

BOARD PROCEEDINGS
October 11, 2011
REGULAR OCTOBER SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Don McGregor, Chairman, Don Besch, Eugene Elsbecker and Jack Plathe. Absent: Pam Wymore.

Motion by Besch and 2nd by Plathe to approve the agenda. Motion carried.

Motion by Plathe and 2nd by Elsbecker to approve the minutes of the previous meeting as read. Motion carried.

The Board of Supervisors acknowledged transfers made by Kossuth County Auditor Amber Garman on October 5, 2011 from the General Basic fund to the Secondary Road Fund in the amount of \$118,741.15 and from the Rural Basic Fund to the Secondary Road Fund in the amount of \$634,726.96.

The Board of Supervisors had the second and final reading of Ordinance #1-2011.

Motion by Besch and 2nd by McGregor to approve the second and final reading of Ordinance #1-2011 which readopts the existing County Code of Kossuth County, Iowa.

KOSSUTH COUNTY ORDINANCE NUMBER 1-2011

TITLE: AN ORDINANCE READOPTING THE EXISTING COUNTY CODE OF KOSSUTH COUNTY, IOWA:

BE IT ENACTED by the Board of Supervisors of Kossuth County, Iowa:

Section 1. Purpose. Code of Iowa Section 331.302(9) requires that once every five years a County shall compile its Code of Ordinances. This ordinance readopts ordinances already in effect, adopts ordinances that became effective after the last readoption and repeals any ordinance deemed no longer necessary to the operation of Kossuth County, Iowa, or to the health, safety, and welfare of its citizens.

Section 2. Readoption of Current Code. The following ordinances have been previously adopted and enacted into law and were duly published as the law provides. They are stated herein by number and subject matter and by the authority of the Kossuth County Board of Supervisors, comprise Kossuth County Code of Ordinances:

SECONDARY ROADS

Ordinance No. 101(A): An ordinance to protect and regulate secondary road right of way and debris on secondary roads.
(Formerly Ordinance No. 1)

Ordinance No. 103(A): An ordinance that establishes the policy and level of service in respect to clearance of snow or ice and maintenance of this county's secondary roads during the winter months.
(Repeals Ordinance No. 3)

Ordinance No. 112: An ordinance establishing the Area Service "C" Road Maintenance Classification.

(Formerly Ordinance No. 12)

Ordinance No. 113: An ordinance establishing the Area Service “B” Road Maintenance Classification.

(Formerly Ordinance No. 13)

ELECTION AND TAXATION

Ordinance No. 205: An ordinance establishing a local option sales and services tax applicable to transactions within the incorporated areas of Algona, Bancroft, Burt, Fenton, Lakota, Ledyard, Lone Rock, LuVerne, Swea City, Titonka, Wesley, West Bend, and Whittemore of Kossuth County.

(Formerly Ordinance No. 5)

Ordinance No. 206: An ordinance establishing a local option sales and services tax applicable to transactions within the unincorporated areas of Kossuth County.

(Formerly Ordinance No. 6)

Ordinance No. 207: An ordinance providing special property taxation in lieu of the valuation and assessment provisions for wind energy conversion property.

(Formerly Ordinance No. 6-97)

Ordinance No. 208: An ordinance amending the previous Kossuth County Code to establish new boundary lines for voting precincts within the County of Kossuth.

(Formerly Ordinance No. 8)

Ordinance No. 209: An ordinance establishing a local office fee for Uniform Commercial Code (UCC) information requests.

(Formerly Ordinance No. 9)

Ordinance No. 216: An ordinance establishing a School Local Option Sales and Service tax applicable to transactions within the listed school districts of Kossuth County, Iowa.

(Formerly Ordinance No. 16)

Ordinance No. 223: An ordinance extending the local option sales tax for schools.

(Formerly Ordinance No. 23)

ZONING

Ordinance No. 300: County Zoning Ordinance.

