assignment and Assumption Agreement dated October 3, 2019, by and between Kossuth Wind Energy LLC and WPL (the “WECS Permit”); and

WHEREAS, the WECS Permit authorizes, subject to the terms and conditions therein, the construction and operation of eighty-four (84) wind turbines and related equipment, including meteorological towers, to be placed on eighty-four (84) permitted parcels sufficient to site a two hundred fifty (250) MW wind generating facility, as described in the application for the WECS Permit and in accordance with all applicable federal, state, and local regulations; and

WHEREAS, WPL has completed the construction of, and owns and operates, a one hundred fifty (150) MW wind generating facility known as the Kossuth Phase I Project consisting of fifty-six (56) turbines sited on fifty-six (56) permitted parcels, subject to the terms and conditions of the WECS Permit; and

WHEREAS, Kossuth County Wind, LLC, a Delaware limited liability company (“KCW”), seeks to construct, own, and operate a wind powered electric generating facility with a proposed nameplate capacity of approximately seventy (70) MW, consisting of 27 turbines located on 27 parcels, each identified in the WECS Permit, in Kossuth County, Iowa (the “Kossuth Phase II Project”) adjacent to the Kossuth Phase I Project; and

WHEREAS, KCW is a joint venture between WPL and Kossuth County Wind Holdings (“Wind Holdings”), a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (“NEER”); and

WHEREAS, Wind Holdings, is the managing member of the joint venture and is responsible for the development, construction, operation and maintenance of the Kossuth Phase II Project in compliance with the terms and conditions of the WECS Permit, as applicable to the Kossuth Phase II Project; and

WHEREAS, the Kossuth County Ordinance #310 - B allows for the transfer of assignment of the WECS Permit, subject to the consent and written approval of the Kossuth County Board of Supervisors and the Zoning Administrator upon a finding that “a proposed transferee has the financial and operational responsibility to assume all obligations required of the Permit Holder under this Ordinance and the Ancillary Agreements listed in Section V [of the Ordinance]”; and

WHEREAS, WPL and Wind Holdings desire that WPL partially assign and transfer to KCW an interest in the WECS Permit as necessary to facilitate and authorize the development, construction, operation, and maintenance of the Kossuth Phase II Project; and

WHEREAS, WPL and Wind Holdings have jointly requested, by separate correspondence to the Kossuth County Zoning Administrator (the “Joint Request”), that the Kossuth County Board of Supervisors provide any approval of the partial assignment of the WECS Permit to KCW as may be necessary for KCW to construct, own and operate the Kossuth Phase II Project, provided that no such action of Kossuth County, Iowa affects or impairs, in any manner, the existing rights of WPL arising under the WECS Permit; and

WHEREAS, Wind Holdings has provided written assurances to the Board that KCW is able and ready to assume the financial and operational responsibility for the WECS Permit, the Road Use and Repair Agreement and Public Drainage System Agreement, the Emergency Response Plan (the “Ancillary Agreements”), and Decommissioning Plan, as applicable to the Kossuth Phase II Project; and

WHEREAS, to secure KCW’s performance of its obligations under the WECS Permit, as partially assigned to KCW, NEER and Wind Holdings, on behalf of KCW, have agreed to provide to Kossuth County, (a) within thirty (30) days of the approval of the partial assignment and during construction of the Kossuth Phase II Project, a non-cancellable, perpetual performance bond, surety bond or letter of credit in an amount no less than \$2,000,000.00, (or an amount otherwise reasonably determined by the County Zoning Administrator), and (b) a decommissioning bond in accordance with the requirements of the Decommissioning Plan applicable to decommissioning the Phase II Project ((a) and (b) the “Financial Assurance”), such Financial Assurance to be issued by either a United States office of a commercial bank, insurance, or trust company (which is not an affiliate of KCW) organized under the laws of the United States (or any state or a political subdivision thereof), or the United States branch of a foreign bank (which is not an affiliate of KCW), in either case having assets of at least ten billion dollars (\$10,000,000,000) and having credit ratings from two of S&P, Moody’s or Fitch of at least A3 (in the case of Moody’s) or A- (in the case of S&P or Fitch); and

WHEREAS, KCW, Wind Holdings, NEER agree that, other than an assignment for purposes of obtaining financing (including to tax equity investors holding only non-controlling interests in the Kossuth Phase II Project), any transfer or assignment of an interest in KCW, or assets of KCW, to any entity that is not a wholly-owned, direct or indirect subsidiary of NEER or WPL will be deemed a transfer within the meaning of Kossuth County Ordinance #310 - B and, as such, will require the approval of Kossuth County under the terms of such ordinance; and

WHEREAS, the Board finds, based on the Joint Request and all of the foregoing, that KCW has the financial and operational responsibility to assume all obligations of required of KCW under the Ordinance, the WECS Permit, the Ancillary Agreements, and Decommissioning Plan, as applicable to the Kossuth Phase II Project; and

WHEREAS, the Board finds that KCW has the knowledge and financial resources to develop and operate the Kossuth Phase II Project in a manner that complies with the WECS Permit, Ancillary Agreements, and Decommissioning Plan, as applicable to the Kossuth Phase II Project, and will have the financial and operational responsibility to assume all obligations required by the WECS Permit holder under the Ordinance, Ancillary Agreements, and Decommissioning Plan as applicable to the Kossuth Phase II Project;

NOW THEREFORE BE IT RESOLVED, based on the foregoing and the Joint Request, the Board approves the partial assignment of the WECS Permit to KCW such that KCW shall assume all rights and obligations of the partially assigned WECS Permit as applicable to the Kossuth Phase II Project.

BE IT FURTHER RESOLVED, the partial assignment of the WECS Permit to KCW with respect to the Kossuth Phase 2 Project shall not impair, limit, or otherwise affect the rights and obligations of WPL under the WECS Permit with respect to the Kossuth Phase I Project.

BE IT FURTHER RESOLVED, on and after the date hereof, KCW shall comply with all terms and conditions of the WECS Permit as applicable to the Kossuth Phase II Project, all conditions and requirements identified in the application submitted for such WECS Permit as applicable to the Kossuth Phase II Project, and all agreements with Kossuth County in connection with the Kossuth Phase II Project. As partially assigned, the WECS Permit shall be enforceable against KCW with respect to the Kossuth Phase II Project and the design, construction, operation and maintenance thereof.

_____, 2022
Dated at Algona, Iowa

Roger Tjarks, Chairperson
Kossuth County Board of Supervisors

ATTEST:

Tammy Eden
Kossuth County Auditor

Bid Letting was held on DD 4 Lateral 28 Project. Bids will be checked by Bolton & Menk and awarded at next week’s board of supervisor’s meeting.

Motion by Casey and 2nd by Loss to authorize and give its permission to Iowa Lakes Electric Cooperative, Estherville, IA, to insert poles beginning at 40th Avenue thence east approximately two miles along the north right of way line of 200th Street and bore under the road at 404 and 502 200th Street. Work will be in Sections 10-11 & 14-15, Whittemore Township. Permit 04-04-2022 is on file in the Kossuth County Engineer’s Office. Motion carried unanimously.

Motion by Tjarks and 2nd by Stecker to authorize and give its permission to Winnebago Cooperative Telephone Company, Lake Mills, IA, to plow and bore fiber optic cable in the west shoulder, beginning at 360th Street thence north approximately 2700 feet along 160th Avenue. Work will be in Section 21 of

Ramsey Township. Permit number 04-05-2022 is on file in the Kossuth County Engineer’s Office.
Motion carried unanimously.

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

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

Adjournment was taken at 11:02 A.M.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors