

BOARD PROCEEDINGS
May 28, 2019
REGULAR MAY SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Jack Plathe, Chairman, Galen Casey, Donnie Loss, Roger Tjarks and Kyle Stecker.

Public discussion was held.

Motion by Stecker and 2nd by Tjarks to approve the agenda, the minutes of the previous meeting dated May 21, 2019 and the handwritten claim payable to Card Services in the amount of \$86.97. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Kossuth County Attorney, Todd Holmes was present to discuss the unkempt property in Whitemore. The Board asked him to draft a letter to the City of Whitemore in response and tell them that it does not meet the nuisance requirements.

The Board of Supervisors acknowledged the Safety Committee Meeting Minutes for May 2019.

The Board of Supervisors acknowledged the Wellness Committee Meeting Minutes for May 2019.

Motion by Casey and 2nd by Stecker to authorize the Wellness Committee to do Wellness Wednesdays for June 2019. This will allow the staff to each receive a piece of fruit every Wednesday during the month of June to promote healthy eating in an effort to keep the costs of our health insurance down. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Casey and 2nd by Tjarks to authorize the Wellness Committee to honor the rewards previously offered for the Staff Aging Backwards Contest due to them being offered prior to knowing we should not do gift cards. The rewards offered for this contest were two \$500 gift cards with separate requirements to be included in these drawings. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

No decision was made on Monitoring Well Installation on Road Department Algona South Shop Property.

No decision was made on Secondary Road Equipment Purchase due to the Supervisors request to get additional bids.

Discussion was held on Road Embargo on Secondary Roads.

Motion by Tjarks and 2nd by Stecker to approve Resolution #05-28-19-01 which provides for the temporary closing of roadway when necessary because of construction. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION #05-28-19-01

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, resurfacing project STBG-SWAP-C055(171)--FG-55 will require that A42 (360th Street) from P64 east 4 miles to east county line (250th Avenue) be closed to all traffic, and

WHEREAS, resurfacing project FM-C055(173)--55-55 will require that P16 (20th Avenue) from A21 (460th Street) north 4 miles to A16 (500th Street) be closed to all traffic, and

WHEREAS, resurfacing project FM-C055(174)--55-55 will require that A21 (470th Street) from P30 (80th Avenue) east 7 miles to P50 (150th Avenue) be closed to all traffic, and

WHEREAS, resurfacing project L-175--73-55 will require that 360th Street from 110th Avenue east one mile to HWY 169 (120th Avenue) be closed to all traffic, and

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 roads shall be opened to the traveling public without further action of this board.

May 28, 2019
Dated at Algona, Iowa

ATTEST:

Jack Plathe, Chairperson
Kossuth County Board of Supervisors

Amber Garman
Kossuth County Auditor

Motion by Stecker and 2nd by Loss to approve Resolution #05-28-19-02 which provides for the temporary closing of roadway when necessary because of construction. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

RESOLUTION #05-28-19-02

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, bridge replacement project L-C693180--73-55 requires 230th Street between 60th Avenue and 80th Avenue be closed to all traffic, and

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.

May 28, 2019
Dated at Algona, Iowa

ATTEST:

Jack Plathe, Chairperson
Kossuth County Board of Supervisors

Amber Garman
Kossuth County Auditor

Motion by Loss and 2nd by Stecker that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Midland Power Cooperative, Jefferson, IA, to: Build overhead electric along the east right of way of 40th Ave between 110th and 120th Streets, then rebuild overhead electric west along the south right of way on 120th Street approximately 3250 feet, then bore under 120th Street to 305 120th Street. Work will be in Sections 21, 27, 28 and 34, Garfield Township. Permit number 05-20-2019 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Loss that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Iowa Lakes Electric Cooperative, Estherville, IA, to: Install single phase enclosure in the southwest corner of 410th Street and 230th Avenue, then bore north under

410th Street into private, east under 230th Avenue into private, and trench south along 230th Avenue to exiting riser pole in road ROW. Work will be in Sections 27, 34, and 35, Lincoln Township. Permit number 05-21-2019 is on file in the Kossuth County Engineer's Office. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Discussion was held with Kossuth County Engineer/Kossuth County Zoning Administrator.

Motion by Loss and 2nd by Casey to have the Supervisors handle their drainage request for repairs as follows: Supervisor Stecker: 3 requests (77, 78 - #70 is in a separate motion) and Supervisor Tjarks: 6 requests (71, 72, 73, 74, 75, 76). Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Stecker and 2nd by Casey to have Supervisor Stecker in regards to Request for Repairs #70 (Drainage District 60 sub 1) contact McClure Engineering to retrieve the report and have the report reviewed by Jim Hudson and have him look into having Minnesota pay their portion of improvement or repair. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Loss to set the date and time for the Drainage District 80 Main Open Ditch B and Lateral 30 Cleanout Project as July 16, 2019 at 11:00 a.m. in the Kossuth County Courthouse Assembly Room. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Loss to approve the Drainage District 84 Pay Request #1 for Project payable to Reutzler Excavating, Inc. in the amount of \$26,244.45. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Casey to approve the Joint Drainage EK4 Invoice submitted by Emmet County (which will be paid by Emmet County) payable to Anderson Tiling LLC in the amount of \$10,190.50. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Stecker to approve the Fall Drainage Assessments as presented by Marg Mergen, Kossuth County Drainage Clerk with the change to all repairs marked FEMA to assess 25% of total for that particular drain. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Motion by Tjarks and 2nd by Stecker to approve Resolution #05-28-19-03 (Joint Drainage District EK4), #05-28-19-04 (Joint Drainage District HK2 PA OD), #05-28-19-05 (Joint Drainage District HK 2-36), #05-28-19-06 (Joint Drainage District HK 5-87), #05-28-19-07 (Joint Drainage District HK 25-176), #05-28-19-08 (Joint Drainage District TRI 84 Lateral 52) and #05-28-19-09 (Joint Drainage District TRI 84) which are resolutions for joint board action regarding joint drainage districts. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Resolution #05-28-19-03
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS

JOINT DRAINAGE DISTRICT NO. EK 4

The Joint Board of Supervisors of Kossuth and Emmet Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. EK 4 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Emmet Counties, Iowa, that there is hereby levied \$1045.506 (Kossuth - \$544.40 and Emmet - \$501.12) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. EK 4, Kossuth and Emmet Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted "AYE". Motion carried and Resolution duly adopted according to the last date of the participating Boards' signature.

Date: 05-28-19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 6/4/19

/s/
Chairman: Emmet County Board of Supervisors

/s/
ATTEST: Emmet County Auditor

Resolution #05-28-19-04
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS

JOINT DRAINAGE DISTRICT NO. HK 2 PA OD

The Joint Board of Supervisors of Kossuth and Humboldt Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. HK 2 PA OD and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Humboldt Counties, Iowa, that there is hereby levied \$1231.86 (Kossuth - \$714.97 and Humboldt - \$516.89) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. HK 2 PA OD, Kossuth and Humboldt Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted "AYE". Motion carried and Resolution duly adopted according to the last date of the participating Boards' signature.

Date: 5/28/19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 6/3/19

/s/
Chairman: Humboldt County Board of Supervisors

/s/
ATTEST: Humboldt County Auditor

Resolution #05-28-19-05
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS

JOINT DRAINAGE DISTRICT NO. HK 2-36

The Joint Board of Supervisors of Kossuth and Hancock Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. HK 2-36 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Hancock Counties, Iowa, that there is hereby levied \$7980.50 (Kossuth - \$4097.19 and Hancock – \$3883.31) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. HK 2-36, Kossuth and Hancock Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted “AYE”. Motion carried and Resolution duly adopted according to the last date of the participating Boards’ signature.

Date: 05-28-19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 5-30-2019

/s/
Chairman: Hancock County Board of Supervisors

/s/
ATTEST: Hancock County Auditor

Resolution #05-28-19-06
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS

JOINT DRAINAGE DISTRICT NO. HK 5-87

The Joint Board of Supervisors of Kossuth and Hancock Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. HK 5-87 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Hancock Counties, Iowa, that there is hereby levied \$8300.00 (Kossuth - \$6,640.00 and Hancock - \$1660.00) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. HK 5-87, Kossuth and Hancock Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted "AYE". Motion carried and Resolution duly adopted according to the last date of the participating Boards' signature.

Date: 05-28-19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 05-30-19

/s/
Chairman: Hancock County Board of Supervisors

/s/
ATTEST: Hancock County Auditor

**Resolution #05-28-19-07
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS**

JOINT DRAINAGE DISTRICT NO. HK 25-176

The Joint Board of Supervisors of Kossuth and Hancock Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. HK 25-176 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Hancock Counties, Iowa, that there is hereby levied \$2866.30 (Kossuth - \$2761.68 and Hancock - \$104.62) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. HK 25-176, Kossuth and Hancock Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted "AYE". Motion carried and Resolution duly adopted according to the last date of the participating Boards' signature.

Date: 05-28-19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 05-30-19

/s/
Chairman: Hancock County Board of Supervisors

/s/
ATTEST: Hancock County Auditor

**Resolution #05-28-19-08
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS**

JOINT DRAINAGE DISTRICT NO. TRI 84

The Joint Board of Supervisors of Kossuth, Palo Alto and Emmet Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. TRI 84 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth and Palo Alto and Emmet Counties, Iowa, that there is hereby levied \$100,000.00 (Kossuth - \$58440.00 and Palo Alto – \$7940.00 and Emmet - \$33620.00) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. TRI 84, Kossuth, Palo Alto and Emmet Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted “AYE”. Motion carried and Resolution duly adopted according to the last date of the participating Boards’ signature.

Date: 05-28-19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 06-04-19

/S/
Chairman: Palo Alto County Board of Supervisors

/S/
ATTEST: Palo Alto County Auditor

Date: 06-04-19

/S/
Chairman: Emmet County Board of Supervisors

/s/
ATTEST: Emmet County Auditor

**Resolution #05-28-19-09
JOINT BOARD ACTION REGARDING JOINT DRAINAGE DISTRICTS**

JOINT DRAINAGE DISTRICT NO. TRI 84 Lateral 52

The Joint Board of Supervisors of Kossuth , Palo Alto and Emmet Counties hereby prepare to levy a special assessment on the above Joint Drainage District.

Motion made by Kossuth Supervisor Tjarks and seconded by Stecker, that the following Resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District No. TRI 84 Lateral 52 and there being insufficient funds to solvent these accounts of said Drainage District.

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Kossuth, Palo Alto and Emmet Counties, Iowa, that there is hereby levied \$3190.70 (Emmet – \$3190.70) against all lands, tracts, real estate, highways and railroads in Joint Drainage District No. TRI 84 Lateral 52, Kossuth, Palo Alto and Emmet Counties.

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended in accordance with original apportionment or current classification, and when so extended shall be collected with the current property taxes payable forthcoming.

All members of the Joint Board voted “AYE”. Motion carried and Resolution duly adopted according to the last date of the participating Boards’ signature.

Date: 05-28-19

Chairman: Kossuth County Board of Supervisors

ATTEST: Kossuth County Auditor

Date: 06-04-19

/s/
Chairman: Palo Alto Board of Supervisors

/s/
ATTEST: Palo Alto County Auditor

Date: 06-04-19

/s/
Chairman: Emmet Board of Supervisors

/s/
ATTEST: Emmet County Auditor

Motion by Stecker and 2nd by Casey to approve Resolution #05-28-19-10 which is a resolution approving the adoption of Chapter 28E Agreement for a Multi-Agency Response Team. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes

Resolution #05-28-19-10
RESOLUTION APPROVING ADOPTION OF Chapter 28E
AGREEMENT FOR Multi-Agency Response Team (M.A.R.T.)

WHEREAS the Elected Sheriff's serving in Palo Alto County, in Kossuth County and in Emmet County within those three counties resolve to enter into the Chapter 28E Agreement; and,

WHEREAS the respective Boards of Supervisors serving in Palo Alto County, in Kossuth County and in Emmet County resolve to enter into the Chapter 28E Agreement for the purpose of establishing a working mechanism to provide mutual aid assistance by a highly trained and equipped unit to resolve high risk law enforcement operations; and,

WHEREAS the respective City Mayors of the participating municipalities including: Algona, West Bend, and Emmetsburg and the appointed chiefs of Police in those cities, within the State of Iowa, resolve to enter into the Chapter 28E with the same stated purpose; and,

WHEREAS this unit shall be referred to as the Multi Agency Response Team, ("MART") Agreement under Iowa Code Chapter 28E; and,

WHEREAS, the Kossuth County Board of Supervisors desire to approve and adopt the 28E MART Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Kossuth County Board of Supervisors authorize the Chairperson for the Supervisors and the County Auditor to execute, attest and deliver the M.A.R.T. 28E Agreement and authorize it to be recorded with the County Recorder's Office and the Iowa Secretary of State.

WHEREUPON, Supervisor Stecker moved the adoption of the above and foregoing resolution which was seconded by Supervisor Casey.

Upon a roll call vote the Supervisors voted as follows:

Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes

WHEREUPON the Chair for the Board of Supervisors declared the resolution duly adopted and approved this 28th day of May, 2019.

On this 28th day of May, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared Jack Plathe, who is personally known, who, being by me duly sworn did say that (s)he is the Chairperson of the Kossuth County Board of Supervisors executing the foregoing instrument; that the instrument was signed on behalf of the Kossuth County by authority of its Board of Supervisors; that Jack Plathe acknowledged the execution of the instrument to be the voluntary act and deed of Kossuth County by it voluntarily executed.

Dated this 28th day of May, 2019. /s/ Jack Plathe, Kossuth County Board Chairperson
 /s/ Melissa R. Arndorfer, Notary Public in and for the State of Iowa

On this 28th day of May, 2019, before me, a Notary Public in and for the State of Iowa, personally appeared Amber Garman, who is personally known who, being by me duly sworn, did say that (s)he is the Kossuth County Auditor and that (s)he was attesting to the foregoing instrument and that this was her voluntary act.

Dated this 28th day of May, 2019. /s/ Amber Garman, Kossuth County Auditor
 /s/ Melissa R. Arndorfer, Notary Public in and for the State of Iowa

**28E AGREEMENT TO PROVIDE SUPPORT SERVICES
FOR MULTI AGENCY RESPONSE TEAM (MART)**

This Multi-Agency Response Team (M.A.R.T.) Agreement (“Agreement”) is made pursuant to Chapter 28E of the Iowa Code and will be governed by that same Code Section. This Agreement is made between and among the Palo Alto County Board of Supervisors and the Palo Alto County Sheriff’s Office, the Emmet County Board of Supervisors and the Emmet County Sheriff’s Office, the Kossuth County Board of Supervisors and the Kossuth County Sheriff’s Office, the Emmetsburg City Council and the Emmetsburg Police Department, the West Bend City Council and the West Bend Police Department, and the Algona City Council and the Algona Police Department.

Section 1. AUTHORITY. Palo Alto County, Iowa, acting through the Palo Alto County Board of Supervisors, and the Palo Alto County Sheriff and Emmet County, Iowa, acting through the Emmet County Board of Supervisors, and the Emmet County Sheriff and, Kossuth County, Iowa, acting through the Kossuth County Board of Supervisors and the Kossuth County Sheriff and, City of Emmetsburg, Iowa, acting through the Emmetsburg city Council and the Emmetsburg Chief of Police and, City of West Bend, Iowa, acting through the West Bend City Council and the West Bend Chief of Police and, the City of Algona, Iowa, acting through Algona City Council and the Algona Chief of Police, all as “Member Agencies”, hereby enter into this Agreement by virtue of the powers granted to them by Chapter 28E of the Iowa Code, the relevant provisions of which are hereby incorporated by reference.

SECTION 2. PURPOSE. The purpose of this Agreement, by the Member Agencies, is to establish a working mechanism to provide mutual aid assistance by a highly trained and equipped unit to resolve high risk law enforcement operations. This unit shall be referred to as the Multi Agency Response Team, (“MART”).

SECTION 3. SERVICE AREA. The service area of this Agreement shall be the jurisdictional boundaries of the Member Agencies, and the jurisdictional area of other agencies requesting mutual aid assistance.

SECTION 4. TERM. The term of this Agreement shall begin when approved by the Member Agencies, filed with each County Recorder and with the Iowa Secretary of State and will continue through December 31, 2019. This Agreement shall automatically renew under the same terms and conditions each and every year thereafter.

SECTION 5. COMPENSATION. Member Agencies will provide mutual aid assistance under this agreement without seeking compensation from other Member Agencies. This will not limit the ability for the MART to seek compensation for providing mutual aid assistance to other law enforcement agencies. If the Board of Directors requests payment for mutual aid assistance, compensation will be determined per policy and procedure guidelines.

SECTION 6. TERMS AND CONDITIONS.

1. MART shall be governed by a Board of Directors composed of one representative, (“Director”) from each Member Agency. A Director shall serve until such time said Director ceases to be the Chief of Police, Sheriff respectively.
2. A Member Agency may relinquish their Director’s seat if the Chief of Police or Sheriff submits a request to do so to the Board of Directors. A Member Agency may request to have their seat re-established if the Chief of Police or Sheriff submits a request to do so to the Board of Director’s. Approval by simple majority is required.