(Formerly Unnumbered)

Ordinance No. 350: County Subdivision Ordinance.
(Formerly Unnumbered)

HEALTH, SAFETY AND WELFARE

Ordinance No. 402: An ordinance prohibiting open burning in Kossuth County during periods when open burning poses a threat to the public health, safety and welfare and providing for a penalty.
(Formerly Ordinance No. 2)

Ordinance No. 404: An ordinance controlling lead hazards in dwellings, including establishing minimum standards for inspections and providing penalties for violations.
(Formerly Ordinance No. 4)

Ordinance No. 412: An ordinance establishing flood plain management and control measures for those areas having flood hazards.
(Formerly Ordinance No. 12)

Ordinance No. 413: An ordinance for the establishment of construction standards for private on-site sewage treatment and water well systems, and the issuance of permits for these systems; for the proper plugging of abandoned wells; and for providing penalties for violations of provisions of this ordinance.
(Formerly Ordinance No. 13)

Ordinance No. 422: An ordinance defining and providing for the abatement of nuisances.
(Formerly Ordinance No. 22)

CONSERVATION

Ordinance No. 512: An ordinance establishing rules and regulations for the protection, regulation and control of all parks, preserves, parkways, playgrounds, recreation centers and other property of Kossuth County and establishing penalties for violations thereof.
(Formerly Ordinance No. 12)

EMERGENCY MANAGEMENT

Ordinance No. 601: An ordinance establishing model rules for the local board of health relating to quarantine and isolation for communicable and infectious diseases.

Ordinance No. 621: An ordinance regulating the storing, handling and transportation of hazardous materials.

PUBLIC SAFETY

Ordinance No. 707: An ordinance prohibiting the use, possession with intent to use, manufacture, and delivery of drug paraphernalia in Kossuth County.

(Formerly Ordinance No. 7)

Ordinance No. 713: An ordinance placing conditions on the sale of products containing pseudoephedrine in combination with other active ingredients.

(Formerly Ordinance No. 13)

Ordinance No. 714: An ordinance providing for the registration and documentation of retail sales of keg alcoholic beverages and imposing penalties for violations.

(Formerly Ordinance No. 14)

Section 3. Code of Ordinances. Copies of the code as adopted herein shall be on file and available for public inspection in the Office of the County Auditor at the Kossuth County Courthouse.

Section 4. When Effective. This ordinance shall be effective after its final passage, approval, and publication as provided by law.

Adopted and passed by the Kossuth County Board of Supervisors on this 11th day of October, 2011.

Kossuth County Board of Supervisors

Donald McGregor, Chairperson

Don Besch

Eugene Elsbecker

Jack Plathe

Pam Wymore

ATTEST:

Amber Garman
Kossuth County Auditor

First Reading: **10/04/2011**

Second Reading: **10/11/2011**

Approved: **10/11/2011**

Published: **09/29/2011**

Motion by Plathe and 2nd by McGregor to approve contacting Cost Advisory Services to help in the preparation of the Police Department's move to the LEC. Motion carried.

Motion by Elsbecker and 2nd by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Edward Schmidt, Whittemore, IA, to install new 12" diameter drain tile under 180th Street. Work will involve excavating approximately 2,120 feet west of the intersection of 180th Street and 30th Avenue between Section 20 and Section 29 of Whittemore Township. Permit number 11-10-26 is on file in the Kossuth County Engineer's Office. Motion carried.

Motion by Plathe and 2nd by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Gary Erpelding, Algona, IA, to install new 24" diameter drain tile under 160th Avenue. Work will involve boring approximately 400 feet south of the intersection of Highway 18 and P56 (160th Avenue) between Section 3 and Section 4 of Irvington Township. Permit number 11-09-20 (2) is on file in the Kossuth County Engineer's Office. Motion carried.

Drainage was held followed by the Bid letting for Drain 133 Main Tile Improvements.

Public Hearing
First Reading Ordinance #2-2011 (Re-Districting)

Motion by Plathe and 2nd by Besch to open the public hearing for the first reading of Ordinance #2-2011 which sets the new precincts for the redistricting plan approved by the Board of Supervisors on October 4, 2011. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: Absent, McGregor: yes

Chairman, Don McGregor asked Amber Garman to read aloud Ordinance #2-2011

No verbal or written comments were received from the public.

KOSSUTH COUNTY REDISTRICTING & REPRECINCTING ORDINANCE #02-2011

AN ORDINANCE FOR THE REDISTRICTING & REPRECINCTING OF KOSSUTH COUNTY FROM THE 2010 CENSUS AS REQUIRED BY IOWA CODE [49.3(4), 331.209 – 331.210A]

SECTION 1. PURPOSE: The purpose of this ordinance is to change the existing boundaries for the districts and precincts of Kossuth County to comply with current laws due to the 2010 census.

