

Courthouse
Emmetsburg Iowa
June 21st, 2016, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Linus Solberg, Chair; Ron Graettinger, Craig Merrill, Ed Noonan. Absent: Keith Wirtz. Present: Peter Hart, County Attorney; Bob Cozine, Cindy Magee, Kevin Banwart, Ray Grandstaff, Sandi Chapman, Lee Frederick, Cathy Haviland, Mary Cooper, Dan McCain, Pat Joyce, Karen Brown, Bob Wentzel, Mike Wentzel, Aaron Steffen, Rick Elbert.

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

Motion by Noonan, seconded by Graettinger to approve agenda for June 21st, 2016. Motion Carried.

Motion by Graettinger, seconded by Noonan to approve minutes for June 13th & 14th, 2016. Motion Carried.

Motion by Graettinger, seconded by Noonan to levy Drainage District 167 for 80% of the original assessment for \$6,608.20 for September 1, 2016. Motion carried.

Motion by Merrill, seconded by Noonan to cancel the levy on DD 7 Main Open for September 1, 2016. Motion Carried.

Penny Murphy, General Assistance, met with the Board to give an update on the number of calls received and persons requesting assistance.

Keith Wirtz was present by telephone conference when the Board considered the resolution relinquishing right of re-entry or reverter & authorizing issuance of quit claim deed to Horizon's Unlimited for real estate located in Section 31 of Freedom Township.

Motion by Merrill seconded by Noonan to introduce and approve Resolution No. 6-21-2016 relinquishing right of re-entry or reverter & authorizing issuance of quit claim deed in furtherance thereof.

Ayes: Merrill, Noonan, Wirtz, Graettinger, Solberg.

Nays: none

Resolution passed.

RESOLUTION NO. 6-21-2016

RESOLUTION RELINQUISHING RIGHT OF RE-ENTRY OR REVERTER AND AUTHORIZING ISSUANCE OF QUIT CLAIM DEED IN FURTHERANCE THEREOF

WHEREAS, in 1991 Palo Alto County conveyed the real estate described as:

A part of the fractional Southwest Quarter of the Northwest Quarter (Fr¹ SW¹/₄ NW¹/₄) of Section Thirty-one (31), Township Ninety-six (96) North, Range Thirty-two (32) West of the 5th P.M., Palo Alto County, Iowa, more specifically described as follows: Commencing at the northwest corner of said Section 31, at a distance of 10.24 feet west of the centerline of Iowa Highway 4, thence South 0° 00' East along the West line of said Section 31 a distance of 1308.8 feet, thence North 89° 45.6' East a distance of 100.43 feet to a point on the east right of way line of Iowa Highway 4, which point is the point of beginning of the tract to be conveyed; thence North 89° 45.6' East a distance of 552.27 feet, thence South 0° 14.8' West a distance of 475.87 feet; thence South 89° 45.6' West a distance of 547.75 feet

to a point on the East right of way line of Iowa Highway 4, thence North 0° 2.3' East along said East right of way line a distance of 175.87 feet, thence Northerly along said East right of way line and along a 16,627.5 foot radius curve, concave westerly and tangent at its beginning to the preceding course, a distance of 300.00 feet to the point of beginning, containing 6.000 acres, more or less. Note: The West line of the Northwest Quarter of said Section 31 is assumed to bear due North & South.

To Horizons Unlimited of Palo Alto County, Inc., in part to “generate jobs, and reduce population loss from Palo Alto County and strengthen the economy of all of Palo Alto County;” and

WHEREAS, at the time of said conveyance from the County to Horizons, the county retained a Right of Re-Entry or Reverter with respect to the real estate; and

WHEREAS, the right of Re-Entry or Reverter with respect to the real estate was conditioned upon the “dissolution of Horizons;” and

WHEREAS, the record of those retained rights now creates a cloud upon the title of the real estate which is in the process of being conveyed by Horizons; and

WHEREAS, the present conveyance of the real estate by Horizons to an existing local business for expansion will further effectuate the purposes of the original conveyance from the County to Horizons as above stated; and

WHEREAS, in order for such conveyance to take place, the real estate must be free from any County claimed Right of Re-Entry or Right of Reverter; and

WHEREAS, a Quit Claim Deed is attached hereto and by this reference made a part hereof, and it is the appropriate document for the County to effectuate the relinquishment;

NOW THEREFORE, BE IT RESOLVED to further accomplish the originally stated purpose, to “generate jobs, and reduce population loss from Palo Alto County and strengthen the economy of all of Palo Alto County;” the Palo Alto County Board of Supervisors hereby relinquishes any and all retained Right of Re-Entry or Right of Reverter in the subject real estate and authorizes the Chairperson of the Board to Execute and the County Auditor to Attest to execute the Quit Claim Deed in favor of Horizons Unlimited of Palo Alto County, Inc.

