

BOARD PROCEEDINGS
September 9, 2025
REGULAR September SESSION

The Board of Supervisors met pursuant to adjournment. Present were Carter Nath (Chairman), Josh Waechter, Kyle Stecker, Amber Garman and Howard Haas.

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

There wasn't any public discussion.

Motion by Stecker and 2nd by Waechter to approve the agenda and minutes of the previous meeting dated September 2, 2025. Motion carried unanimously.

The board acknowledged transfers that were made from General Basic to Secondary Road in the amount of \$17,947.89 and from Rural Basic to Secondary Road in the amount of \$136,611.12. The transfers were made on September 4, 2025.

Discussion was held with the Secondary Road Foremen.

AgriVia presented information on Drainage District Engineering Services, which they can provide to the county.

Motion by Stecker and 2nd by Waechter to go into Closed Session per Iowa Code 21.5(1)(c) CIJDC Settlement Agreement. Chairman Nath called for a roll call vote: Haas: yes, Garman: yes, Stecker: yes, Waechter: yes, Nath: yes. Motion carried.

No decision was made in Closed Session.

Motion by Stecker and 2nd by Waechter to approve Resolution # 09-09-25-01, which is a Resolution approving and adopting CIJDC Settlement terms. Chairman Nath called for a roll call vote: Haas: yes, Garman: yes, Stecker: yes, Waechter: yes, Nath: yes. Motion carried.

RESOLUTION OF THE KOSSUTH COUNTY BOARD OF SUPERVISORS

RESOLUTION No. 09-09-25-01

WHEREAS Kossuth County is a stakeholder in the Central Iowa Juvenile Detention Center (hereinafter CIJDC), and

WHEREAS the CIJDC is the Respondent in Hardin County Case No. CVCV102247, whereby Hardin County calls into question the validity of prior 28E agreements, and

WHEREAS the outcome of that litigation is uncertain, and Kossuth County has an interest in the outcome of that litigation, and

WHEREAS the CIJDC Commission has voted 22-5 to approve the attached compromise settlement agreement resolving the litigation, and

WHEREAS the compromise settlement agreement is a compromise between Hardin County and the CIJDC that acknowledges the membership of counties joining the CIJDC through 2012 and also allows the remaining counties to maintain certain benefits that the litigation does not otherwise guarantee, while also allowing the counties joining through 2012 to adopt a new 28E agreement and even vote to allow the remaining counties to regain full membership in the CIJDC, and

WHEREAS the Parties will file with the Court a consent decree memorializing the full terms and conditions of the Parties' compromise settlement agreement following approval of the compromise settlement by a majority of the member counties.

THEREFORE, the Kossuth County Board of Supervisors hereby approve and adopt the attached compromise agreement and authorize the CIJDC to execute and present to the court a consent decree consistent with the attached compromise settlement.

Roll Call Vote:

Haas _____ Garman _____ Stecker _____ Waechter _____ Nath _____

Board of Supervisor's Chair

Auditor

Dated: _____

Motion by Garman and 2nd by Stecker to approve the Bid for the IDALS Louscher Saturated Buffer Project from Reutzel's in the amount of \$133,810. Motion carried unanimously.

Motion by Stecker and 2nd by Waechter to acknowledge the report for DD 20 Tile Improvement and set the date and time for the public hearing as November 12, 2025, at 9:00 A.M. Motion carried unanimously.

A teleconference was held with Palo Alto County to accept plans and specifications for JDD PAK 1 Main Open Ditch repairs and set date and time for bid letting. Present via phone from Palo Alto County were Keith Wirtz, Craig Merrill, Roger Faulstick, Ronald Graettinger, Linus Solberg and Auditor Carmen Moser. Present was the full board from Kossuth County as well as Drainage Clerk Jennifer Loats and Auditor Tammy Eden.

Motion by Nath and 2nd by Graettinger to accept the Plans and Specifications for JDD PAK 1 Main Open Ditch Repairs and set September 30, 2025, at 8:05A.M. as the date and time for bid letting at the Kossuth County Courthouse. All ayes from both counties.

