

Courthouse
Emmetsburg, Iowa
October 1st, 2019, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Craig Merrill, Chair; Roger Faulstick, Linus Solberg, Keith Wirtz, Ron Graettinger.

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

Motion by Faulstick, seconded by Graettinger to approve the agenda for October 1st, 2019. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve the minutes for September 24th, 2019. Motion Carried.

Lisa Black, General Assistance, met with the Board by conference call to give an update on General Assistance requests for assistance.

Aletha King, Zoning, met with the Board. The Board considered Resolution No. 10-1-2019 for approval of waiver for waiting period for Eric Bruhn permit.

Motion by Graettinger, seconded by Wirtz to introduce and approve the following Resolution No. 10-1-2019. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Resolution Passed.

RESOLUTION NO. 10-1-2019

Palo Alto County Board of Supervisors

APPROVAL OF WAIVER OF PALO ALTO COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

- Section 1. The Palo Alto County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Eric Bruhn has been issued a draft permit for the construction of a confined animal feeding operation building (s) at 3023 540th Ave, Cylinder in unincorporated Palo Alto County.
- Section 2. The Palo Alto County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on 9-24-2019.
- Section 3. The Palo Alto County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.
- Section 4. The Palo Alto County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.
- Section 5. The Palo Alto County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.
- Section 6. This resolution shall take effect immediately.

Motion by Ron Graettinger, 2nd by Keith Wirtz to approve Resolution No. 10-1-2019. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Resolution Passed.

/s/Craig Merrill, Chair

/s/Carmen Moser, Auditor

Motion by Solberg, seconded by Graettinger to approve a watershed septic grant application for Scott Luiken. Motion Carried.

Motion by Wirtz, seconded by Graettinger to approve a watershed septic grant application for Daniel and Madelyn Beazley. Motion Carried.

No one was present for public comment.

Walter Davis-Oeth, County Engineer, met with the Board. Walter updated the Board on road projects. Walter has requested a quote for the 17th Street potholes on the west end. Walter continues to work with the City of Emmetsburg regarding 17th Street.

Kyle Kuepker, Pro-Coop CEO, met with the Board to discuss road by Ayrshire.

Present: Shelley Salton, Deb Theesfeld, Marilyn Noonan, Mary Greene, Michael J. Garrelts, Ed Noonan, Monty Leu, Dennis Hansen, Ryan Hoffman, Joe Hoffman, Don Hoffman, Dave Kassel, Susan Sikora, Bryan Sundall, Eben S. Salton, Mark Sikora, E. Leo Stephas.

Kyle Kuepker, Pro-Coop, explained to the Board the importance of paving west 420th Street and the benefits of Pro-Coop to the economy and Palo Alto County. Any one present was given an opportunity to speak. Craig Merrill, Chair, explained that Walter, County Engineer, has presented an estimate of \$2.7 million for the road and the Board is looking at all the options because they will need to decide on West 420th Street. There was discussion on safety concerns, the costs of mitigation on the CREP site, and alignment of 420th Street. No action taken.

The Board held a conference call with Renee VonBokern, VonBokern Associates, regarding Sheriff Association bargaining unit.

Motion by Solberg, seconded by Wirtz to go into Closed Session at 9:49 a.m. per Iowa Code Section 21.5 (1)(c). Ayes: Wirtz, Solberg, Faulstick, Merrill, Graettinger. Motion Carried.

The Board exited closed session at 10.01 a.m.

The Board held a conference call with Bob Goodwin, Attorney for Drainage District No. 180 Lateral 1 Tile.

Motion by Faulstick, seconded by Wirtz to go into Closed Session at 10:02 a.m. per Iowa Code Section 21.5 (1)(c). Ayes: Wirtz, Solberg, Faulstick, Merrill, Graettinger. Motion Carried.

The Board exited closed session at 10:44 a.m.