PASSED, APPROVED AND ADOPTED by the Palo Alto County Board of Supervisors on this 21st day of June, 2016.

/s/ LJ Solberg
Linus Solberg, Chairperson

ATTEST:

/s/ Carmen Moser
Carmen Moser, Palo Alto County Auditor

CERTIFICATE

STATE OF IOWA)
) ss:
COUNTY OF PALO ALTO)

I, Carmen Moser, the duly elected Auditor of Palo Alto County, Palo Alto County, Iowa, do hereby certify that the copy of Resolution No. 6-21-2016 of the Palo Alto County Board of Supervisors, Palo Alto County, Iowa, hereto attached, is a true and correct copy of a Resolution duly adopted by the Board of Supervisors at a regular meeting held on the 21st day of June, 2016, at which meeting a quorum was present, all of which appears in the official record of the Palo Alto County Board of Supervisors.

/s/Carmen Moser
Palo Alto County Auditor

Motion by Noonan, seconded by Merrill to approve quit claim deed to Horizons Unlimited of Palo Alto County. Motion Carried.

Ray Grandstaff met with the Board to get an update on the windmill ordinance and concerns with drainage tile.

Walter Davis-Oeth, County Engineer, met with the Board. Walter gave an update on road construction projects and bridge projects. Walter informed the Board of the resignation of Pat Madsen as Shop Foreman. The Board gave verbal agreement to advertise to fill the position.

Motion by Graettinger, seconded by Merrill to introduce and approve the following Resolution 6-21-2016 (A) for appropriations for FY2017. Ayes: Merrill, Noonan, Graettinger, Solberg. Absent: Wirtz. Nays: none. Resolution passed.

Resolution 6-21-2016 (A)

SECTION 1

BE IT RESOLVED BY THE BOARD OF SUPERVISORS of Palo Alto County that they hereby appropriate from the resources of each fund for each of the different officers and departments for the fiscal year beginning July 1, 2016 and in accordance with Section 331.434, Sub. 6, 2015 Code of Iowa, the amounts itemized by department or office as listed below:

General Basic and General Supplemental Fund

<u>Dept. Code</u>	<u>Department</u>	<u>Appropriations</u>
1	Board of Supervisors	\$ 261,963
2	Auditor	\$ 279,701
	Elections	\$ 70,591
3	Treasurer	\$ 209,495
	Vehicle	\$ 209,713
4	Attorney	\$ 350,659
5	Sheriff	\$ 757,795
7	Recorder	\$ 175,317
21	Veterans Affairs	\$ 71,149
22	Conservation Board	\$ 525,348
23	Health Board	\$ 172,396
25	Social Services	\$ 62,075
27	Dept. of Human Service Adm.	\$ 4,100
28	Medical Examiner	\$ 25,000
29	Correctional Services	\$ 298,491
30	Court Administration	\$ 7,100

31	District Court	\$ 14,010
37	Communications Center	\$ 317,127
51	General Services-Courthouse	\$ 97,570
52	Data Processing	\$ 55,100
54	General Services-Annex	\$ 14,400
55	General Services-Annex II	\$ 11,600
56	Economic Development	\$ 40,000
60	Mental Health Administration	\$ 22,500
61	Juvenile Justice	\$ 28,500
74	Zoning & Sanitation	\$ 85,312
99	Non-Departmental	
	Emergency Management	\$ 15,510
	Lake Restoration	\$ 10,000
	Fairgrounds	\$ 37,000
	Services to the Elderly	\$ 28,100
	Discovery House	\$ 2,000
	Flood & Erosion Contr. Struct.	\$ 13,325
	GIS	\$ 18,000
	Township Officers	\$ 2,700
	Other Policy & Adm.	\$ 74,300
	General Services	\$ 30,000
	Capital Projects	\$ 47,000
	Insurance	\$ 119,940
MH-DD Services Fund		
60	Mental Health Adm.	\$ 466,104
Palo Alto Economic Development		
56	Economic Development	\$ 44,177
Rural Services Basic Fund		
73	IRVM	\$ 144,998
99	County Library	\$ 76,000
71	Solid Waste Disposal	\$ 448,549
05	Sheriff	\$ 149,083
99	Economic Development	\$ 35,250
99	Insurance- Secondary Roads	\$ 80,000
Recorders Management Fund & Elect. Trans. Fund		
07	Recorder	\$ 5,500
County Attorney Collections Fund		
04	Attorney	\$ 2,000
Secondary Road & Rural Services Basic Fund		
20	County Engineer	\$5,001,674
	Capital Projects (Roadway Const.)	\$ 780,767
	Total	\$5,782,441
Secondary Road Capital Projects Bond Fund		\$2,197,523
R.E.A.P. (Resource Enhancement & Protection)		
22	County Conservation	\$ 11,383
Debt Service Fund		
99	Non-Departmental:	
	Principal	\$ 1,670,000
	Interest	\$ 216,621
	Total	\$ 1,886,621
Health Insurance Fund		

