

BOARD PROCEEDINGS
September 4, 2012
REGULAR SEPTEMBER SESSION

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

Public Discussion was held.

Motion by Wymore and 2nd by Elsbecker to approve the agenda, the minutes of the previous meeting dated August 28, 2012, claims and handwritten claim payable to Business Card in the amount of \$1617.99. Motion carried.

Airgas NC	Sup	195.50	1
Algona YMCA	Srvs	5238.34	1
Algona Feed Store	Supp	1525.00	1
Algona Hearing Ctr	Serv	840.00	2
AMU	Srvs	3080.07	20
Algona Plumb & Htg	Srvs	1499.80	3
Alg Pub Co	Notices	157.59	1
Alliant Energy	Srvs	1506.06	1
American Glass Co	Supp	79.62	1
AU Life Ins	Ins.	62.40	1
Aramark	Srvs	133.39	2
Arnold Motor Supply	Parts	315.61	2
AT & T	Phone	35.15	1
AT & T Teleconf Srvs	Srvs	.86	1
Fidelity Sec Lif Ins	Ins	29.21	1
Banc Low Rent Hsing	Rent	175.00	1
Barnes Group	Sup	1030.10	1
Blacktop Srvs Co	Srvs	207914.91	1
BMC Aggregates	Rock	2095.43	1
Bob Barker Co	Supp	417.20	1
Bomgaars	Supp	1647.57	3
Boyer Trucks SF, Inc	Equ	219976.00	1
Brian's Feed Srvs	Sup	259.90	1
V Briggs	Exp	30.00	1
Business Sys	Service	48.65	1
M Carlson	Exp	300.00	1
Carpenter Uniform Co	Supp	330.76	1
CDW Government Inc	Supp	2753.78	4
Cellular Dim.	Supplies	91.98	1
Central IA Dist	Supp	226.18	2
Central Ia Water	Srvs	132.00	1
Centurylink	Phone	1006.13	5
Chally Repair	Repairs	977.15	2
Cintas	Supp	91.39	1
City Dir.	Supp	148.00	1
City of Algona	Exp	8557.93	1
City of Fenton	Uti	67.00	1
City of Titonka	Util	50.84	1
City of Wesley	Utl	40.00	1
City of West Bend	Utl	124.35	1
Carion Dist	Sup	702.50	1
CMI, Inc	Supp	1645.00	1
Computer Systems	Supp	98.97	2
Cooks Scrap Iron & Metal	Supp	117.22	1
CCMS	Srvs	385.00	1
Court Reporters of IA	Supp	332.10	1
Crescent Elec Supply	Supp	525.10	1
Cretex Concrete Products	Supp	9238.00	1
Crisis Intervention Srvs	Srvs	10000.00	1
H Curtis	Exp	311.36	1
Deano's Dust Control	Srvs	232.00	1
Diamond Mowers	Srvs	5112.65	1
Dultmeier	Supp	1670.73	1
Ecolab	Srvs	187.95	1
Elec Eng Co	Srvs	1025.00	2

Electronic Specialties	Srvs	25.00	1
Fareway	Supp	206.51	1
Fast Oil	Srvs	45.35	1
Fenchel, Doster, & Buck PLC	Srvs	72.00	1
Force America	Parts	894.95	1
Fort Dodge Asphalt	Srvs	32167.44	1
Galls	Supp	3.99	1
M Hauptmann	Exp	93.48	1
D Heiderscheidt	Exp	234.33	1
J Helmers	Exp	42.79	1
Hutzells	Supp	301.50	3
Hy-Vee	Supp	88.35	1
I Wireless	Srvs	155.43	2
ICEOO	Reg	165.00	1
IMWCA	Work Comp	9426.00	1
Interstate All Battery Ctr	Supp	353.52	1
IA Div of Labor	Fees	50.00	1
IA Lakes EC	Elec	150.00	1
IA Law Enforcement	Supp	44.95	1
IOS	Supp	1198.39	8
IA Prison Ind	Signs	489.50	1
ISAC	Reg	130.00	1
Jacks OK Tire Srv	Srvs	7512.34	2
Jan. Closet	Supp	113.58	1
R Janssen	Exp	170.00	1
John Deere Financial	Parts	1057.00	1
Jones Co Shf	Srvs	42.00	2
Kmart	Supp	10.78	1
KC Sec Road	Fuel	76.42	1
KC Sheriff	Srvs	801.30	7
KC Treas	UPS	72.97	1
Legal Aid Story Co	Serv	291.13	1
E Link	Exp	600.00	2
M-B Companies, Inc.	Parts	596.70	1
Mail Serv	Supp	502.99	1
Martin Marietta Agg	Rock	23813.06	1
Mental Health Ctr	Srvs	60.00	1
Mercy Medical Ctr	Srvs	5720.00	2
Merryman Bridge Cons	Cons	7172.56	1
Mid Am Energy	Srvs	301.14	2
Mid American Signal, Inc.	Parts	340.00	1
Midwest Culvert	Sup	10167.50	1
Mike Looft TW	Fuel	5646.22	1
D Miller	Reim	19.56	1
Minnowa Med Supp	Supp	110.00	1
D Nielsen	Exp	60.00	1
NIA Lumber&Design	Exp	430.47	2
NK Auto & Farm	Supp	39.58	1
Northern Safety Tech	Supp	1841.60	1
NW Comm	Service	26.25	1
NW Tel	Srvs	467.07	2
Oakcrest	Srvs	2650.00	1
Office Max	Supp	58.32	1
PATC	Exp	50.00	1
R Pierson	Exp	189.60	1
Pitney Bowes	Srvs	150.00	1
Print Shoppe Plus	Srvs	1132.00	1
Purchase Power	Exp	7271.75	1
Quill Corp	Supp	152.12	1
B Reilly	Exp	29.97	1
Retriever LLC	Parts	1124.00	1
C Robinson	Exp.	38.59	1
RSM McGlad.	Srvs	1663.00	2
Ruhnke Bros	Srvs	441.26	4
Schrauth Flooring	Srvs	8401.00	1
Steve Schultz	Reim	250.00	1
D Schulz	Exp.	49.95	1
Schum Elev Co	Service	321.36	1
STT	Srvs	124.00	1

Sec St Bank	Srvs	25.00	1
D Sheppard	Exp	300.00	1
Sign Works	Supp	428.86	2
J Skow	Exp	300.00	1
Solutions	Srvs	2658.03	3
Straub Law Ofs	Srvs	84.00	1
Strauss Sec Solutions	Supp	24.92	1
M Studer	Exp	17.76	1
Sup Lamp	Supp	623.67	1
Water Conn	Srvs	50.00	3
D Thilges	Exp	9.99	1
B Thul	Exp	9.99	1
Treas ST of IA	Srvs	237209.90	9
US Cellular	Srvs	1002.61	7
Verizon Wireless	Phone	54.21	1
Vogel Traffic Services	Serv	3100.00	1
B Walstead	Exp	300.00	1
Waste Mgmt of WI-MN	Srvs	347.41	1
West Bend Journal	Notices	85.00	1
IA Telecom	Srvs	331.30	3
D Wirtz	Exp	425.00	1
P Wymore	Exp	65.49	1
Youngs Ofs Products	Supp	67.87	1
Grand Total		880793.06	

Drainage Claims

McClure Engineering Company	Drain 4 Lat 78A	\$2,235.00
McClure Engineering Company	Drain 4 Lat 79	\$5,966.75
McClure Engineering Company	Drain 7 Lat 19	\$1,857.00
McClure Engineering Company	Drain 20 Lat 2 Main 1	\$2,870.12
McClure Engineering Company	Drain 24	\$225.00
McClure Engineering Company	Drain 33	\$3,464.98
McClure Engineering Company	Drain 69	\$1,420.00
McClure Engineering Company	Drain 110	\$2,395.00
McClure Engineering Company	Drain PAK #1	\$5,402.50
McClure Engineering Company	Drain TRI 84	\$7,698.37
B & W Control Specialists	Drain EK 2	\$7652.00
Erpelding Excavating Enterprise	Drain 4 Lat 78	\$89,202.29
Hudson Law Firm	Drain 129	\$120.00
Reutzel Excavating Inc	Drain 90	\$2,720.00
Reutzel Excavating Inc	Drain 53	\$4,005.00
Reutzel Excavating Inc	Drain 20 Lat 2 Main 1	\$225,562.37
Reutzel Excavating Inc	Drain 20 Lat 2 Main 1	\$66,383.93
TOTAL		\$429,180.31

Chairman McGregor explained that on August 21, 2012 the Board of Supervisors gave their initial consideration of the Amendment of Ordinance #422 and that on August 28, 2012 gave its second consideration of the Amendment of Ordinance #22 which is an Ordinance defining and providing for the abatement of nuisances in Kossuth County, Iowa.

