

BOARD PROCEEDINGS

THIRTY-NINTH DAY

SEPTEMBER 1, 2004

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

Supervisors drew lots for position on ballot for nonpartisan offices:

Kossuth County Soil & Water	Agricultural Extension Council
Wendell C. Christensen	Michelle M. Bierstedt
James F. Antoine	Deann Lium
Mary Ann Tigges	Jason Faber
	Dean Benschoter
	Sheree Berninghaus
	Mary Nelson

Motion by Cink and 2nd by Froehlich to approve the following claims and drainage claims:

General Basic Fund

Algona Hearing Center	Services	32.00
Algona Municipal Utilities	Relief	240.03
Algona Plumbing & Heating	Parts	501.30
Algona Publishing Co	Notices	793.53
Alliant Energy	Relief	184.00
Allied Document Solutions	Renewals	479.29
American United Life Insurance	Insurance	39.60
Aramark Uniform Service Inc	Services	178.44
AT & T	Phone	240.27
AT&T	Phone	191.86
Karen Benschoter	Expenses	63.00
Zeb Besch	Sanitarian	150.00
Best Access Systems	Parts	193.71
Black Hawk County Sheriff	Services	40.40
Bob Boland Ford	Services	33.23
Boone County Sheriff Civil Div	Services	49.00
Clarence K Bormann	Twp Mtg	12.00
Tim Bowman	Relief	250.00
Briggs Corporation	Supplies	94.96
Bugs N' Stuff Channon's Pest C	Services	57.00
Buscher Bros. Corporation	Parts	235.60
Candlelight Motel	Relief	33.60
Carroll County Sheriff	Services	18.00
Cellular Dimensions, LLC	Supplies	16.95
Central Iowa Juvenile Detentio	Services	2383.31
Central Iowa Distributing	Supplies	860.28
Cerro Gordo County Sheriff	Services	17.00
Cherokee County Sheriff	Services	15.00
Chrome Country Inn	Expenses	8.55
Robert J Cink	Expenses	81.60
Tony Cink	Sanitarian	306.40
City of Algona	Allocation	6974.16
City of Lakota	Relief	96.00
City of Swea City	Relief	37.24
Clay County Sheriff	Services	38.00
Cook's Scrap Iron & Metal	Parts	485.00
Joleen Crook	Expenses	67.80
Culligan Water Conditioning	Supplies	80.50
Day-Timers, Inc	Supplies	25.98
Dept of Public Defense AGIA-Co	Lodging	34.00
Des Moines Stamp Mfg	Supplies	86.00
Mike Droessler	Reserve	25.00
Dump-It Inc.	Services	57.00
Dust-Tex Service	Services	54.68
Elderbridge Agency On Aging	Allocation	7410.30
Electronic Engineering	Services	166.00
Electronic Specialties	Services	440.00
E.R.C. Inc.	Equipment	1205.00
Fareway Stores	Relief	108.56
Fast Oil	Services	1179.10
Floyd County Sheriff	Services	117.50
Forensic Products Inc.	Supplies	393.75
Francis Lauer Youth Services	Services	1446.15
Franklin County Sheriff	Services	48.00
Dennis Frideres	Sanitarian	150.00
Galls Incorporated	Uniforms	1371.10

Gary Garrett	Reserve	25.00
Daniel Green	Reserve	25.00
Greenberg Auto Supply	Parts	43.39
Hamilton County Sheriff	Services	34.00
Hampton Inn	Lodging	589.18
Hancock County Sheriff	Services	39.00
Hardin County Sheriff	Services	31.25
Harris Harms	Sanitarian	631.66
Harrison County Sheriff	Services	30.00
Keith Hauswirth	Reserve	25.00
Henry-Olson-Fuhrman Funeral Ho	Relief	1325.00
Roger Holland	Relief	250.00
Hope Health	Newsletter	61.80
Hutzells Inc	Supplies	678.26
Hy Vee Food Store	Supplies	12.52
John Hyink	Reserve	25.00
IBM Corporation	Maintenance	1834.68
Iowa Department of Ag and Land	Services	99.76
Iowa Office Supply	Supplies	1228.39
Iowa Prison Industries	Supplies	11.95
ISAC	Registration	70.00
Jacks OK Tire Service	Repairs	731.52
Janitors Closet Ltd	Supplies	101.42
Jason Lowe Construction	Repairs	695.22
Joanne Mergen DBA Joanne's Alt	Services	30.00
Kemco Tires Inc	Services	302.92
Kemna GM Center	Repairs	1210.92
Dale Kiley	Sanitarian	150.00
Kmart 9220	Supplies	338.13
KRHC-Hospital	Services	9734.51
Kossuth County Extension	Allocation	25000.00
Kossuth County Secondary Road	Fuel	2313.50
Kossuth County Sheriff Kossuth	Services	411.40
Kossuth County Treasurer Kossu	Bounties	161.67
Howard Krause	Sanitarian	300.00
Robert Kuhlmann	Twp Mtg	12.00
Lawn Manicurists	Services	35.00
Lexis Nexis	Services	60.00
LGI "The Service Laboratory"	Supplies	8.62
Linn County Sheriff	Services	21.00
Ronald Lohman	Reserve	25.00
Lyntronix	Supplies	31.81
Max Yield Cooperative	Supplies	118.03
McGregor & Dodge Inc.	Services	300.00
Mediacom	Services	199.90
Mercy Medical Center of NI	Services	1529.65
Mid American Energy	Relief	517.35
Mid American Research	Supplies	87.15
Mid American Specialties	Supplies	214.54
Carolyn M. Miller	Services	71.25
Mitchell County Sheriff	Services	115.84
David Nemmers	Sanitarian	500.00
NIACOG	Allocation	6500.00
North Iowa Appliance Center	Services	177.84
North Iowa Lumber & Design	Supplies	205.78
Oakcrest Funeral Services	Services	400.00
Page Investigations	Services	30.00
Palo Alto County Sheriff	Services	206.50
Pathology Assoc of Mason City	Services	2850.00
Phil's Auto & Truck Repair	Repairs	174.66
Pitney Bowes	Postage	468.00
Plaza Hotel & Conference Ctr	Lodging	169.06
Scott Popejoy	Sanitarian	650.00
Prairie Ridge Addiction Treatm	Allocation	833.34
Doug Price	Reserve	25.00
QWEST	Phone/515-295-3404	1804.61
Ranger Joes International	Supplies	266.96
John F Reding	Twp Mtg	12.00
Ronald Reefer	Expenses	78.00
Reserve Account	Postage	1000.00
Randy Risius	Sanitarian	150.00
RSM McGladrey, Inc.	Services	1048.75
Ruhnke Brothers dba/Hilton's F	Fuel	25.00
Mark Schoeller %Child Support	Expenses	136.88
Schumacher Elevator Company	Services	97.50
Scott Telecommunications	Maintenance	808.50

Shoppers Supply	Supplies	219.00
Sign Works Ink	Supplies	30.00
Solutions	Services	514.40
Mark Strohbehn	Expenses	88.00
James J Struecker	Supplies	100.00
Steven M Struecker	Reserve	25.00
Matt Stundahl	Reserve	25.00
Superior Lamp & Supply	Supplies	420.03
The Water Connection	Cooler Rent/Attorney	27.50
Titonka Municipal Utilities	Relief	97.36
Tom Eischen Sales Inc.	Lawn Seed	75.00
U S Postmaster	Postage	115.00
United Building Centers	Supplies	35.79
United States Cellular	Phone	499.39
United States Postal Service C	Postage	5000.00
Waste Management	Relief	29.38
Tom Winkel	Reserve	25.00
Winnebago County Sheriff	Services	116.60
Woodbury Co Auditor	Allocation	778.56
Woodbury County Sheriff %David	Services	16.85
Worth County Sheriff	Services	93.50
Wright County Sheriff	Services	49.80

General Supplemental

Election Systems & Software	Supplies	34.04
IMWCA	Insurance	10928.00
Iowa Office Supply	Supplies	505.03
Matt Parrott & Sons	Supplies	83.39
Titonka Topic	Notices	90.00

Mental Health Fund

Algona Municipal Utilities	Utilities	268.00
Cedar Valley Community Support	Services	838.55
Cherokee County Work Services	Services	91.15
Children & Families of IA	Services	77.76
Country View Estates	Services	3238.00
County Case Management Service	Services	348.00
Duncan Heights	Services	8570.53
Echo/Plus Inc.	Services	1014.50
Genesis Development	Services	393.00
Good Connections, Inc.	Services	187.50
Goodwill Industries of NE IA	Services	90.24
Handicap Village dba Opportuni	Services	7403.66
Harry Meyering Center	Services	343.04
Mary Hauptmann	Expenses	87.60
Hope Haven	Services	698.88
Horizons Unlimited of Palo Alt	Services	5331.61
Hy Vee Pharmacy	Services	198.10
IA Department of Human Service	Services	48980.29
Iowa Central Industries	Services	2106.04
Iowa Office Supply	Supplies	214.65
ISAC	Registration	115.00
Nicolle Marlow	Expenses	13.20
Mental Health Center of North	Services	155.43
Mid American Energy	Utilities	267.90
Motor Inn of Algona, Inc.	Services	22.95
Dona Nielsen	Expenses	486.09
North Central Human Services	Services	713.88
North Central Iowa Mental Heal	Services	10091.89
Plymouth Life Inc.	Services	4218.79
QWEST	Phone	165.06
Seasons Center for Community M	Services	426.89
Siouxland Mental Health	Services	210.00
Patti Sougstad	Advocate	199.80
Spencer Family Care	Services	70.00
Story County Community Life Pr	Services	75.00
The Phoenix Group	Services	2025.00
The Richmond Center	Services	167.35
United States Cellular	Phone	36.39
Village Northwest Unlimited	Services	2146.28

Rural Services Basic Fund

Kenneth J Mulligan	Expenses	366.50
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Secondary Road Fund

Agri Drain Corp	Construction fabric	686.42
Algona Hearing Center	Annual hearings tests	704.00
Algona Municipal Utilities	Courthouse service-Sept	199.90
Algona Publishing Co	Advertizing/thistles	100.52
Alliant Energy	Area electric & gas servi	1190.30
AT & T	Long distance service	156.88
ATCO International ATTN: Acco	Shop supplies	139.00
Barnes Group Inc.	Washers/nuts/tape/tubing	550.23
Basic Materials Corp.	Mod Subbase FM(101)	13090.42
Blacktop Service Co	Asphalt mix 54.31 T	2118.09
Cenex Fleetcard	Diesel/Swea City Shop	3211.53
City of Titonka	Utilities Titonka Shop	40.00
City of Wesley	Utilities Wesley Shop	28.25
City of West Bend	Utilities West Bend Shop	61.53
Cretex Concrete Products Midwe	24"x8 RCP LG-203	4210.40
Deano's Dust Control	Dust control	2442.00
Dultmeier Sales	2" barrel faucet	356.44
Ernie Williams Ltd	Repair parts/absorber	710.12
Farm & Home Publishers	2004 Plat directories	346.00
Farmers Coop-Ottosen	Diesel/Titonka/pump	2397.83
Fred Carlson Company	HMA mix	75845.75
Hampton Inn	Room fee	105.93
Ia Dept of Transportation	Wood posts 14'x14'x4:	3870.43
Iowa Chicago & Eastern RR Corp	P-20 Grade crossing	2030.35
Iowa Lakes Electric Coop	Security light repair	152.50
Iowa Office Supply	Copy machine fee	112.67
Iowa Telecom	2 phone service-Ledyard	110.63
Jacks OK Tire Service	Tires/long trail t/a lrd	862.63
Martin Marietta Aggregates	Backfill	4488.92
Metal Culverts Inc	50-18" CMP	14311.50
Mid American Energy	Electric service/LuVerne	123.57
Midwest Diesel Injec	Overflow valve	58.16
Midwestern Culvert Ltd	25-18" CMP/Lone Rock	7242.67
Northern Cedar Service Co., In	Roof repairs/Lakota Shop	484.00
Northern IA Constructs	20-18" Aprons	2132.00
Northland Computer System	Network Adapter	29.99
Northwest Telephone Cooperativ	Telephone service/West Be	53.90
QWEST	Area shops phone service	397.09
Rexco Equipment, Inc.	Tiger twin tractor mower	62278.01
Ruhnke Brothers dba/Hilton's F	Service suburban	195.17
Shoppers Supply	Misc supplies/parts	175.50
Sibley Concrete Products	23-24"x8 RCP LG-502	8827.60
Sign Works Ink	Detour signs	94.50
Sioux City Iron Co	Repair parts Norzon	624.81
Star Energy	Diesel/bid/Lone Rock/Fent	6115.44
Thompson Farm Drainage	Jetter-Lakota	500.00
United Building Centers	Bit/screws	46.58
Vogel Traffic Services	Yellow paint applied	18070.00
Walt Boever Plg & Htg	Lone Rock shop/softner	1737.00

L.O.S.T. Revenue Note

Iowa State Bank	Lost Revenue Note	20461.16
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Co. Rec. Electronic Trans Fund

Iowa County Recorders Assn	Allocation	5674.66
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Civil Defense

Electronic Specialties	Services	15.95
Fast Oil	Services	21.95
Hutzells Inc	Supplies	60.64
Kossuth County Secondary Road	Fuel	50.93
Midwest Wireless	Phone	33.45
QWEST	Phone	83.19

E-911 Surcharge Fund

AT & T	Phone	21.63
AT&T	Phone	21.44
Fenton Coop Telephone	Phone	247.74
The GeoComm Corporation	Services	830.00
Lone Rock CO-OP Tel Co.	Phone	224.94

Mason City Business Systems	Repairs	73.55
Northwest Telephone Cooperativ	Phone	269.72
QWEST	Phone	712.45
Ramsey Enterprises Inc	Database	552.18
RDJ Specialties Inc.	Supplies	90.84
Titonka-Burt Communication	Phone	233.38
Verizon Credit Inc.	Lease	1394.96
Winnebago Coop Telephone Assn.	Phone	268

Reutzel Excavating Inc	Drain 4	1705.00
Lawn Manicurists	Drain 9 Extension	2466.15
Jacobson Westergard Assoc	Drain 68, Main 3	404.00
Lawn Manicurists	Drain 79	1528.38
Lichter Brothers	Drain 80 O.D. B	3650.00
Lawn Manicurists	Drain 83	5722.23
Reutzel Excavating Inc	Drain 83	480.00
Algona Publishing Co	Drain 95	6.65
Hudson Law Firm	Drain 95	99.00
Lawn Manicurists	Drain 133	2810.05
Iowa Drainage Dist Assoc	Drain 165	50.00
Jacobson Westergard Assoc.	Drain 166 Main #1 Tile	769.05
Swea City Herald Press	Drain 166 Main #1 Tile	267.85
Jacobson Westergard Assoc.	Drain 166 Main #3 Tile	769.05
Bancroft Register	Drain 166 Main #3 Tile	267.85
Jacobson Westergard Assoc	Drain Hk #8 Ours	250.00
Lawn Manicurists	Drain Pak #1	9229.68
Rezac Excavating Service	Drain Tri #84 Ours	1020.00
Jacobson Westergard Assoc	Drain Tri #131 Ours	400.00
Algona Publishing Co	Drain Tri #131 Ours	1205.23
Humboldt Independent	Drain Tri #131 Ours	1320.17
Corwith Wesley LuVerne	Drain Tri #131 Ours	174.57
Hancock Co Auditor	Drain Tri #131 Ours	9.60
Lawn Manicurists	Drain 4 Lat 7	997.80

Ayes all, Nays none. Motion carried unanimous.

Motion by Besch and 2nd by Froehlich to approve the minutes of the previous meeting. Ayes all, Nays none. Motion carried unanimous.

Motion by Elsbecker and 2nd by Cink to approve the agenda and order of the day. Ayes all, Nays none. Motion carried unanimous.

Public Discussion and Committee Reports were held.

Motion by Cink and 2nd by Besch to approve the 2nd Reading of Conservation Ordinance No. 12.

KOSSUTH COUNTY ORDINANCE NO. 12

Title: 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.

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

Section 1. Purpose.

The purpose of this ordinance is to protect, regulate and control Kossuth County's parks, preserves, parkways, playgrounds, recreation centers and other property.

Section 2. Definitions.

1. "Board" means the Kossuth County Conservation Board.
2. "Motorboat" means any vessel propelled by an inboard, inboard-outdrive, or outboard engine, whether or not such engine is the principle source of propulsion.
3. "Watercraft" means any vessel which through the buoyance force of water floats upon the water and is capable of carrying one or more persons.

Section 3. Prohibited destructive acts.

Except as otherwise provided, it shall be unlawful for any person to use, enjoy the privileges of, destroy, injure or deface plant life, trees, buildings or other natural or material property, or any structure, or to remove any plant life, trees, buildings, sand, gravel, ice, earth, stone, wood or any other natural material or to operate

vehicles, within the boundaries of any county park, preserve or stream or any other lands or waters under the jurisdiction of the board for any purpose whatsoever, except upon the terms, conditions, limitations and restrictions set forth by the board.

Section 4. Speed limit.

Except as provided herein, the maximum speed limit of all vehicles on county park, preserve and wildlife area drives, roads and highways shall be 15 miles per hour. The maximum speed limit for the Smith Lake Campground road shall be 10 miles per hour. All driving shall be confined to designated roadways. Whenever the board shall determine that the speed limit hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of the park drives, roads or highways, the board shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such places of congestion or other parts of the park drives, roads or highways. No ATV's are allowed to be operated on any county park, preserve or wildlife area, except where designated.

Section 5. Excessive loads.

Excessively loaded vehicles shall not operate over county park, preserve or wildlife area drives, roads or highways. The determination as to whether the load is excessive will be made by the board, its employees, executive officer or duly designated representatives and will depend upon the load and the road conditions. Load limits will be posted as needed.

Section 6. Parking.

All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any county park, preserve or wildlife area drive, road or highway, except in the case of an emergency or while occupant(s) are engaged in lawful recreational activity.

Section 7. Hitching to trees.

No horse or other animal shall be hitched or tied to any tree or shrub, or in such manner as to result in injury to county property.

Section 8. Fires.

No fires shall be built, except in a place provided therefore, and such fires shall be extinguished when the site is vacated unless it is immediately used by some other party.

Section 9. Removing plants, flowers or fruit.

No person shall, in any manner, remove, destroy, injure or deface any tree, shrub, plant, or flower, or the fruit thereof, or disturb or injure any structure or natural attraction, except that upon written permission of the board certain specimens may be removed for scientific purposes.

This section shall not apply to activities of the board or its officers, or employees when caring for and managing county owned land and waters under the jurisdiction of the board. This section does not apply to the collection of apples, mulberries, raspberries, blackberries, gooseberries, plums, mushrooms and nuts.

Section 10. Use of firearms, explosives, weapons, and fireworks prohibited - exceptions.

1. The use of firearms, explosives and weapons of all kinds by a person is prohibited in all county parks, preserves and wildlife areas, except under the following conditions:

a. A firearm, bow and arrow, or other weapon authorized for hunting may be used in preserves and wildlife areas or parts of preserves and wildlife areas designated by the board as hunting areas or specifically set aside as a firing, archery, or trap shooting range.

2. The use of fireworks, as defined by Iowa Code Section 727.2 (herein incorporated as if set forth in full), in county parks, preserves and wildlife areas is prohibited. A person violating this subsection is guilty of a county infraction. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of two hundred fifty dollars. The court shall order restitution if any damages were caused by the violation which may include, but is not limited to, community service.

Section 11. Littering grounds.

No person shall place any waste, refuse, litter, glass, can or foreign substance in any area or receptacle except those provided for that purpose.

Section 12. Prohibited areas.

No person shall enter upon portions of any county park, preserve or wildlife area in disregard of official signs prohibiting same, except by permission of the board, its executive officer or his representative.

Section 13. Animals on leash.

No privately owned animal shall be allowed to run at large in any county park, preserve or wildlife area except by permission of the board. Every such animal shall be deemed as running at large unless the owner carries such animal, leads it by a leash or chain not exceeding fifteen feet in length, keeps it confined in or attached to a vehicle, or is under the control of the owner. The board, or its authorized representative, shall make the determination regarding whether the animal is under control.

On all county wildlife areas from March 15 through July 15 of each year all dogs are prohibited unless the owner carries such animal, leads it by a leash or chain not exceeding fifteen feet in length or keeps it confined in or attached to a vehicle.

Section 14. Closing time.

Except by arrangement or permission granted by the board, its executive officer or his authorized representative, all persons shall vacate county parks, preserves and wildlife areas between the hours of 10:30 P.M. and 4:00 A.M. Areas may be closed at an earlier or later hour, of which notice shall be given by proper signs or instructions. Provisions of this section shall not apply to authorized camping or legal hunting or fishing in areas provided for that purpose.

Section 15. Camping.

The board is hereby authorized to fix fees for camping and other special privileges which shall be in such amounts as may be determined by the board upon a basis of the costs of providing and reasonable value of such privileges.

Section 16. Camping areas.

No person shall camp in any portion of a county park area except in portions prescribed or designated by the board.

Section 17. Time limit.

No camping unit shall be permitted to camp for a period longer than that designated by the board for the specific county park and in no event longer than for a period of two weeks.

Section 18. Registering - vacating.

Any person who camps in any county park shall register the person's name and address with the board, its executive officer or duly designated representatives.

Section 19. Camping refused.

The board, its employees, executive officer or duly designated representatives are given authority to refuse camping privileges and to rescind any and all camping permits for cause.

Section 20. Ice, sand, and gravel removal - agreement with board.

No person shall remove any ice, sand, gravel, stone, wood, or other natural material from any lands or waters under the jurisdiction of the board without first entering into an agreement with the board.

Section 21. Ice, sand, and gravel removal - permits.

The board may enter into agreements for the removal of ice, sand, gravel, stone, wood, or other natural material from lands or waters under the jurisdiction of the board if, after investigation, it is determined that such removal will not be detrimental to the county's interest. The board may specify the terms and consideration under which such removal is permitted and issue written permits for such a removal.

Section 22. Hunting on game refuges.

It shall be unlawful for any person to hunt, pursue, or in any manner intentionally take, capture, kill, wound or attempt to kill or wound game animals, game birds or fur-bearers as defined in Section 481A.1 of the Code of Iowa (herein incorporated as if set forth in full) on county parks, preserves, wildlife areas, or recreation areas, except those designated for public hunting. The board reserves the right to set special hunting seasons on county parks, preserves, wildlife areas and recreational areas as deemed necessary.

Section 23. Nontoxic shot.

Nontoxic shot is required when hunting on all public hunting areas under the jurisdiction of the board. This section does not apply to hunting of deer and wild turkey.

Section 24. Blinds and decoys.

Use of blinds and decoys shall be in accordance with regulations for game management areas in the State of Iowa as set forth in Chapter 481A of the Code of Iowa and 571-51.5 of the Iowa Administrative Code.

Section 25. Boats.

On all water under the jurisdiction of the board, motorboats shall only be operated with one or more battery operated electric trolling motors. All watercraft shall be operated and equipped in accordance with the laws of the State of Iowa and all operators shall be governed by the right-of-way rules set forth in the Iowa Code. Motorboats are prohibited from operating in designated swimming areas.

Section 26. Guns – manner of conveyance.

No person, except as permitted by law, shall have or carry a gun or weapon on his or her person or in or on any vehicle brought or driven on any property under the jurisdiction of the board unless such weapon or gun is taken down or totally contained in a securely fastened case, and its barrels and magazines are unloaded. However, a person may have or carry a gun or weapon on his or her person if it is being lawfully used in a designated hunting area, archery, firing range or trap shooting range.

Section 27. Penalties.

Any person, firm, or corporation violating any provision, section, or paragraph of this ordinance shall be guilty of a simple misdemeanor or a county infraction. Each day a violation occurs shall constitute a separate offense.

For a county infraction Iowa Code Section 331.307 shall control and, in addition to the provisions set out therein, the magistrate may use the Compendium of Scheduled Violations and Scheduled Fines for analogous violations of the Iowa Code as a guideline for establishing the amount of fine for violating any provision, section, or paragraph of this ordinance.

Section 28. Disclaimer.

The foregoing rules and regulations do not apply to peace officers or Kossuth County Conservation Board employees while in the performance of their duties.

Section 29. Repealer.

All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

Section 30. Severability clause.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 31. Effective date.

This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Adopted and passed by the Kossuth County Board of Supervisors on the 1st_{st} day of September, 2004.

Kossuth County Board of Supervisors

Don McGregor,
Robert Cink
Gene Elsbecker

Don Besch
Lee Froehlich

Attest: Joann Bormann, Auditor of Kossuth County

First Reading: August 24, 2004
Second Reading: September 1, 2004
Approved: September 1, 2004
Published: August 19, 2004

Motion by Cink and 2nd by Elsbecker to disallow request for attorney fees for Phil Reding and draft a letter to Phil Reding with Supervisors signatures. Ayes all, Nays none. Motion carried unanimous.

Motion by Froehlich and 2nd by Besch to approve 28E Agreements Regarding Maintenance of Farm to Market Extensions within the Corporate Limits of LuVerne. Ayes all, Nays, none. Motion carried unanimous.

Motion by Besch and 2nd by Elsbecker to approve and authorize the chair to sign the contracts and bonds of Merryman Bridge Construction Company of Algona, Iowa for culvert construction for the following projects:

L-C091609—73-55 \$78,177.20
L-C691115—73-55 \$60,713.50
L-C892750—73-55 \$48,113.60

Motion by Cink and 2nd by Elsbecker to sign Resolution 09-01-04-01 supporting the issuance of a gaming license to Palo Alto County Development Corporation and Northwest Iowa Gaming Co.

Resolution 09-01-04-01

A RESOLUTION supporting the issuance of a gaming license to Palo Alto County Development Corporation and Northwest Iowa Gaming Co.

WHEREAS, the purpose of this resolution is to show that the county of Kossuth supports the issuance of a gaming license to Palo Alto County Development Corporation and Northwest Iowa Gaming Co.; and

WHEREAS, we believe this initiative is critical for the growth of northwest Iowa; and

WHEREAS, the citizens of Palo Alto County are overwhelmingly supportive of this project as evidenced by a seventy-one percent “Yes” vote on the gambling referendum held in June 2003; and

WHEREAS, the Palo Alto Community has worked hard for the past fifteen years to restore Five Island Lake to its natural beauty so that it could be the focal point for economic development in this area; and

WHEREAS, the county has a development agreement with Grace Entertainment and Northwest Iowa Gaming Co. on a proposed thirty million dollar investment that would include an entertainment and convention facility, a hotel, a campground and a casino located on Five Island Lake; and

WHEREAS, the development is projected to create up to three hundred fifty new jobs in the county, which will pay wages above the current average; and

WHEREAS, it is projected that over six million dollars in new payroll dollars plus tips will be generated by this development; and

WHEREAS, a gaming license issued in Palo Alto County is estimated to generate almost thirty million dollars in gaming revenue, value added growth of almost seventeen million dollars, over four million dollars in state taxes and three hundred thousand dollars in local taxes; and

WHEREAS, over thirty percent of the patrons are projected to come from other states with ten million dollars spent on other goods and entertainment while visiting; and

WHEREAS, the local discretionary dollars now being spent on gambling will remain in the economies of this state, rather than Minnesota and South Dakota; and

WHEREAS, studies show that a casino located in Palo Alto County would pose the least harm to casinos located in other areas of the state,

NOW THEREFORE, BE IT RESOLVED that the county of Kossuth urges you to support our efforts and issue a gaming license to Palo Alto County Development Corporation and Northwest Iowa Gaming Co.

Ayes all, Nays none. Motion carried unanimous.

Motion by Cink and 2nd by Froehlich that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Don Tietz, Algona, Iowa, to install 36” concrete tile on 160th Avenue between sections 3 & 4 of Sherman Township, as per agreement and permit number 04-09-26 on file in the Kossuth County Engineer’s Office. Ayes all, Nays none. Motion carried unanimous.

On motion adjournment was taken until September 7, 2004.

Attest: _____
Joann Bormann
Kossuth County Auditor

Don McGregor, Chairman
Board of Supervisors