99	Non-Department	\$1,248,768
Special Revenue Fund		
05	Sheriff Reserve	\$ 3,800
05	Sheriff Investigations	\$ 1,149
32	Jail Room and Board	\$ 8,000

SECTION 2

Subject to the provisions of other county procedures and regulations and applicable State laws, the appropriations authorized shall constitute authorization for the department or office listed to make expenditures or incur obligations from the itemized fund effective July 1, 2016.

SECTION 3

In accordance with Section 331.437, 2015 Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures or monies for any purpose in excess of the amounts appropriated pursuant to this Resolution.

SECTION 4

If at any time during the 2016-2017 budget year the County Auditor shall ascertain that the available resources of a fund for the year will be less than said funds total appropriations, he/she shall immediately so inform the Board of Supervisors and recommend the appropriate corrective action.

SECTION 5

The County Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of appropriations, the amounts charged thereto, and the unencumbered balance. The County Auditor shall report the status of such accounts to the applicable departments and officers monthly during the 2016-2017 budget year.

SECTION 6

The Board approves FY 2017 funding for Elderbridge, Regional Transit, Upper Des Moines Opportunity, Discovery House, and West Bend Historical Society and Five Island Lake Board.

SECTION 7

All appropriations authorized pursuant to this Resolution lapse at the close of business on June 30, 2017. The above Resolution was passed and adopted with all Supervisors voting aye in a roll call vote.

The above Resolution adopted by the Palo Alto County Board of Supervisors. Voting in favor thereof: Merrill, Noonan, Graettinger, Solberg. Absente: Wirtz.

The chairperson declared the Resolution duly adopted.

Motion by Merrill, seconded by Noonan to introduce and approve the following Resolution 6-21-2016 (B). Ayes: Merrill, Noonan, Graettinger, Solberg. Absent: Wirtz. Nays: none. Resolution passed.

RESOLUTION 6-21-2016 (B)

WHEREAS, it is desired to authorize the County Auditor to periodically transfer sums from the Rural Services Basic Fund to the Secondary Road Fund during the 2016-2017 budget year, and

WHEREAS, said transfers must be in accordance with Section 331.432 and 331.429, 2015 Code of Iowa,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Palo Alto County, Iowa as follows:

SECTION 1

That the total maximum transfer from the Rural Services Basic Fund to the Secondary Road Fund for the fiscal year beginning July 1, 2016 shall not exceed the sum of \$1,503,044.

SECTION 2

That within five days of being notified of the apportionment of current property taxes, delinquent tax, State replacements against levied property taxes, mobile home taxes, military services tax credit replacements to the Rural Services Basic Fund, the County Auditor shall order a transfer from said fund to the Secondary Road Fund.

SECTION 3

That the amount of the transfer required by Section 2 shall be equal to the apportionment made under Section 2 to the Rural Services Basic Fund, respectively, multiplied by the ratio of .76044 of the said funds total maximum transfer to the Secondary Road Fund, to the sum of the said funds total current property tax levy, total delinquent tax, total mobile home taxes and total military service tax credit replacements.

SECTION 4

That notwithstanding the provisions of Section 2 & 3 of this Resolution the total transfers to the Secondary Road Fund shall not exceed the amounts specified in Section 1.

SECTION 5

That notwithstanding the provisions of Section 2 & 3 the amount of any transfer shall not exceed available fund balances in the transferring fund.

SECTION 6

That the Auditor is directed to correct his/her books when said operating transfers are made and to notify the County Treasurer and County Engineer of the amounts of said transfers.

The above Resolution was passed and adopted by the Palo Alto County Board of Supervisors. Voting in favor thereof: Merrill, Noonan, Graettinger, Solberg. Absent: Wirtz.

The Chairperson declared the Resolution duly adopted.

The Board review quotes received for updating the cabling at the Courthouse. Quotes were received from River Valley Telecommunications Coop, KW Electric Inc., and Midwest Technologies Services, LLC.

Committee Reports: Ed Noonan—Central Iowa Detention.

Motion by Graettinger, seconded by Noonan to adjourn.