SECTION 2. LEGAL DESCRIPTION OF DISTRICTS:

District 1: Cresco Township south of 200th Street from 70th Avenue to 100th Avenue, South of 200th Street and Orton Road from 100th Avenue to Call Park Drive,
West of Call Park Drive from Orton Road to Hungry Hollow Road,
South of Hungry Hollow Road from Call Park Drive to Hwy 169 (120th Ave.),
East of Hwy 169 (120th Ave) from Hungry Hollow Road to the City of Algona,
South of City of Algona from Hwy 169 (120th Ave) to 130th Ave. (Cresco east border).

Cresco Sections 12, 13, 14 west of Call Park Drive and south of Hungry Hollow Road,
Sections 15 to 36 except Algona Precinct 2.

All of Garfield Township

Irvington Township south of 210th Street
Irvington Sections 7 to 36
All LuVerne Township
All Prairie Township
All Riverdale Township
All Sherman Township
All Wesley Township
All Whittemore Township
City of LuVerne, north of 100th Street in Kossuth County
City of Wesley
City of West Bend, east of Hwy 15 (580th Ave) in Kossuth County
City of Whittemore
Brookridge, Evergreen Road, Royale Oaks, Southdale, South Oaks Estates
and Wood

Acres
West side of Call Park Drive, south side of Hungry Hollow Road, and
Irvington Road
(Schultz Drive) outside city limits

District 2: Cresco Township north of 200th Street from 70th Ave to 100th Ave,
West of 100th Ave from 200th Street to 210th Street,
North of 210th Street from 100th Ave to the City of Algona,
Including the four census blocks of Algona Precinct 4 in the joint
agreement with the

City of Algona: 191099504001031, 191099504001034,
191099504001040, and
191099506001000

Airport and Country Club (Robinson & new)
Cresco Sections 2 to 9 except Algona Precinct 4
Irvington Township north of 210th Street
Irvington Section 1 to 6 except Algona Precincts 2 and 3
Plum Creek Township south of 240th Street
Plum Creek Sections 25 to 36 except Algona Precinct 3
Union Township south of 230th Street from 70th Ave to 100th Ave,
East of 100th Ave from 230th Street to 240th Street,
Union Section 25, 26, 27, 31 to 36 except Algona Precinct 4
Algona Precinct 3
Algona Precinct 4 (minus 4 in Cresco, District 2)

District 3: Cresco Township south of 210th Street from 100th Ave to City of Algona,
East of 100th Ave from 200th Street to 210th Street,
North of 200th Street from Orton Road from 100th Ave to Call Park Drive,
East of Call Park Drive from Orton Road to Hungry Hollow Road,
North of Hungry Hollow Road from Call Park Drive to Hwy 169 (120th

Ave),
West of Hwy 169 (120th Ave) from Hungry Hollow Road to the City of
Algona.

Cresco Sections 10, 11, 14 east of Call Park Drive and north of Hungry
Hollow Road
except Algona Precinct 1

Algona Precinct 1
Algona Precinct 2
Orton Road, Potters Hill, Timber Estates, Timberline Trail, Western Hills,
and

Woodlyn Hills
East side of Call Park Drive, Country Estates, north side of Hungry
Hollow Road

District 4: All Burt Township

All Eagle Township
 All Fenton Township
 All Grant Township
 All Greenwood Township (except City of Bancroft)
 All Harrison Township
 All Lotts Creek Township
 All Seneca Township
 All Swea Township
 Union Township north of 230th Street from 70th Ave to 100th Ave, west of
 100th Ave from
 230th Street to 240th Street, north of 240th Street from 100th Ave to 130th
 Ave
 Union Sections 1 to 24, 28, 29, 30
 City of Burt
 City of Fenton
 City of Lone Rock
 City of Swea City

District 5: All Buffalo Township
 All German Township
 All Hebron Township
 All Ledyard Township
 All Lincoln Township
 Plum Creek Township north of 240th Street
 Plum Creek Sections 1 to 24
 All Portland Township
 All Ramsey Township
 All Springfield Township
 City of Bancroft
 City of Lakota
 City of Ledyard
 City of Titonka

SECTION 3. STATEMENT OF POPULATION OF EACH DISTRICT & RELATIVE DEVIATION OF EACH DISTRICT POPULATION:

District 1 population is 3,091 and the relative deviation is 18
 District 2 population is 3,111 and the relative deviation is 2
 District 3 population is 3,095 and the relative deviation is 14
 District 4 population is 3,109 and the relative deviation is 0
 District 5 population is 3,137 and the relative deviation is 28

SECTION 4. DESCRIPTION OF PRECINCT BOUNDARIES:

