

BOARD PROCEEDINGS
November 26, 2024
REGULAR November SESSION

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

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

There was no public discussion.

Motion by Tjarks and 2nd by Nath to approve the agenda and minutes dated November 19, 2024.

Motion carried unanimously.

The board acknowledged the Wellness Committee Minutes.

Motion by Nath and 2nd by Waechter to approve the handwritten claims to Card Services in the amount of \$6.00; Card Services in the amount of \$545.01 and Card Services in the amount of \$70.88. Motion carried unanimously.

The GAAP Report for FY ending June 30, 2024, was acknowledged.

Motion by Tjarks and 2nd by Waechter to authorize and give permission to the Kossuth County Drift Skippers to groom and use snowmobile trails within Kossuth County Secondary Road Right of Way using the designated routes for the period of December 1, 2024 to March 31, 2025. Motion carried unanimously.

Motion by Stecker and 2nd by Nath to authorize and give permission to the Lakota Sno-Eagles to groom and use snowmobile trails within Kossuth County Secondary Road Right of Way using the designated routes for the period of December 1, 2024 to March 31, 2025. Motion carried unanimously.

Motion by Stecker and 2nd by Nath to accept Mark Bollig's resignation from the Kossuth County Board of Adjustment and to thank Mark for his years of service to Kossuth County through this commission. Motion carried unanimously.

There was not any construction in the road-right-of way.

A discussion was held with the Kossuth County Engineer/Zoning Administrator.

Motion by Tjarks and 2nd by Waechter to open the public hearing for the Amended Buffalo Township Urban Renewal Plan. Chairman Stecker called for a roll call vote: Tjarks: yes, Waechter: yes, Nath: yes, Stecker: yes. Motion carried.

Discussion was held. No public comments were made in writing or in person.

Motion by Nath and 2nd by Waechter to close the public hearing for the Amended Buffalo Township Urban Renewal Plan. Chairman Stecker called for a roll call vote: Tjarks: yes, Waechter: yes, Nath: yes, Stecker: yes. Motion carried.

Motion by Nath and 2nd by Waechter to adopt Resolution #11-26-24-01, a Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the Kossuth County Buffalo Township Economic Development District. Chairman Stecker called for a roll call vote: Tjarks: yes, Waechter: yes, Nath: yes, Stecker: yes. Motion carried.

RESOLUTION NO. _____

Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa, and Approve Urban Renewal Plan Amendment for the Kossuth County Buffalo Township Economic Development District

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”) a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, the Board of Supervisors (the “Board”) of Kossuth County, Iowa (the “County”) by resolution previously established the Kossuth County Buffalo Township Economic Development District (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives to be undertaken therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) described on Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) covers the addition of the Property to the Urban Renewal Area; and (2) authorizes the undertaking of new urban renewal projects in the Urban Renewal Area consisting of (i) using tax increment financing to pay the costs of renovating and remodeling the existing grandstand at the Kossuth County Fairgrounds; and (ii) using tax increment financing to pay the costs of constructing county road, bridge and culvert improvements in order to enhance transportation infrastructure and encourage the promotion of economic development; and

WHEREAS, notice of a public hearing by the Board on the question of establishing the Property as part of the Urban Renewal Area and on the proposal to adopt the Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on November 12, 2024; and

WHEREAS, the Planning and Zoning Commission of the County has reviewed and commented on the proposed Amendment; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to the Algona Community School District, the North Kossuth Community School District, and the North Iowa Community School District; the consultation meeting was held on October 28, 2024; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, portions of the Property lie within and within two miles of the incorporated limits of the Cities of Algona, Iowa; Bancroft, Iowa; Burt, Iowa; Fenton, Iowa; Lakota, Iowa; Ledyard, Iowa; Lone Rock, Iowa; Lu Verne, Iowa; Swea City, Iowa; Titonka, Iowa; Wesley, Iowa; West Bend, Iowa; Whittemore, Iowa; Corwith, Iowa; and Buffalo Center, Iowa (collectively referred to herein as the “Cities”); and

WHEREAS, pursuant to Section 403.17, all of the Cities, except the Cities of Corwith and Wesley, Iowa, have executed joint agreements (the “Joint Agreements”) consenting to the County’s proposed urban renewal activity on the Property; and

WHEREAS, the County will not include any portions of the Property situated within two miles of the City of Corwith, Iowa or the City of Wesley, Iowa in the Urban Renewal Area;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Kossuth County, Iowa, as follows:

An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist on the Property.

The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa and is hereby designated the Kossuth County Buffalo Township Economic Development District.

The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the County.

It is hereby determined by this Board of Supervisors as follows:

The Amendment and the proposed projects and initiatives described therein conform to the general plan of the County as a whole;

Proposed projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

C. It is not anticipated that any families will be displaced in connection with the County’s undertakings under the Amendment. Should such issues arise, then the County will develop a feasible method of relocating any displaced persons into decent, safe and sanitary dwelling accommodations within their means and without undue hardship.

The Amendment is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the County is hereby authorized to undertake the projects and initiatives described therein. The Joint Agreements are hereby approved, and the Chairperson and County Auditor are hereby authorized and directed to execute said Joint Agreement on behalf of the County.

All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved November 26, 2024.

Chairperson, Board of Supervisors

Attest:

County Auditor

Motion by Tjarks and 2nd by Stecker to approve Resolution # 11-26-24-02, a resolution that the county facilitate one or more internal advances of funds in the amount not to exceed \$1,000,000 in order to pay the costs of the projects to fund Kossuth County Buffalo Township Urban Renewal Project Costs. Chairman Stecker called for a roll call vote: Tjarks: yes, Waechter: yes, Nath: yes, Stecker: yes. Motion carried.