Motion by Wymore and 2nd by Besch that the Amendment of Ordinance #422-1 which is an Ordinance defining and providing for the abatement of nuisances in Kossuth County, Iowa now be put upon its final consideration and adoption. Chairman McGregor called for the Roll call vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, McGregor: yes. Whereupon, the Chairperson declared the motion duly carried and declared that the amendment to the ordinance has been duly adopted.

Ordinance # 422-1

KOSSUTH COUNTY ABATEMENT OF NUISANCE ORDINANCE

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF KOSSUTH COUNTY, IOWA

AN ORDINANCE DEFINING AND PROVIDING FOR THE ABATEMENT OF NUISANCES IN KOSSUTH COUNTY, IOWA

SECTION I

DEFINITION OF NUISANCE

- A. Any act, failure to act or any condition which is offensive to the senses, or which is an obstruction to the free use of property of one or more persons and shall include, but not be limited to:
1. Any business, trade, manufacture or other operation or condition of property, which gives rise to noxious or offensive odors, gases, vapors, smoke, dust, pollen, or fumes, which injure or threaten the health or safety of individuals or the public.
 2. The storage, collection, discharge or deposition of any waste, offal, filth, garbage, refuse, dead animals or contaminated materials in any private or public place so as to threaten the public health or safety, or is offensive to the senses of any individual or the public, or to be conducive to the breeding and harborage of flies, rats or other vermin.
 3. Failure to secure areas, building, places, construction sites, excavations, or abandoned refrigerators or wells against unauthorized access where such access threatens the health or safety of individuals or is an attractive nuisance to children.
 4. Any condition as defined in Chapter 657.1 and 657.2, Code of Iowa.
 5. Any condition defined as a "public nuisance" in Chapter 657A.1(7), Code of Iowa.

Section Amended
Section I(A) of Ordinance #422 is hereby specifically repealed

SECTION II

NUISANCES PROHIBITED

The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this ordinance.

SECTION III

NOTICE TO ABATE NUISANCE

Whenever the County Official finds that a nuisance exists, the County shall order the person on whose property the nuisance exists or person whose act or inaction gives rise to the nuisance, to abate the said nuisance.

The notice to abate a nuisance shall contain:

1. A description of what constitutes the nuisance.
2. A location of the nuisance.
3. A Statement of the act or acts necessary to abate the nuisance.
4. A reasonable time within which to complete the abatement.
5. A statement that if such person fails to comply with said order, the County may take such action as deemed necessary to abate the nuisance.

The notice may be served by the County's Sheriff's Department or sent by certified mail to the property owner.

SECTION IV

RIGHT TO ENTER PREMISES

The County may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, or cause of sickness.

SECTION V

REFUSAL OF ADMITTANCE

In any case the County Official shall be refused entry to any place, complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the County Official to enter the place for the purpose of examining any possible nuisance.

SECTION VI

REQUEST FOR HEARING

Any person ordered to abate a nuisance may have a hearing with the County Board of Supervisors as to whether a nuisance exists, to request a change in the acts necessary to abate the nuisance, or to request an extension of time for the prescribed abatement. A request for a hearing must be made in writing and delivered to the County Auditor within seventy-two (72) hours after the receipt of the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

The hearing will be before the Board at a time and place fixed by the Board. The findings of the Board shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

SECTION VII

ABATEMENT BY COUNTY

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the County may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the County Auditor who shall pay such expenses on behalf of the County.

SECTION VIII

ABATEMENT IN EMERGENCY

If it is determined that an emergency exists by reason of an immediate damage to life, limb, property or safety to the public, the County may abate the nuisance by whatever action deemed necessary without prior notice. The County shall assess the costs as provided in Section IX of this ordinance.

SECTION IX

COLLECTION OF COSTS OF ABATEMENT

The County Auditor shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within 30 days, he shall certify that the costs shall then be collected with, and in the manner, as general property taxes.