3. MART Board of Directors shall appoint a Chairman, vice Chairman, and Secretary/Treasurer. These positions shall be held indefinitely, until their resignation or replacement by the Board of Directors.
4. Meetings of the Board of Directors shall be called by the Chairman or by a majority of the Directors. Notice of meetings shall be given to the Directors at least 48 hours in advance.
5. Agencies may make application for membership to MART and join pending simple majority approval by the Board of Directors. New Agency Members will have a seat on the Board of Directors.
6. The respective Chief of Police, the County Sheriff, or their designee, shall be the only person(s) who may initiate a request for assistance to exercise the joint power from other participating Member Agencies.
7. Law Enforcement personnel provided under this Agreement to assist Member Agencies shall have the same power and authority as the law enforcement personnel having jurisdiction where the requested assistance is being provided.
8. It shall be the responsibility of the employing Member Agency to provide compensation and appropriate insurance for their own respective personnel.
9. It shall be the responsibility of the employing Member Agency to provide all expenses relating to the repair, maintenance and insurance for their vehicles and equipment when used by their personnel for MART.
10. Member Agencies shall pay MART yearly dues as set by the Board of Directors. These dues shall be paid by August 31 of each fiscal year. MART dues will be used to purchase and maintain equipment, provide training and related expenses to operate MART.

SECTION 7. TERMINATION. A Member Agency may withdraw from MART at any time by giving the following members on the Board of Directors a (90) day written notice. A Member Agency withdrawing from MART will not be reimbursed dues already paid and will not have any right or privilege to any equipment purchased with MART funds. Withdrawal from MART will not relinquish any existing provisions made for paying outstanding obligations for MART activities.

SECTION 8. DISSOLUTION. MART may be dissolved only upon majority vote by the Board of Directors. In the event of dissolution, the assets, if any, shall be applied to pay all expenses and outstanding obligations. Any remaining assets shall be divided equally to the current Member Agencies.

Whenever notices and correspondence are to be given under this Agreement, the notices must be given personal delivery to the other party or may be sent by mail, postage prepaid to the other party at the following addresses: Palo Alto County Auditor and Chair, Board of Supervisors, Palo Alto County Sheriff, Emmet County Auditor and Chair, Board of Supervisors, Emmet County Sheriff, Kossuth County Auditor and Chair, Board of Supervisors, Kossuth County Sheriff, Emmetsburg City Council, Emmetsburg Chief of Police, Algona City Council, Algona Chief of Police, West Bend City Council and West Bend Police Chief. (addresses are listed in original 28E Agreement.)

IN WITNESS WHEREOF, in consideration of the mutual covenants and the agreed mutual performances, set forth above and for other good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, the parties have agreed to this M.A.R.T. 28E Agreement as indicated by their respective signatures. The parties have caused their duly authorized representative to execute this 28E Agreement. This agreement will have separate signature pages for each of the above participating jurisdictions and may have separate execution dates.

On this 28th day of May, 2019 before me, a Notary Public in and for the State of Iowa, Kossuth County as Chair of the Kossuth County Board of Supervisors who is personally known and who first being by me duly sworn, did say that (s)he is the Chair of the Kossuth County Board of Supervisors; that the instrument was signed on behalf of County Board of Supervisors and acknowledged the execution of the 28E agreement and that it is the voluntary act of the Kossuth County Board of Supervisors and it was knowingly executed.

Dated this 28th day of May, 2019.

/s/ Jack Plathe

Kossuth County Board of Supervisors, Chair Person

/s/ Amber Garman

Kossuth County Auditor

/s/ Stephen M. Kollasch

Kossuth County Sheriff

/s/ Melissa R. Arndorfer

Notary Public in and for the State of Iowa

Motion by Loss and 2nd by Stecker to approve Kossuth County Sheriff, Steve Kollasch's purchase of a speed patrol trailer at a cost of \$6709.00 of which up to \$4200.00 will be reimbursed to Kossuth County. Chairman Plathe called for a roll call vote: Casey: yes, Stecker: yes, Loss: yes, Tjarks: yes, Plathe: yes. Motion carried.

Discussion with Kossuth County Auditor was held followed by Board Discussion and Committee Reports.

On motion adjournment was taken until June 4, 2019.

Attest:

Amber Garman
Kossuth County Auditor

Jack Plathe, Chairman
Kossuth County Board of Supervisors

