

BOARD PROCEEDINGS

FORTY EIGHTH DAY

OCTOBER 11, 2005

The Board of Supervisors met pursuant to adjournment. Present were Eugene Elsbecker, Chairman, Don Besch, Lee Froehlich, Don McGregor, and Jack Plathe. Absent none.

Motion by Besch and 2nd by McGregor to approve the minutes. Ayes all, Nays none. Motion carried unanimous.

Motion by Froehlich and 2nd by Plathe to approve the agenda. Ayes all, Nays none. Motion carried unanimous.

Public Discussion and committee reports were held .

Kossuth County Community Foundation gave a presentation to the Board of Supervisors on helping to improve the quality of life in Kossuth County. The Kossuth County Community Foundation idea is simple: Anyone can use it as a vehicle to give. Individuals, families, businesses and organizations may choose to create charitable funds or contribute to the Kossuth County Charitable unrestricted Fund. The Unrestricted Fund helps to meet the challenges of changing times in our community in all areas of need; arts & culture, education, environment, health, human services, historical preservation, and more. It will be an easy and flexible way to accomplish your charitable giving objectives.

Motion by Besch and 2nd by McGregor to approve the Sheriff's Quarterly Report. Ayes all, Nays none. Motion carried unanimous.

Motion by Elsbecker and 2nd by Froehlich to approve the Auditor's Quarterly Report. Ayes all, Nays none. Motion carried unanimous.

Motion by Froehlich and 2nd by Plathe to approve the Records Quarterly Report. Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2nd by Froehlich to approve the VA Quarterly Report. Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2nd by Plathe to approve Vicky Pearson of Wesley as Delegate and LeRoy Kuhlbers of Bancroft as alternate to the North Iowa Regional Housing Authority. Ayes all, Nays none. Motion carried unanimous.

Motion by McGregor and 2nd by Besch to approve Kim Weaver to the NIACOG Board in Mason City. Ayes all, Nays none. Motion carried unanimous.

Motion By LEE FROEHLICH

Seconded By Don McGregor

To adopt the following resolution as policy for Kossuth County, Iowa

Resolution Number 10-11-05-01

TILE CROSSING POLICY FOR KOSSUTH COUNTY, IOWA

Be it resolved by the Board of Supervisors of Kossuth County, Iowa, to adopt the following tile crossing policy for Kossuth County, Iowa

WHEREAS, Chapter 319 of the Code of Iowa requires any person working within the right of way of a public road to obtain a permit from the highway authority having jurisdiction of the public road or highway, and

WHEREAS, Chapter 468 of the Code of Iowa prescribes a method for landowners to improve drainage by construction of field tile through road right of ways, and

WHEREAS, The Kossuth County Board of Supervisors desires to adopt a road crossing policy that includes an option which will expedite procedures relating to projecting a tile line across a public highway to a suitable outlet.

THEREFORE, be it resolved and enacted by the Kossuth County Board of Supervisors that Kossuth County, Iowa, agrees, upon receipt of proper application, to pay for the cost of materials used to cross the road right of way installed to Kossuth County's specifications and Kossuth County, Iowa, will pay **\$250.00** to offset against the expense to cut across a gravel road and **70% of the cost** to offset against the expense to bore under a paved surface road all as approved by the Kossuth County Engineer.

If a landowner chooses not to be bound by the above policy, then, the procedures for securing such crossing shall be in accordance with applicable sections of the Code of Iowa Sections 468.600 through 468.622.

A summary of those procedures is shown below:

1. File application in writing with the Kossuth County Auditor and provide information required by Iowa Code Chapter 468.600. Include five copies of the following information:
 - a. Applicant(s)' name, address and a complete legal description of the property owned by applicant.
 - b. A complete and accurate legal description of the property across which the improvements are proposed, including the names, address and phone numbers of all affected property owners(s) and or tenant(s), if applicable.
 - c. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area served by the existing drainage tile including the starting point, route terminus, character, size and depth of existing drainage tile.
 - d. A detailed engineer's report, prepared by a licensed Iowa Professional Engineer, showing the drainage area to be served by the proposed improvements including the starting point, route, terminus, character, size and depth of the proposed drainage improvements.
 - e. A detailed estimate giving the total cost of construction of the proposed drainage improvements with a separate, detailed estimate of the cost of road crossings.