Motion by Haas and 2nd by Garman to approve the Drainage Policy as discussed. Chairman Nath called for a roll call vote: Haas: yes, Garman: yes, Stecker: yes, Waechter: yes, Nath: yes. Motion carried.

KOSSUTH COUNTY MANUAL OF WRITTEN POLICY

Policy For Drainage

Department: Drainage

Policy Number: D-2

Approved and Adopted: September 9, 2025

Purpose:

Drainage districts have been established for the drainage of surface waters from agricultural and other lands for the protection of said lands from overflow when said protection is a public benefit or is conducive to public health, convenience, and welfare (Section 468.2, State Code of Iowa).

Overview:

To maintain uniformity throughout all Drainage Districts in Kossuth County, Iowa.

Motion by _____ and seconded by _____ to adopt the following policy:

Ayes: _____

Nays: _____

1. When a landowner/tenant has a repair request, the landowner/tenant shall fill out and sign the drainage repair request in person or by phone at the Kossuth County Auditor's Office. A map of the location of the repair will be required by the Auditor's Office.
2. When the repair request is \$10,000 or higher the Supervisor who receives the request will bring it in front of the board. The Board of Supervisors will have the final say on any work to be done on district tile or ditches.
3. When a repair is over \$50,000 the board member with the request will get a cost estimate (2 quotes would be advisable). The board holds the right to accept a bid that is not the lowest and to reject the lowest if necessary. At any time, an engineer can be engaged at the discretion of the board.
4. If the repair is estimated at over \$50,000 a public hearing is required per Iowa Code. If an improvement is requested, a petition will automatically go to an engineering firm to be investigated per the Iowa Code.
5. Scale tickets are required to be submitted to the Auditor's Office for engineered projects. All tickets must include the drainage repair request number.
6. All improvements, no matter the cost, will have a petition and be sent to an engineering firm for investigation per Iowa Code.
7. To increase notification for improvement projects above the requirements in the Iowa Code the Drainage Clerk, after direction from the Board of Supervisors, shall send a postcard to all landowners in the district informing them of the timing of the bid-letting and any other important information as deemed necessary for that project.
8. An informational letter shall be sent to landowners of any district at the start of any litigation as well as a yearly update mailed with Drainage Assessments.
9. All connections to district tiles should be made with "wye" fittings to ensure there is no obstruction into the tiles which would affect water flow capacity or televising ability. It is expected that attempts will be made to remove any/all debris that results from connecting to these tiles prior to completing the connection.
10. GPS coordinates from start to finish are required on all Drainage Repair Requests. GPS points need to be added before an invoice is paid.
11. Private Trustee Drainage Assessments must be submitted to the Kossuth County Auditor prior to April 30th. The Assessment request must be approved by Resolution and signed by the Clerk and Chairman of the Private Board of Trustees.

Passed this 9th day of September 2025.

ATTEST: _____

Tammy Eden
Kossuth County Auditor

Carter Nath, Chairman
Kossuth County Board of Supervisors

Motion by Waechter and 2nd by Stecker to have the Supervisors handle their requests as follows: Supervisor Garman: Request 2025-070 DD 114. Motion carried unanimously.

Motion by Garman and 2nd by Stecker to accept the Kossuth County Official Report of County Highway Engineer for Fiscal Year 2025. Motion carried unanimously.

Motion by Haas and 2nd by Stecker to approve the purchase of 2000 Freightliner Semi Tractor from Greg Elbert Trucking for \$14,5000. Motion carried unanimously.

Motion by Waechter and 2nd by Stecker to authorize and give its permission to Midland Power Cooperative, Boone, IA to: bore under electric under 210th Street approximately 2,400 feet east of 170th Avenue to 1705 210th Street. Work will be in Sections 2 and 11, Irvington Township. Permit Number 09-24-2024 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Discussion was held with the Kossuth County Engineer.

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

Motion by Stecker and 2nd by Waechter to adjourn at 11:48A.M. Motion carried unanimously.

Attest:

Tammy Eden
Kossuth County Auditor

Carter Nath, Chairman
Kossuth County Board of Supervisors