SECTION X

PENALTIES

Any person, firm, or corporation violating the provisions of this ordinance shall be guilty of a simple misdemeanor and the penalties thereto by State statutes and furthermore each day a violation exists shall constitute a separate offense.

SECTION XI

SEPARABILITY OF PROVISIONS

If any section of the Regulation shall be held invalid, the invalidity of such section shall not affect the remaining sections of this ordinance.

PASSED THIS _____ DAY OF _____, 2012

Chairperson, Kossuth County Board of Supervisors

ATTEST:

Kossuth County Auditor

FY 12-13 Budget Amendment Hearing

Motion by Plathe and 2nd by Elsbecker to open the public hearing for the FY 12-13 Budget Amendment. Chairman McGregor called for a Roll call vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, McGregor: yes Motion carried.

There were no public comments received verbally or written.

Motion by Besch and 2nd by Wymore to close the public hearing for the FY 12-13 Budget Amendment. Chairman McGregor called for a Roll call vote: Besch: yes, Elsbecker: yes, Plathe: yes, Wymore: yes, McGregor: yes Motion carried.

Motion by Elsbecker and 2nd by Wymore to approve Resolution #09-04-12-01 which approves the Budget Amendment and Appropriation of Funds for the FY 12-13. Chairman McGregor called for a roll call vote: Besch: NO, Elsbecker: yes, Plathe: NO, Wymore: yes, McGregor: yes Motion carried 3 to 2.

Resolution #09-4-12-01 Notice of Public Hearing Amendment of Current County Budget 2012-2013

The Board of Supervisors met this date for the purpose of amending the current FY 12-13 County Budget. No objectors were present therefore,

BE IT RESOLVED: That the Board of Supervisors of Kossuth County, Iowa approves the Budget Amendments and Appropriation of Funds for FY 12-13 this 4th day of September, 2012.

EXPENDITURES:

County Environment	Demolition of Sexton Building	\$32,950.00
Government Services to Residents	Microfilm Conversion/Recorder	\$60,000.00
Non Program Expenditures	Dues	\$150.00
TOTAL EXPENDITURES & OTHER USES		\$93100.00

Resolution declared adopted this 4th day of September, 2012.

Don McGregor, Chairman
Kossuth County Board of Supervisors

ATTEST: _____
Amber Garman, Kossuth County Auditor

Motion by Besch and 2nd by McGregor to approve the applications for exemption from buffer strip ban in drainage district facilities on file in the Kossuth County Auditor's Office. Motion carried.

Doug Miller, Kossuth County Engineer requested that The Official Report of County Highway Engineer for FY 2012 be acted on next week instead of this week.

Motion by Plathe and 2nd by Besch to approve **Resolution #09-04-12-02** which provides for the temporary closing of sections of roadway when necessary because of construction. Motion carried.

RESOLUTION #09-04-12-02

WHEREAS, Section 306.41 of the Code of Iowa provides for the temporary closing of sections of roadway when necessary because of construction, and

WHEREAS, the County Engineer has been authorized by a previous resolution of this Board of Supervisors to execute the requirements of Section 306.41 regarding temporary road closures, and

WHEREAS, culvert replacement project L-C601600—73-55 will require that 260th Street between 20th Avenue and 40th Avenue be closed to all traffic, and

WHEREAS, culvert replacement project L-C601600—73-55 will require that 30th Avenue between B30 (250th Street) and 270th Street be closed to all traffic.

NOW, THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that the above-described roads be closed and proper signs be erected for the duration of the construction project as determined by the County Engineer.

BE IT FURTHER RESOLVED, that upon completion of the construction work, as determined by the County Engineer, the road shall be opened to the traveling public without further action of this board.

September 4, 2012
Dated at Algona, Iowa

Don McGregor, Chairperson
Kossuth County Board of Supervisors

ATTEST:

Amber Garman
Kossuth County Auditor

Discussion with Kossuth County Engineer was followed by Drainage, Discussion with Kossuth County Auditor and Board discussion and Committee Reports.

On motion adjournment was taken until September 11 , 2012.

Attest:

Amber Garman
Kossuth County Auditor

Don McGregor, Chairman
Kossuth County Board of Supervisors