Motion by Graettinger, seconded by Faulstick to set public hearings to consider rezoning of 6.7 acres "A-C", Agricultural-Conservation acres in Section 29 of Freedom Township as follows:

Motion Scheduling Public Hearings

A MOTION SETTING PUBLIC HEARING(S) TO CONSIDER REZONING 6.7 "A-C" Agricultural-Conservation ACRES in Section 29 Township 96 North Range 32 West of the 5th Principal Meridian in Palo Alto County which parcel is parallel to US Highway 18 and is adjacent / contiguous to the Eastern boundary of the City of Emmetsburg

WHEREAS, the Palo Alto County Planning and Zoning Commission met in regular session at 7:00 pm on Sept. 23rd, 2019 in the Palo Alto County Courthouse and approved the request to rezone 6.7 "A-C", Agricultural-Conservation District Acres and to change the classification of this parcel to "C" Commercial District at the request of Shayne Kogel on behalf of Ann Stillman; and,

WHEREAS, upon being informed of the approval of the Planning and Zoning Commission action on Sept. 23rd, 2019, the Palo Alto County Board of Supervisors met and at their next regularly scheduled Meeting of the Palo Alto County Supervisors on Sept. 24th, 2019 agreed to schedule the public hearings to consider amending and rezoning Palo Alto County's Zoning Map regarding the 6.7 "A-C" Acres from Agricultural-Conservation to "C" Commercial Districts; and,

WHEREAS, the 6.7 acres are legally described in the (attached) survey which plat of survey which has now been placed of record in the Palo Alto County Recorder's Office; and,

WHEREAS, Iowa Code 331.305 requires publishing notice of the public hearing at least once, not less than four (4) days or more than twenty (20) days before the date of the request for a rezoning hearing in one or more newspapers; and,

WHEREAS, Iowa Code 331.302.6(a) requires the proposed amendment to be considered and voted on for passage at two meetings of the board of supervisors prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than a majority of the board of supervisors; and,

NOW THEREFORE, BE IT RESOLVED following review, consideration and discussion, that the Supervisors determine to schedule and to publish the necessary hearings to accomplish this change of zoning from "A-C" Agricultural Conservation and in its place substitute the "C" Commercial District; and, that three (3) hearings shall be scheduled for the adoption of the proposed rezoning of the 6.7 acres in question; and,

NOW, THEREFORE, BE IT FURTHER RESOLVED the Palo Alto County Board of Supervisors hereby sets the first of three public hearings to rezone the above identified 6.7 acres on October 15th, 2019 at 8:15 am and further sets the second of three hearings on October 22nd, 2019 at 8:15 am and further sets the third of three hearings on October 29th, 2019. The Palo Alto County Auditor shall cause a copy of this motion to be placed of record with the official newspapers of general circulation in compliance with Iowa Code 331.305 at least once, not less than four (4) days or more than twenty (20) days before the date(s) of the request for a rezoning hearing.

ADOPTION

Supervisor Ron Graettinger therefore moves for the approval and passing of the resolution setting this matter for public hearing(s).

Supervisor Roger Faulstick seconded the motion to adopt the resolution.

THE RECORDED VOICE VOTE WAS MADE:

Keith Wirtz ___aye_____

Ron Graettinger ___aye_____

Roger Faulstick ___aye_____

Craig Merrill ___aye_____

Linus Solberg ___aye_____

Passed and approved this 1st day of October, 2019.

MOTION CARRIED, PUBLIC HEARINGS ON THE REZONING REQUEST ARE NOW SET FOR Oct. 15th, 2019, Oct. 22nd, 2019 and Oct. 29th 2019.

/s/Craig Merrill, Chairperson,
Palo Alto County Board of Supervisors

Attest:

/s/Carmen Moser

Palo Alto County Auditor

Motion by Wirtz, seconded by Faulstick to set the Completion Hearing dates for Drainage District 19 and Drainage District 47 for October 22nd, 2019, at 9:00 a.m. for Drainage District 19 and 10:00 a.m. for Drainage District 47. Motion Carried.

Committee Reports: Solberg—Iowa Natural Heritage Foundation, IDDA meeting; Faulstick—RIDES, Iowa Workforce Development; Wirtz—Season's meeting.

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

Craig Merrill, Chairman

Carmen Moser, County Auditor