RESOLUTION NO _____

Resolution Authorizing Internal Loan to Fund Urban Renewal Project Costs

WHEREAS, the Board of Supervisors of Kossuth County, Iowa (the "County"), has established the Kossuth County Buffalo Township Economic Development District (the "Urban Renewal Area") and has established the Kossuth County Buffalo Township Economic Development District Tax Increment Revenue Fund (the "Tax Increment Fund") in connection therewith; and

WHEREAS, the County has proposed to undertake certain urban renewal projects (the "Projects") in the Urban Renewal Area consisting of using tax increment financing to pay the costs of constructing county road, bridge and culvert improvements in order to enhance transportation infrastructure and encourage the promotion of economic development in the County; and

WHEREAS, it has been proposed that the County facilitate one or more internal advances of funds in an amount not to exceed \$1,000,000 in order to pay the costs of the Projects, and, pursuant to Section 331.479 of the Code of Iowa, the County has published notice and has held a public hearing on such proposal on November 26, 2024; and

WHEREAS, the County desires to make the internal advances eligible to be repaid from future incremental property tax revenues to be derived from the Urban Renewal Area;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors, as follows:

Section 1. It is hereby directed that \$1,000,000 be advanced (the "Advance") for the funding of the Projects from the County's Rural Basic Fund (the "Source Fund"). The Advance shall be repaid to the Source Fund, without interest, out of future incremental property tax revenues received into the Tax Increment Fund.

It is intended that the Advance shall be repaid in one or more annual installments on or before June 30, 2027, provided however that repayment of the Advance is subject to the determination of the Board of Supervisors that there are incremental property tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Fund relative to the Advance, and the Board of Supervisors reserves the right to appropriate funds, or to withhold such appropriation, at its discretion.

Section 2. A copy of this Resolution shall be filed in the office of the County Auditor of Kossuth County to evidence the Advance. Pursuant to Section 403.19 of the Code of Iowa, the County Auditor is hereby directed to certify, no later than December 1, 2024, the original amount of the Advance.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED on November 26, 2024.

Chairperson

Attest: _____
County Auditor

Supervisor Stecker introduced and read an ordinance entitled Ordinance No. 224B, an Ordinance providing for the division of taxes levied on taxable property in the 2024 addition to the Kossuth County Buffalo Township Economic Development District, Pursuant to Section 403.19 of the Code of Iowa.

Motion by Nath and 2nd by Stecker to adopt Ordinance No. 224B. Chairman Stecker called for a roll call vote: Tjarks: yes, Waechter: yes, Nath: yes, Stecker: yes. Motion carried.

Motion by Waechter and 2nd by Stecker that the statutory rule requiring an ordinance to be considered and voted on for passage at two board meetings prior to the meeting at which it is to be finally approved be suspended. Motion carried unanimously.

Motion by Stecker and 2nd by Nath that the ordinance entitled Ordinance No. 224 B, an Ordinance providing for the division of taxes levied on taxable property in the 2024 Addition to the Kossuth County Buffalo Township Economic Development District, Pursuant to Section 403.19 of the Code of Iowa now be put upon its final consideration and adoption. Chairman Stecker called for a roll call vote: Tjarks: yes, Waechter: yes, Nath: yes, Stecker: yes. Motion carried.

Elderbridge on Aging presented their annual report and budget request for FY 2026.

Motion by Tjarks and 2nd by Stecker to appoint Shelley Louwagie as trustee for Union Township to fill a vacancy for Rod Scuffham and appoint Todd Louwagie as clerk for Union Township to fill a vacancy for Rita Scuffham. Motion carried unanimously.

Tyler Conley from Bolton & Menk presented the Tile Improvement Report for DD 4 Laterals 40 and 42. Motion by Stecker and 2nd by Waechter to acknowledge the report from Bolton & Menk, set the date and time for bid letting for January 7, 2025 at 10:00A.M., set the Bid Consideration for January 14, 2025 at 10:00A.M., and have Tyler add: open cut for road crossings, change liquidation damages to \$1,500 per day, yes on warrants, installments of up to 20 years, and interest at 5%. Motion carried unanimously.

Motion by Stecker and 2nd by Nath to approve Change Order 3 for DD 60 Sub 4 Improvement which decreases the amount by \$11,913 due to changes in pipes and elbows. Motion carried unanimously.

Motion by Stecker and 2nd by Tjarks to approve Pay App 2 for DD 60 Sub 4 Improvement in the amount of \$434,008.80 to Reutzel Excavating. Motion carried unanimously.

Motion by Waechter and 2nd by Nath to have the Supervisors handle their requests as follows:
Supervisor Stecker: Request 2024-138 DD 12 Lat 4; Request 2024-140 DD 90 Lat 20; Request 2024-141

DD 80 OD; Supervisor Nath: Request 2024-137 DD PAK 1 Lat M; Request 2024-142 DD HK 8; Supervisor Tjarks: Request 2024-136 DD WK 35-89; Request 2024-139 DD PAK 1 OD. Motion carried unanimously.

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

Motion by Nath and 2nd by Waechter to adjourn at 10:32A.M. Motion carried unanimously.

Attest:

Tammy Eden
Kossuth County Auditor

Kyle Stecker, Chairman
Kossuth County Board of Supervisors