

BOARD PROCEEDINGS

TWENTY EIGHTH DAY

DECEMBER 24, 2007

The Supervisors met pursuant to adjournment. Present Jack Plathe, Chairman, Don Besch, Eugene Elsbecker, Don McGregor and Pam Wymore. Absent none.

Motion by McGregor and 2nd by Wymore to approve the minutes as read. Ayes 5, Nays 0. Motion carried unanimous.

Motion by Elsbecker and 2nd by Besch to approve the agenda. Ayes 5, Nays 0. Motion carried unanimous.

Public discussion and committee reports were held.

Motion by Besch and 2nd by Wymore to approve the following Resolution # 12-24-07-01. Ayes 5, Nays 0. Motion carried unanimous.

RESOLUTION 12-24-07-01

Pertaining to the use of Secondary Roads in Kossuth County, Iowa by RAGBRAI and by cyclists in general.

WHEREAS, the Register's Annual Great Bike Ride Across Iowa (RAGBRAI) is a unique event that draws thousands of visitors to Iowa annually and promotes Iowa tourism; and

WHEREAS, biking in general is an excellent form of exercise enjoyed by millions of Americans as well as a pollution-free form of transportation that should be encouraged; and

WHEREAS, secondary roads in Iowa are not designed or maintained to meet any specific standards related to bicycle travel; and

WHEREAS; the recent lawsuit against Crawford County involving the death of a RAGBRAI participant demonstrates the need to address the use of the county secondary road system by RAGBRAI and by cyclists in general; and

WHEREAS; the current situation has created an unacceptable exposure to future bicycle-related lawsuits against this County;

NOW THEREFORE, be it resolved by the Board of Supervisors of Kossuth County that they respectfully request that the Iowa Legislature address this issue in 2008 on a statewide basis so that the Board of Supervisors does not have to act at the local level to regulate the use by cyclists of secondary roads under the jurisdiction of Kossuth County.

Approved this 24th day of December, 2007

KOSSUTH COUNTY BOARD OF SUPERVISORS

Jack Plathe, Chair
Kossuth County Board of Supervisors

ATTEST:

Joann Bormann
Kossuth County Auditor

Bids were opened for a 2000 Impala and a 2001 Impala from the Sheriff's Office. High Bid for the 2000 Impala was Randy Gisch, at \$2700. Gisch had high bid on both cars but decided not to take the 2001 so the next highest bid went to PH SELLY CO at \$2600 for the 2001 Impala.

Motion by McGregor and 2nd by Elsbecker to sign and approve farm leases of county owned gravel pits, which are on file in the Kossuth County Engineers Office. The leases are for a 3 year term.
Dated December 24, 2007 Ayes 5, Nays 0. Motion carried unanimous.

Motion by Wymore and 2nd by Plathe to sign letter of support for YMCA. Roll Call Vote: Besch yes, Elsbecker yes, McGregor yes, Wymore yes, and Plathe yes. Motion carried unanimous.

Motion by Elsbecker and 2nd by Wymore to sign Resolution 12-24-07-02 regarding Central Iowa Juvenile Detention Center. Ayes 5, Nays 0. Motion carried unanimous.

RESOLUTION 12-24-07-02

WHEREAS, the Boards of Supervisors of Boone, Calhoun, Greene, Hamilton, Hancock, Hardin, Humboldt, Iowa, Jasper, Kossuth, Marshall, Poweshiek, Story, Tama, Webster and Winnebago Counties (collectively hereinafter the "Member Counties") in the State of Iowa have authorized and executed a certain agreement pursuant to Chapter 28E of the Code of Iowa (the "28E Agreement"); and

WHEREAS, the terms of the 28E Agreement provide for the creation of the Central Iowa Juvenile Detention Center (the "Center"), which is governed by a Commission (the "Commission") for the purpose of establishing and maintaining a juvenile detention facility and related services on behalf of the Member Counties; and

WHEREAS, the Commission has undertaken the design and construction of a detention facility and office complex (the "Project") and has proposed to issue \$2,500,000 in revenue bonds (the "Bonds") to pay a portion of the cost of the Project and has arranged with U.S. Bank to purchase the Bonds; and

WHEREAS, in order for the Bonds to qualify for a more favorable federally tax exempt rate of interest, it is necessary for the Board of Supervisors of each of the Member Counties to approve and authorize the issuance of the Bonds and to agree that a portion of the Bonds may be designated on behalf of each of the Member Counties for purposes of federal tax exemption;

NOW, THEREFORE, It Is Hereby Resolved by the Board of Supervisors of

KOSSUTH County (the "County"), as follows:

Section 1. The County hereby approves and authorizes the Commission to issue the Bonds in an amount not exceeding \$2,500,000 in order to finance the Project.

Section 2. The issuance of the Bonds and construction of the Project will benefit the Member Counties equally, and the County agrees with the other Member Counties that the total principal amount of the Bonds allocated to the County for purposes of Section 265(b)(3)(c)(iii) of the Internal Revenue Code of 1986 (the "Code") shall be \$156,250. The County hereby designates, and authorizes the Commission to designate on its behalf, Bonds in the principal amount of \$156,250 as "qualified tax exempt obligations" as that term is defined in Section 265(b)(3)(B) of the Code, and the County agrees to comply with all requirements of the Code in order that such Bonds be and continue to be qualified tax exempt obligations.

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

Passed and approved: 24TH OF DECEMBER, 2007

KOSSUTH COUNTY By _____ Chairperson, Board of Supervisors

Attest:

County Auditor

Motion by Plathe and 2nd by Besch to approve liquor permit for Bogey's Grill, Algona Country Club. Ayes 5, Nays 0. Motion carried unanimous.

Representatives from the Food Pantry, Doris Mueller, Richard Reising and Father Paul Eisele gave a report on their budget and asked for a budget request of between \$3500 and \$5000 to be considered in the County budget.

Kossuth County Regional Hospital Report was given by Scott Curtis and Jack Munch. This report can be viewed in the Auditor's office.

Motion by McGregor and 2nd by Besch that the Board of Supervisors of Kossuth County, Iowa does hereby authorize and give its permission to Iowa Telecom, Newton, Iowa to place 2030' of 25 pair cable along the west side of 50th Avenue at 48" minimum depth and within 3' of shoulder. Work will also involve boring 130' under culvert at 5' below. Work will be in Section 3, Swea Township and 34, Seneca Township. This work is maintenance work involved with new box culvert project. Permit number 07-12-49 is on file in the Kossuth County Engineer's Office. Ayes 5, Nays 0. Motion carried unanimous.

Motion by Elsbecker and 2nd by Wymore to approve Secondary Road Equipment purchase of M318 Wheel Excavator from Rural Service Basic with LOST funds. Roll Call Vote: Besch no, Elsbecker yes, McGregor yes, Wymore yes, and Plathe yes. Motion carried 4-1.

On motion adjournment was taken until January 2, 2008.

Attest:

Joann Bormann
Kossuth County Auditor

Jack Plathe, Chairman
Board of Supervisors