

Courthouse
Emmetsburg, Iowa
October 29th, 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. Present: Peter Hart, County Attorney; Aletha King, Zoning.

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 Wirtz to approve the agenda for October 29th, 2019. Motion Carried.

Motion by Graettinger, seconded by Solberg to approve the minutes for October 22nd, 2019. Motion Carried.

Motion by Graettinger, seconded by Faulstick to set public hearings to consider Rezoning 3.99 acres from "A-C" Agricultural Conservation to "C" Commercial in Section 29, Freedom Township. Motion Carried.

Motion Scheduling Public Hearings

A MOTION SETTING PUBLIC HEARING(S) TO CONSIDER REZONING 3.99 "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 at the request of Shayne Kogel on behalf of Ann Stillman, the Commission approved the request to rezone 3.99 "A-C", Agricultural-Conservation District Acres and to change the classification of this parcel to "C" Commercial District, legally described as follows:

LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 96 NORTH, RANGE 32 WEST OF THE 5TH P.M., PALO ALTO COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest corner of said Section 29; thence North 89 degrees 33 minutes 17 seconds East, along the north line of the Northwest Quarter of said Section 29, a distance of 992.08 feet; thence South 00 degrees 26 minutes 50 seconds East, a distance of 70.00 feet to a point on the south right-of-way line of Iowa Primary Road No. U.S. 18 and the northeast corner of a parcel of land defined by Plat of Survey recorded in Office of the Palo Alto County Recorder in Book 2006 Page 71 said point being the point of beginning; thence continuing South 00 degrees 26 minutes 50 seconds East, along the east line of said parcel, a distance of 289.95 feet to the southeast corner of said parcel; thence North 89 degrees 33 minutes 17 seconds East, parallel with the north line of the Northwest Quarter of said Section 29, a distance of 600.00 feet; thence North 00 degrees 26 minutes 50 seconds West, parallel with the east line of said Parcel, a distance of 289.95 feet to said southern right-of-way line of Iowa Primary Road No. U.S. 18; thence South 89 degrees 33 minutes 17 seconds West, along said southerly right-of-way line, a distance of 600.00 feet to the point of beginning.

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 and agreed to schedule the public hearings to consider amending and rezoning Palo Alto County’s Zoning Map regarding the 3.99 “A-C” Acres from Agricultural-Conservation to “C” Commercial Districts; and;

WHEREAS, the 3.99 acres are legally described in the attached survey; 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 MOVED that 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 3.99 acres legally described above.

NOW, THEREFORE, BE IT FURTHER MOVED that the Palo Alto County Board of Supervisors hereby sets the first of three public hearings to rezone the above identified 3.99 acres on the 12th day of November, 2019 at 8:15 am and further sets the second of three hearings on the 19th day of November, 2019 at 8:15 am and further sets the third of three hearings on the 26th day of November, 2019 at 8:15 am. 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.

Supervisor Ron Graettinger therefore moves for scheduling the hearing(s) for rezoning the above described 3.99 “A-C”, Agricultural-Conservation District Acres and to change the classification of these 3.99 acres to “C” Commercial District.

Supervisor Roger Faulstick seconded the motion to schedule the hearing(s) for the proposed rezoning of these 3.99 acres “A-C”, Agricultural-Conservation District Acres changing the classification of these 3.99 acres to “C” Commercial District..

THE RECORDED VOICE VOTE WAS MADE:

Keith Wirtz __aye_____

Ron Graettinger _aye_____

Roger Faulstick __aye_____

Craig Merrill __aye_____

Linus Solberg __aye_____

Motion passed and hearings scheduled this 29th day of October, 2019.

MOTION CARRIED.

/s/Craig Merrill

Chairperson, Palo Alto County Board of Supervisors

Attest: /s/Carmen Moser

Palo Alto County Auditor

No one was present for public comment.

Randy VanDyke, Iowa Lakes Regional Water, and Kelly Graplar, met with the Board to discuss utility ROW application for Osgood Project. Randy presented to the board the history of Iowa Lakes Regional Water and discussed the Osgood water source project. Randy requested ROW application for Osgood project when voluntary easements are not able to be acquired. They intend to acquire 70% to 80% of voluntary easements. The project will be let in 2020 and operational in 2021.

Motion by Graettinger, seconded by Faulstick to approve a letter of intent to use ROW easements for the Osgood project. Motion Carried.

Walter Davis-Oeth, County Engineer, met with the Board.

Motion by Graettinger, seconded by Faulstick to approve FM-CO74(107)-55-74, B63 overlay project with engineer's estimate at \$1,367,111.23, for 3.9 miles of overlay. Motion Carried.

Walter discussed the EWP grant and the West Fork of the Des Moines river stabilization at Flynn Bridge. Walter has met with NRCS representatives to discuss a project to re-establish the river bank and stabilization. Walter will proceed with paper work and contact Rick Hopper, Jacobson-Westergard to discuss further.

Aimee Deveuraux, Environmental Health, met with the Board.

Motion by Faulstick, seconded by Wirtz to approve a watershed septic grant application for Gary G. Weishaar. Motion Carried.

Motion by Faulstick, seconded by Graettinger to approve a watershed septic grant application for Susan Sampson. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve the completion of a watershed septic grant for \$5,000 to Travis Rouse. Motion Carried.

Stacie Timmer, Elderbridge, met with the Board to present the annual report and budget request for FY21. Present: Maureen Sandberg. The budget request for FY21 is \$7,579.

Devona Perkins, Fair Board, met with the Board to discuss future buildings at the fairgrounds. Present: Bert Naig, Lori Wickman, Diane Nelson, Phillip Schmitt; Bryan Whaley, ISU Extension.

Devona informed the Board that the Extension Council had approached the fair board about selling a piece of ground to the Extension Council for building an office at the fairgrounds. They were present to initiate the conversation and also have the board informed.

Committee Reports: Roger Faulstick: Iowa Work Force Development; Jail Committee; Craig Merrill: Northwest Iowa Care Connections; Linus Solberg: Jail Committee.

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

Craig Merrill, Chairman

Carmen Moser, County Auditor