

Courthouse  
Emmetsburg Iowa  
April 14th, 2015, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Craig Merrill, Chair, Linus Solberg, Ron Graettinger, and Keith Wirtz. Absent: Ed Noonan.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Wirtz, Graettinger, Solberg, Merrill. Nays: None. Abstentions: None.

Motion by Solberg, seconded by Wirtz to approve agenda for April 14<sup>th</sup>, 2015, and cancel 9:40 a.m. agenda item to recognize petition on Drainage District 56 due to petition being withdrawn. Motion Carried.

Motion by Wirtz, seconded by Graettinger to approve the minutes of April 7th, 2015. Motion carried.

Motion by Graettinger, seconded by Solberg to approve Recorder's monthly report for March 1, 2015 thru March 31, 2015. Motion Carried.

Motion by Solberg, seconded by Graettinger to approve hiring Tim McCarthy as seasonal employee for IRVM at \$14.50 per hour. Motion Carried.

Lois Naig, Assessor, met with the Board and presented a disabled veteran's homestead credit application for approval eligible under House File 166 signed on March 5, 2015.

Motion by Wirtz, seconded by Solberg to approve a disabled veteran's homestead credit application on parcel #60002003070. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve claims to Ray Grandstaff for \$30.00 on Jt 60 Lateral 8 Tile for seeding and picking up rock; and \$150.00 on Jt 60 Main Open Ditch for seeding, leveling & picking up rock. Motion Carried.

Chris Towell, Assistant to County Engineer, met with the Board. The Board discussed Drainage District North 15 tile concern and update on Glen Smith culvert. There was no update on the long stick cleanout of Drainage District 80 Lateral F Open Ditch.

Motion by Solberg, seconded by Wirtz to approve underground utility permit application for Iowa Lakes Electric Cooperative in Silver Lake Township, Sections 23 & 24 at the intersection of 390<sup>th</sup> Ave and 425<sup>th</sup> Street. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve reimbursement to George Bierstedt for \$750 for installation of two intakes in Independence Township Section 13 & 14. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve 5-year construction program and DOT Secondary Roads budget for FY15-16. Motion Carried.

At 9:00 a.m., Bob Goodwin, Attorney, and Ed Noonan were present by telephone conference. Present: Linda Koppie and Dennis Knoer; Jeremy Thilges and Dean Gronemeyer, NRCS.

Goodwin reviewed the court ruling on case no. EQCV024675 (Ruling on Defendant's Motion for Summary Judgment) -- Judy Knoer, Linda Koppie, Carolyn Larsen and Glen Moser, plaintiffs. VS. Palo Alto County Board of Supervisors, Defendant. The District Court ruled in favor of the county and the defendant's motion for summary judgment was sustained.

The District Court ruling states on page 9: "The Court finds the Board exercised its discretion in determining that the failure to install culverts under 420<sup>th</sup> Street would breach a mandatory duty owed by the Board to place openings under roadways to allow surface water to continue to drain in its natural course. "

Dennis Knoer stated that the plaintiffs plan to appeal to Iowa Supreme Court. Knoer asked about wetland determinations on property on the north side of 420<sup>th</sup> Street.

Noonan stated this is not our issue, the court ruled that the county should put a culvert under the road, this has nothing to do with drainage or a wetlands. Goodwin agreed that the case is whether culverts should be put under a county road and the District Court ruled that the culverts should be put in and the plaintiff's position under 468.100 is not correct.

Goodwin stated from the ruling on page 8, "the court rules that Iowa Code Section 468.600 and the subsequent statutes within Chapter 468, Subchapter 5 do not impose any explicit duties on the board, and as such the Plaintiffs cannot sustain a cause of action for a writ of mandamus."

Merrill stated that the county will wait the 30 days for the appeal process before putting in the culverts. Discussion came to an end at 9:20 a.m. and Goodwin & Noonan both disconnected from the conference call.

Motion by Graettinger, seconded Wirtz to approve Cost Advisory Services report for FY 2014. Motion Carried.