After the application material has been submitted to the county auditor and prior to scheduling the required public hearing, the auditor will route the application materials to the county attorney, county engineer and Natural Resources Conservation Service to review and submit any comments or recommendation.

2. A public hearing shall be set by the Kossuth County Auditor pursuant to Iowa Code Chapter 468.601.
3. File claims for damages at or before hearing pursuant to Chapter 468.604 of the Code of Iowa.
4. A public hearing shall be held in compliance with Iowa Code Section 468.605. If the Board of Supervisors find that the purpose is to secure more complete drainage or a better outlet and the levee, open ditch, tile or other underground drain is found to be beneficial it will be approved. If the Board of Supervisors find that a proposed drain runs in the course of natural drainage to a public road the owner of such land shall have the right to enter upon such highway for the purpose of connecting owners drain or ditch with any drain or ditch constructed along or across said road.
5. If the supervisors approve the merits of the application Iowa Code Section 468.606 shall be followed. The landowner, however, in making such connections or crossings shall do so in accordance with specification furnished by the Secondary Road Department at the time of filing a crossing application.
6. If the Board of Supervisors approve the tile line to be projected across the right-of-way to a suitable outlet, the expense, of both material and labor used in installing the tile line across the highway and any subsequent repair thereof shall be paid from funds available for the highway affected.

7. If funds are not available in the Kossuth County Secondary Road Fund for reimbursement of the applicant for the cost of said tile crossing at the time of the construction of the crossing, it is understood that the applicant will be reimbursed at such time as funds are available in the Kossuth County Secondary Road Fund. It is further understood that said reimbursements will be made in chronological order of approved and completed crossing.
8. The Kossuth County Board of Supervisors reserves the right to negotiate any type of cost sharing arrangement with the applicant.

Passed on this 11th day of October, 2005

Ayes all, Nays none. Motion carried unanimous.

Motion by Plathe and 2nd by Elsbecker that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Alliant Energy, Mason City, IA, to install one overhead guy pole and 2 anchors along the west side of 185th Avenue between Clark and Graham Streets in Lakota, in Section 24, Ledyard Township, permit number 5-10-38 on file in the Kossuth County engineer's Office. Ayes all, Nays none. Motion carried unanimous.

Motion by McGregor and 2nd by Besch that the Board of supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to MidAmerican Energy, Fort Dodge, IA, to install one new 2" plastic gas main along the east side of 70th Avenue. Work involves installing plastic gas line 700' north of Lone Rock on 70th Avenue in the east right of way and crossing under 70th Avenue with one new 1" plastic gas line. This will provide service to 3109 and 3110 70th Avenue in Section 18, Burt Township, and Section 13 Fenton Township, permit number 5-10-37 on file in the Kossuth County Engineer's Office. Ayes all, Nays none. Motion carried unanimous.

Motion by Plathe and 2nd by Froehlich to give approval to the engineer's office to begin right of way negotiations for a future second entrance to Woodlyn Hills and Timber Estates sub-divisions located in Section 10, Cresco Township. Ayes all, Nays none. Motion carried unanimous.

Nick Rahm, Kossuth County Treasurer gave some investment rates with eight banks contacted. More discussion will take place at the next meeting on the sale of county land.

Motion by McGregor and 2nd by Besch to approve two new Kossuth County Sheriff Reserve Officers, Dwayne Eden and Angela Zwiefel to carry weapons as per Chapter 80D(7). These officers have been in training for several months and have now completed the training as prescribed by the Iowa Law Enforcement Academy. Ayes all, Nays none. Motion carried unanimous.

Discussion was held with the County Attorney, Todd Holmes.

On motion adjournment was taken until October 18, 2005.

Attest:

Joann Bormann
Kossuth County Auditor

Eugene Elsbecker, Chairman
Board of Supervisors