

Courthouse
Emmetsburg, Iowa
November 19th, 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 November 19th, 2019. Motion Carried.

Motion by Wirtz, seconded by Graettinger to correct the minutes of November 12th, 2019, as follows "to approve allowing Mike Farris to pay the current taxes and tax sale certificate from 2013 without interest". Motion Carried.

Motion by Faulstick, seconded by Wirtz to approve the corrected minutes for November 12th, 2019. Motion Carried.

Motion by Graettinger, seconded by Faulstick to approve a handwritten warrant for \$51,959.24. to HBW, Inc. for insurance for Secondary Roads Department. Motion Carried.

Motion by Faulstick, seconded by Wirtz to approve hiring Claude Thayer for the Custodian/Maintenance Position with an annual salary of \$37,440 effective December 9th, 2019. Motion Carried.

The Board considered Resolution No. 11-19-2019, to rezone 3.99 A-C Agricultural-Conservation acres in Section 29, Township 96 North, Range 32, to "C" Commercial. Present: Peter C. Hart, County Attorney, by conference call. Present: Shayne Kogel, Dan Cooper, Nick Steinkamp, Mike Hermansen, Aletha King Kim Kibbie.

RESOLUTION NO. 11-19-2019

A RESOLUTION TO REZONE 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 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 voted to recommend rezoning 3.99 "A-C", Agricultural-Conservation District Acres and recommended change in classification to 3.99 "C", Commercial District at the request of Shayne Kogel on behalf of Ann Stillman, 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.

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 at their next regularly scheduled Meeting of the Palo Alto County Supervisors on Sept. 24th, 2019 and moved to schedule the public hearings to consider amending and rezoning Palo Alto County's Zoning Map regarding the above described 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 required published notice of a 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 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, on November 12th, 2019 and again on November 19th, 2019 the Supervisors determine to approve this requested change of zoning for 3.99 acres from "A-C" Agricultural Conservation and in its place substitute the "C" Commercial District. Northwest Iowa Planning and Development Commission on Nov. 14th, 2019 approved this proposed rezoning. The Supervisors specifically FIND that approval of this rezoning request provides "sufficient space in appropriate locations for the normal business and commercial uses required to serve the unincorporated county and is located particularly along the major thoroughfare of Highway 18." and,

NOW that the first reading was accomplished on November 12th, 2019, and the second reading and the third public reading of the proposed request for zoning amendment has been scheduled and have been published in an official newspaper of general circulation, the Supervisors FURTHER RESOLVE that the necessity of holding the optional second and third public hearings should be and are hereby waived, and hereby proceed to address the request for zoning change.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Palo Alto County Board of Supervisors hereby rezone the above identified 3.99 acres from "A-C" Agricultural Conservation and in its place substitute the "C" Commercial District classification.

The Palo Alto County Auditor is directed to cause this resolution changing the zoning classification from "A-C" Agricultural Conservation and substituting the "C" Commercial District for these 3.99 acres and the accompanying plat to be placed of record in miscellaneous records or other book provided for special records and then indexed in the Palo Alto County Recorder's office and provided to the Office of the Zoning Administrator for Palo Alto County.

ADOPTION

Supervisor Ron Graettinger therefore resolves to waive the second and third readings for the proposed rezoning of these 3.99 acres and further resolves for the approval and passing of the resolution.

Supervisor Roger Faulstick seconded the resolution to waive the second and third readings for the proposed rezoning of these 3.99 acres and further resolves for the approval and passing of the resolution. motion to adopt the resolution.

RECORDED VOICE VOTE TO WAIVE THE 2ND AND 3RD READINGS OF THE REQUEST FOR ZONING CHANGE FROM “A-C” District to “C” Commercial.

Keith Wirtz __Nay_____
Ron Graettinger __Aye_____
Roger Faulstick __Aye_____
Craig Merrill __Aye_____
Linus Solberg __Aye_____

Motion by Ron Graettinger, seconded by Roger Faulstick to pass
RESOLUTION AND VOICE VOTE TO ADOPT THE PROPOSED RESOLUTION
WAS MADE:

Keith Wirtz __Aye_____
Ron Graettinger __Aye_____
Roger Faulstick __Aye_____
Craig Merrill __Aye_____
Linus Solberg __Aye_____

RESOLUTION TO CHANGE ZONING FROM “A-C” TO “C” COMMERCIAL
DISTRICT ADOPTED.

Passed and approved this __19th__ day of _November , 2019.

/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.

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

Motion by Solberg, seconded by Wirtz to approve the bridge inspection contract for FY2020, FY2021 with Kirkham, Michael, & Assoc. Motion Carried.

Walter discussed with the Board to receive a county credit card for Secondary Roads Department.

Motion by Graettinger, seconded by Wirtz to approve plans for BRS-CHBP-C074(105)—GB-74. Booth 48 Bridge Replacement. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve Federal Aid Funding Agreement for Competitive Highway Bridge Program for BRS-CHBP-CO74(105)-GB-74 for \$243,059. Motion Carried.

Motion by Solberg, seconded by Faulstick to approval of plans for L-B(EB19)—73-74 Emmetsburg 19 Bridge Replacement. Motion Carried.

Walter and the Board discussed snow removal for cemeteries. Walter will notify the cemeteries regarding marking location of driveways and to give a day notice to Secondary Roads Department for snow removal.

Walter and the Board discussed mailboxes. Walter reviewed the snow ordinance which includes paying for mailboxes up to \$50 when hit by a snowplow, but not for snow/ice damage.

Motion by Wirtz, seconded by Faulstick to go into Closed Session per Iowa Code Section 21.5 (1)(k) at 9:16 a.m. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Motion Carried.

The Board exited closed session at 9:25 a.m.

Motion by Graettinger, seconded by Solberg to authorize County Engineer to hire an additional equipment operator. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve the 2nd-tier canvas for the City/School election held on November 5th, 2019. Motion Carried.

The Board held conference call with Kossuth County to approve the bid for PA&K 1 Main Open Ditch.

Motion by Kyle Stecker, seconded by Ron Graettinger to approve the low bid to Cory Juergens Construction LLC for \$1,545,770 and to authorize Kossuth County Chairman to sign contract documents. Palo Alto Board: Ayes--all. Kossuth County Board: Ayes--all. Motion Carried.

Motion by Solberg, seconded by Wirtz to reappoint Dr. Frank Veltri to the Board of Health for a 3-year term to expire on December 31, 2022. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve \$5,000 to Regis Hoffman for completion of watershed septic grant. Motion Carried.

Committee Reports: Craig Merrill—NW Iowa Care Connections; Linus Solberg—Gaming board; Roger Faulstick—Iowa Workforce Development.

Motion by Solberg, seconded by Graettinger to introduce and approve Resolution #11-19-19 (A) to Revise the Palo Alto County 2020 five-year construction program to account for federal aid funding. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Resolution Passed.

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

Craig Merrill, Chairman

Carmen Moser, County Auditor