Motion by Solberg, seconded by Wirtz to set the budget amendment hearing for FY 2015 for May 5<sup>th</sup>, 2015 at 9:00 a.m. in the Courthouse Boardroom. Motion Carried.

Committee reports were given by Solberg & Merrill regarding possible sharing with Emmet County Engineer. Merrill gave a report on the courthouse security meeting.

Motion by Graettinger, seconded by Wirtz to approve claims & drainage claims for April 14<sup>th</sup>, 2015. Motion Carried.

**General Basic Fund**

A.S.I.	Buildings	116.30	
Alliant Energy	Utilities Payments	230.08	
Bauer Plumbing of Eburg	Buildings	635.00	
AMBER BROWNELL	Employee Mileage & Subs.	26.00	
BUDGET LIGHTING SPECIALISTS	Buildings	968.20	
CAASA Centers Agnst A & S Assa	Contrib to Other Gov & Or	1500.00	
Canon	Office & Data Processing	133.24	
Central Ia Juv Detention Ctr	Foster Family Home	360.00	
Central Iowa Distributing Inc	Custodial Supplies	291.81	
Cliff Christensen	Misc Expense	222.50	
Cintas	Custodial Supplies	41.89	
Christina Clausen	Employee Mileage & Subs.	36.00	
Counsel Office & Document	Contract Carriers	146.82	
Joy Currans	Employee Mileage & Subs.	9.51	
E-Hawk Inc	Minor MV Parts & Access	180.00	
E-Pride	Stationery/Forms/Gen Ofc	366.92	
E.M.U.	utilities	1642.66	
Emmetsburg Publishing Co.	Board Proceedings	539.00	
EMMETSBURG ROTARY CLUB C/O DEB	Misc Expense		5114.63
EMS Auto	Buildings	7.53	
Fareway	Food & Provisions	1033.61	
G T Enterprises	Official Pub & Legal Noti	715.25	
GeoComm Inc	Contract Carriers	620.00	
DAN GLASER	Employee Mileage & Subs.	36.00	
Hardware Hank	Buildings	21.77	
Holiday Inn Ames Conference	Employee Mileage & Subs.	88.48	
Virgil Huberty	Bus	72.01	
Nancy Hunsaker	Wages-Temp, Pt. Time Empl	74.76	
IA COUNTY RECORDERS ASSOC	Office Equip & Furniture		2239.01
IA Law Enforcement Academy	Educational/Training Serv	1105.00	
Iowa County Attys Association	Dues & Memberships	281.00	
IA Office of State Medical Exm	Medical & Health Services	2852.50	
ISACA TREASURER	Educational/Training Serv	325.00	
Robin Jamison	Employee Mileage & Subs.	174.97	
Jensvold Motors Co.	Other	522.49	

J.W. Repair	Buildings	22.93	
TIFFANI KELLER	Educational/Training Serv	222.54	
MISSY KING	Wages-Temp, Pt. Time Empl	45.00	
L-3 Comm. Mobile-Vision,Inc.	Data Processing	191.55	
TRISTEN LEEBANS	Employee Mileage & Subs.	9.51	
Mainstay Systems Inc	Contract Carriers	106.65	
MEDIACOM LLC	internet	267.52	
MidAmerican Energy	electricity	188.00	
MPH INDUSTRIES, INC	Other	3798.00	
Joseph F. Neary	Employee Mileage & Subs.	283.50	
Northwest Communications	Contract Carriers	2153.50	
ROSALISE OLSON	Employee Mileage & Subs.	25.00	
Palo Alto Co Comm Health Ser	Board of Health	5728.94	
Palo Alto Co Emergency Mgmt	Contrib to Other Gov & Or	2110.75	
Palo Alto Co Fair Assn	Contrib to Other Gov & Or	12930.21	
Palo Alto Co Sec Road	Fuels	2091.59	
Palo Alto Co Sheriff	Legal & Ct-Related Servic	244.20	
The Print Shop	Stationery/Forms/Gen Ofc	4.98	
QS LAWN AND PEST, LLC	Buildings	30.00	
Quill Corporation	Stationery/Forms/Gen Ofc	54.94	
Reserve Account	Postage & Mailing	75.00	
Eric Ring	Employee Mileage & Subs.	8.76	
Deb Rouse	Employee Mileage & Subs.	99.51	
AMY SCHULTES	Wages-Temp, Pt. Time Empl	105.00	
Lynn Schultes	Employee Mileage & Subs.	9.51	
Secretary of State State Regis	Stationery/Forms/Gen Ofc	30.00	
Solutions Inc.	services	149.50	
Stanard & Associates, Inc.	Other	135.00	
Stanley Propane & Appliance	Utilities Payments	329.26	
STT Scott Telephone & Telecom	Buildings	37.74	
Swift Air	Buildings	175.00	
The Cartridge Connection, Inc.	Stationery/Forms/Gen Ofc	68.95	
U.S. Bank Equipment Finance	Photocopy & Dup. Serv.	230.33	
MOLLIE VELDBOOM	Wages-Temp, Pt. Time Empl	120.00	
Verizon Wireless	Telecommunications Serv.-	193.33	
VISA	Employee Mileage & Subs.	3143.23	
Wentzel's True Value	Engineering Services	23.21	
West Bend Journal	Official Pub & Legal Noti	89.25	
Donald Wichman	Bus	113.67	
Windstream	phone	1280.19	
WINDSTREAM COMMUNICATIONS,INC	Other	285.00	
WOODWARD YOUTH CORPORATION % F	Foster Family Home		2705.70
Sidney Zylstra	Bus	185.00	
<b><u>General Supplemental Fund</u></b>			
Compass Pointe	Information & Ref.Service	2125.00	
E.M.U.	utilities	83.36	
ISACA TREASURER	Educational/Training Serv	50.00	
<b><u>MH-DD Services Fund</u></b>			
U.S. Postal Service	Postage & Mailing	48.00	
Windstream	phone	179.64	
<b><u>Rural Services Basic Fund</u></b>			
A.S.I.	Equipment	47.50	
Aldon Construction	Equipment	2225.00	
Building Center	Misc Expense	37.64	
Emmetsburg Library	Contrib to Other Gov & Or	10381.18	
EMS Auto	Equipment	102.40	
Galens Pro-Mow	Equipment	170.95	
Graettinger Library	Contrib to Other Gov & Or	4412.02	
Hardware Hank	Buildings	300.88	
Horizons Unlimited	Sanitation & Disposal Ser	6500.49	
Jackson Sports	Equipment	752.93	
J.W. Repair	Equipment	87.53	
Mallard Library	Contrib to Other Gov & Or	3633.41	
Palo Alto Co Sec Road	Fuels	268.02	
River Valley Telecommunication	Telecommunications Serv.-	69.08	
Ruthven Library	Contrib to Other Gov & Or	3633.41	

City of Spencer	Sanitation & Disposal Ser	32890.25
Vande Berg Scales	Stationery/Forms/Gen Ofc	188.64
West Bend Library	Contrib to Other Gov & Or	3892.94
Windstream	phone	220.97
<b><u>Special Revenue-SheriffReserve</u></b>		
NICHOLAS MERWALD	Educational/Training Serv	85.00
<b><u>Secondary Road Fund</u></b>		
Alliant Energy	Engineering Services	178.59
AP Air, Inc.	Engineering Services	168.81
Ayrshire Communications	Engineering Services	36.95
Baum Hydraulics Inc.	Engineering Services	216.75
Central Iowa Distributing Inc	Engineering Services	166.50
Central Petroleum Eq Co	Engineering Services	84.00
Dan Corbin	Engineering Services	1750.00
Crysteel Truck Equipment	Engineering Services	40.00
City of Cylinder	Engineering Services	35.00
Deitering Bros Inc	Engineering Services	9000.00
E-Pride	Engineering Services	113.97
Emmet County Engineer	Engineering Services	267.12
Emmetsburg Ford	Engineering Services	30244.00
EMS Auto	Engineering Services	87.91
Family Bakery	Engineering Services	48.00
Nick Fank Fank Farms	Engineering Services	43.92
Fareway	Engineering Services	43.77
Michael Flaherty	Engineering Services	19.23
Fox International, Inc.	Engineering Services	76.40
G T Enterprises	Engineering Services	44.00
G&K Services	Engineering Services	84.00
GATR of Des Moines, Inc.	Engineering Services	223000.00
Graettinger Mun. Utilities Gra	Engineering Services	527.01
Hardware Hank	Engineering Services	195.11
Iowa Lakes Regional Water	Engineering Services	43.45
J.B. Mertz & Sons Inc	Engineering Services	396.51
Jeralds Tree Service	Engineering Services	1000.00
Johnston Automotive	Engineering Services	120.43
KRISTAT AUTO PARTS LLC	Engineering Services	62.97
City of Mallard	Engineering Services	48.74
MidAmerican Energy	Engineering Services	436.93
New Sioux City Iron Co	Engineering Services	110.72
Newman Traffic Signs	Engineering Services	133.71
Northern IA Construction	Engineering Services	341.82
Novus Windshield Repair	Engineering Services	65.00
Northwest Communications	Engineering Services	64.04
Palo Alto Co Hospital	Engineering Services	50.00
The Print Shop	Engineering Services	130.53
Pro Cooperative	Engineering Services	26869.86
QUALITY TIRE & SERVICE LLC	Engineering Services	7.34
RDO Equipment Co	Engineering Services	1380.22
River Valley Telecommunication	Engineering Services	70.03
City of Ruthven	Engineering Services	103.65
VISA	Engineering Services	853.73
Wentzel's True Value	Engineering Services	23.76
West Bend Ford	Engineering Services	33992.00
West Bend Journal	Engineering Services	17.85
West Bend Red Power	Engineering Services	15.96
City of West Bend	Engineering Services	211.55
Windstream	Engineering Services	582.23
Ziegler Inc	Engineering Services	240.04
<b><u>Emergency Mgmnt Agency</u></b>		
Ia Emer Mgmnt Assn	Educational/Training Serv	125.00
Palo Alto Co Sec Road	Parts	153.71
<b><u>E911 Surcharge Fund</u></b>		
Ayrshire Communications	Engineering Services	154.30
Century Link	Engineering Services	512.65
Electronic Specialties	Equipment	381.92
Fareway	Stationery/Forms/Gen Ofc	38.73

GeoComm Inc	Engineering Services	4875.00	
River Valley Telecommunication	Engineering Services	403.99	
Wentzel's True Value	Addressing (Signs)	10.59	
Windstream	phone	358.05	
WINDSTREAM COMMUNICATIONS ATTE	phone		131.20
Ziegler Inc	Miscellaneous Repair	778.28	

**Drainage Claims**

King Excavation	DD 61 Lat A FEMA Repair	\$6,180.00
Jacobson-Westergard & Assoc	DD 61 Lat B Eng Exp	\$5,277.50
Jacobson-Westergard & Assoc	DD 64 Eng Exp	\$4,710.00
DD 80 Lower Main	DD 80 transfer	\$186.98
King Excavation	DD84 Main Open Repairs	\$2,320.00
DD North 15	DD 7 Main Tile Mitigation	\$56,000.00
Jacobson-Westergard & Assoc	DD 7 Main Tile Eng Exp	\$512.50
DD North 15	DD 7 Lat 3 Tile Mitigation	\$20,000.00
Jacobson-Westergard & Assoc	DD 7 Lat 3 Tile Eng Exp	\$614.30
Jacobson-Westergard & Assoc	DD 48 Lat 3 Tile Eng Exp	\$453.70
Jacobson-Westergard & Assoc	DD 29 Lower Main Tile Eng Exp	\$47.50
Jacobson-Westergard & Assoc	DD 29 Lat 7 Tile Eng Exp	\$902.80
Jacobson-Westergard & Assoc	DD 29 Lat 10 tile Eng Exp	\$1,041.80
Goodwin Law Office	DD 80 Lower Main Atty Fees	\$66.00

Motion by Graettinger, seconded by Wirtz to adjourn. Motion Carried.

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Craig Merrill, Chairman

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Carmen Moser, County Auditor