Precinct 1	All Eagle, Grant, Harrison and Swea Townships; City of Swea City
Precinct 2	All Hebron, Ledyard, Lincoln and Springfield Townships; City of Lakota; City of Ledyard
Precinct 3 Seneca Township	All Greenwood Township (except City of Bancroft) and All Seneca Township
Precinct 4	All German and Ramsey Township; and City of Bancroft
Precinct 5	All Burt Township and Fenton Township; Union Township north of 230 th Street from 70 th Ave to 100 th Ave, west of 100 th Ave from 230 th Street to 240 th Street, north of 240 th Street from 100 th Ave to 130 th Ave; City of Burt, City of Fenton and City of Lone Rock
Precinct 6	All Buffalo and Portland Townships, and City of Titonka

- Precinct 7 All Lotts Creek Township
- Precinct 8 Union Township south of 230th Street from 70th Ave to 100th Ave, east of 100th Ave from 230th Street to 240th Street, south of 240th Street from 100th Ave to 130th Ave
- Precinct 9 Plum Creek Township north of 240th Street
- Precinct 10 Irvington Township north of 210th Street except Algona Precincts 2 and 3; Plum Creek Township south of 240th Street except Algona Precinct 3
- Precinct 11 All Prairie and Wesley Townships; City of Wesley
- Precinct 12 All Garfield and Whittemore Townships; City of West Bend, east of Hwy 15 (580th Ave) in Kossuth County, City of Whittemore
- Precinct 13 Cresco Township south of 200th Street from 70th Ave to 100th Ave, south of 200th Street and Orton Road from 100th Ave to Call Park Drive, west of Call Park Drive from Orton Road to Hungry Hollow Road, south of Hungry Hollow Road from Call Park Drive to Hwy 169 (120th Ave), east of Hwy 169 (120th Ave) from Hungry Hollow Road to the City of Algona, south of City of Algona from Hwy 169 (120th Ave) to 130th Ave (Cresco east border) except Algona Precincts 1 and 2; Irvington Township south of 210th Street; All Riverdale Township
- Precinct 14 All LuVerne and Sherman Townships; City of LuVerne, north of 100th Street in Kossuth County
- Precinct 15 Cresco Township north of 200th Street from 70th Ave to 100th Ave, west of 100th Ave from 200th Street to 210th Street, north of 210th Street from 100th Avenue to the City of Algona, including the four census blocks of Algona Precinct 4 in the joint agreement with the City of Algona : 191099504001031, 191099504001034, 191099504001040, and 191099506001000, except the remainder of Algona Precinct 4
- Precinct 16 Cresco Township south of 210th Street from 100th Ave to City of Algona, east of 100th Ave from 200th Street to 210th Street, north of 200th Street and Orton Road from 100th Ave to Call Park Drive, east of Call Park Drive from Orton Road to Hungry Hollow Road, north of Hungry Hollow Road from Call Park Drive to Hwy 169 (120th Ave), west of Hwy 169 (120th Ave) from Hungry Hollow Road to the City of Algona, except Algona Precinct 1
- Precinct 17 Algona Precinct 1
- Precinct 18 Algona Precinct 2
- Precinct 19 Algona Precinct 3
- Precinct 20 Algona Precinct 4 (minus 4 in Cresco, District 2)

SECTION 5. STATEMENT OF POPULATION OF EACH PRECINCT:

Precinct 1 population is 1077.
Precinct 2 population is 921.
Precinct 3 population is 346.
Precinct 4 population is 1090.
Precinct 5 population is 1479.
Precinct 6 population is 863.
Precinct 7 population is 207.
Precinct 8 population is 113.
Precinct 9 population is 263.
Precinct 10 population is 133.
Precinct 11 population is 744.
Precinct 12 population is 978.
Precinct 13 population is 847.
Precinct 14 population is 522.
Precinct 15 population is 100.
Precinct 16 population is 304.
Precinct 17 population is 1,395.
Precinct 18 population is 1,396.
Precinct 19 population is 1,371.
Precinct 20 population is 1,394.

SECTION 6. EFFECTIVE DATE: This ordinance shall become effective after its passage and publication by law.

Motion by Plathe and 2nd by Besch to close the public hearing for the first reading of Ordinance #2-2011 which sets the new precincts for the redistricting plan approved by the Board of Supervisors on October 4, 2011. Roll Call Vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: Absent, McGregor: yes

Members from Gold Eagle Cooperative were present to give an informational presentation of their project in Buffalo Township, near Titonka.

On motion adjournment was taken until October 12, 2011.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors