

Courthouse
Emmetsburg, Iowa
March 10, 2020, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Roger Faulstick, Chair; Craig Merrill, Ron Graettinger, Keith Wirtz, Linus Solberg. Present: Peter Hart, County Attorney; Jordan Morey, Auditor's Office; Aletha King, Zoning; Lynn Shultes, Sheriff.
Present: Darrell Hunt, Kent Krause, Mark Hobert, Mark Zaccone, Vickie Eglund, Greg Eglund, Bertha Mathis, Ryan Veldboom, Bill Burdick, Bert Naig, Jim Kuecker, Dale Opheim, Linda Thilges, Craig Brownlee, Aaron Opheim, Dean Gunderson, Kim Kibbie.

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

Motion by Graettinger, seconded by Merrill to approve the agenda for March 10, 2020. Motion Carried.

Motion by Wirtz, seconded by Merrill to approve the minutes for March 3, 2020. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve the Recorder's monthly report for February, 2020. Motion Carried.

Aimee Devereaux, Environmental Health, met with the Board. Aimee presented septic grant applications for several landowners.

Motion by Merrill, seconded by Wirtz to approve the following septic grant applications for: Jean & Donald Hyslop, Georgia Elbert, Valerie DeBoom, Joe Henley, Rose Meredith, Ruby Besch, Dennis Herscher, Angelene Moser, Danny Hutchinson, and Sue Kuhn. Motion Carried.

Bertha Mathis was present for public comment. Betha asked the Board to consider a moratorium on wind energy and asked the Board if they had made a settlement with the casino regarding Drainage District 180. The Board said that is strictly a rumor.

Aletha King, Zoning, met with the Board. Applications were recommended for approval by the Zoning Board and all meet the Good Neighbor Policy.

Motion by Solberg, seconded by Wirtz to approve a conditional use permit and master matrix for Mark Hobart in Section 27, of Vernon Township. Motion Carried.

Motion by Graettinger, seconded by Merrill to approve a conditional use permit and master matrix for Basil Finisher Farm in Section 18, of Fern Valley Township. Motion Carried.

Motion by Wirtz, seconded by Solberg to approve a conditional use permit for GEVE LLC in Section 5, Nevada Township. Motion Carried.

The Board held a conference call with John Danos, Attorney with Dorsey and Whitney, and Travis Squires, Piper Sandler, to discuss wind turbines and tax increment financing.

Travis presented summary information for Palo Alto County wind turbine valuations. John explained the legalities regarding tax increment financing and the establishment or amendment of the county urban renewal plan. John explained the timeline to establish the urban renewal area and debt certification deadline. No action taken.

Motion by Graettinger, seconded by Merrill to set a public hearing for a CDBG Application for the City of Ruthven for March 24th, 2020, at 9:30 a.m. in the Courthouse Boardroom. Motion Carried.

The Board held a conference call with Sheila Tipton, Attorney, to discuss a solar ordinance in closed session per Iowa Code Section 21.5 (1) (C).

Motion by Graettinger, seconded by Wirtz to go into closed session at 10:16 a.m. per Iowa Code Section 21.5 (1)(C). Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Motion Carried.

The Board exited closed session at 10:27 a.m.

The Board considered a resolution to establish a temporary moratorium on solar energy. Mark Zaccone requested that the Board consider waiting till the end of the month. Dale Opheim stated that this is an opportunity for the county.

Motion by Keith Wirtz, seconded by Linus Solberg to introduce and approve the following Resolution 3-10-2020. Ayes: Faulstick, Solberg, Wirtz, Graettinger, Merrill. Resolution Passed.

RESOLUTION NO. 3-10-2020

A RESOLUTION TO ESTABLISH A TEMPORARY MORATORIUM ON THE CONSTRUCTION AND MAINTENANCE OF SOLAR ENERGY CONVERSION SYSTEMS AND RELATED ENERGY DEVICES IN PALO ALTO COUNTY

WHEREAS, the Palo Alto County Board of Supervisors are considering a Solar Stand Alone Site Plan Review and Approval Ordinance (Ordinance) for Palo Alto County; and,

WHEREAS, solar energy developers are circulating Solar Lease and Easement Agreements in Palo Alto County for the siting and construction of Solar Energy Conversion Systems (SECS) in Palo Alto County; and,

WHEREAS, Palo Alto County Board of Supervisors is considering the issues surrounding Solar Energy Conversion Systems being proposed in Palo Alto County, including the following points:

1. The uncertainty surrounding jurisdictional questions on siting S.E.C.S. either through the Iowa Utilities Board or under the Iowa Home Rule Authority in county-based zoning decisions; and,
2. The applicability of any Replacement Tax imposed on the **delivery** and the **generation** and the **transmission** of electricity applicable under of Iowa Code Chapter 437A (4) (6 & (7)); and,
3. The reduction of property tax revenue to the County upon construction of S.E.C.S. and the difference between electrical generation tax versus property taxes vis-a-vis SECS projects within Palo Alto County; and,
4. The potential impact of S.E.C.S. on the County's public infrastructure, including roads and drainage facilities; and,

WHEREAS, the Palo Alto County Board of Supervisors believes that above issues merit additional study to develop feedback and real-time solutions; and,

NOW THEREFORE, BE IT RESOLVED by the Palo Alto County Board of Supervisors following review, consideration and discussion, that the Supervisors have determined that a temporary moratorium on further development of S.E.C.S. should be utilized to allow further study and resolution of the above concerns.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Palo Alto County Board of Supervisors hereby adopts and issues a temporary moratorium for the longer of either 12 months or until the Iowa Legislature resolves the jurisdictional siting issues for S.E.C.S. and further resolves the Replacement Tax concerns under Iowa Code 437A, during which moratorium the County Board of Supervisors will delay adopting a solar energy conversion system ordinance.

All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

If any section, provision, or part of this resolution shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

ADOPTION

Supervisor Keith Wirtz therefore moves for the approval and passing of the resolution. Supervisor Linus Solberg 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 10th day of March, 2020.
MOTION CARRIED RESOLUTION ADOPTED.

/s/Roger Faulstick
Chairperson, Palo Alto County Board of Supervisors

Attest:/s/Carmen Moser
Palo Alto County Auditor

Rick Hopper, Jacobson-Westergard & Assoc. met with the Board to discuss Drainage District 162 and 24. Rick presented a cost estimates for 8 different options:

Option No. 1: 1/2" Drainage Coefficient, 6670 LF of Main Tile	\$474,747.25
Option No. 2: 1" Drainage Coefficient, 6670 LF of Main Tile	\$644,027.25
Option No. 3: 1/2" Drainage Coefficient 6670 LF of Main Tile w/ D.D. 24 Relief	\$668,102.25
Option No. 4: 1" Drainage Coefficient 6670 LF of Main Tile w/ D.D. 24 Relief	\$793,567.25
Option No. 5: 1/2" Drainage Coefficient, Full Length Main Tile	\$641,648.50
Option No. 6: 1" Drainage Coefficient, Full Length Main Tile	\$841,737.00
Option No. 7: 1/2" Drainage Coefficient, Full Length Main Tile w/ D.D. 24 Relief	\$834,785.00
Option No. 8: 1" Drainage Coefficient, Full Length Main Tile w/ D.D. 24 Relief	\$1,004,272.00

Motion by Solberg, seconded by Graettinger to set an informational meeting for Drainage District 162 and 24 for March 24, 2020, at 10:00 a.m. in the Courthouse Boardroom. Motion Carried.

Committee Reports: Craig—NW Iowa Care Connections; Keith Wirtz—safety/wellness meeting.

Motion by Solberg, seconded by Graettinger to approve the claims and drainage claims for March 10, 2020. Motion Carried.

General Basic Fund

Central Iowa Distributing Inc	Custodial Supplies	337.10
Cliff Christensen	Misc Expense	190.09
Clay County Sheriff	Legal & Ct-Related Servic	137.70
COVERT TRACK GROUP, INC.	Secret Investigations	814.00
CoZo Josh Busard	Educational/Training Serv	175.00
Aimee Kramer-Devereaux	Employee Mileage & Subs.	99.60
E-Pride	Stationery/Forms/Gen Ofc	88.03
Elderbridge Agency on Aging	Contrib to Other Gov & Or	3500.00
Electronic Specialties	Minor MV Parts & Access	226.85
Emmet Co Public Health	Stationery/Forms/Gen Ofc	55.00
E.M.U.	utilities	215.00
Emmetsburg Publishing Co.	Misc Expense	112.50
Fareway	Custodial Supplies	784.56
Graettinger Times	Board Proceedings	558.69
Peter C Hart	Educational/Training Serv	270.00
Vincent H. Heller	Bus	182.00
Ronald Hersom	Bus	50.00
Hildreth Company, Inc	Agricultural & Horticult.	3371.04
Hy-Vee Accounts Receivable	Food & Provisions	98.73
IA Dept of Transportation	Buildings	235.06
IA Law Enforcement Academy	Educational/Training Serv	200.00
IA State University	Educational/Training Serv	65.00
IACCVSO Floyd County Veterans	Misc Expense	60.00

Intoximeters Inc	Other	1185.00
IOWA NARCOTICS OFFICERS ASSOC	Educational/Training Serv	250.00
IA Office of State Medical Exm	Medical & Health Services	4175.00
Kesterson Investments, LLC	Rent Payments	125.00
Louscher Family Dentistry	Acute & Emergency Treat.	184.00
Mail Services, LLC	Postage & Mailing	291.48
ANDY MANWARREN	Agric/Hort. Services	150.00
Matt's Cleaning Service	Salary-Regular Employees	500.00
MEDIACOM LLC	Telecommunications Serv.-	936.40
MidAmerican Energy	electricity	100.00
MidAmerican Energy Co.	Agricultural & Horticult.	8278.53
Carmen Moser	Employee Mileage & Subs.	50.00
MPH INDUSTRIES, INC	Other	1999.00
Northwest Communications	Equipment	23.75
Palo Alto Co Comm Health Ser	Board of Health	3513.56
Palo Alto Co Fair Assn	Contrib to Other Gov & Or	600.24
Palo Alto Co Sec Road	Fuels	2174.64
Palo Alto Co Sheriff	Legal & Ct-Related Servic	225.00
Palo Alto County Public Health	Other	36500.00
QS LAWN AND PEST, LLC	Buildings	125.00
Quill Corporation	Stationery/Forms/Gen Ofc	45.67
Regional Trans.Authority	Contrib to Other Gov & Or	1800.00
River Valley Telecommunication	Electric Light & Power	64.80
Ruthven Zipcode	Official Pub & Legal Noti	44.97
City of Ruthven	Utilities Payments	100.00
SLASH POINT SALES	Office & Data Processing	54.95
HOWARD SMITH	Bus	149.00
Bob Subbert	Animal Bounties & Apiaris	150.00
Swanson Hardware	Buildings	250.25
U.S. Bank Equipment Finance	Photocopy & Dup. Serv.	166.30
U.S. Postal Service	Postage & Mailing	120.00
Upper Des Moines Opp.Inc.	Contrib to Other Gov & Or	9500.00
Verizon Wireless	Telecommunications Serv.-	320.36
VISA	Dues & Memberships	588.02
Von Bokern Associates, Inc	Consultants	5200.00
Wells Fargo Financial Leasing	Contract Carriers	92.00
West Bend Ford	Minor MV Parts & Access	948.28
West Bend Journal	Official Pub & Legal Noti	99.27
Windstream	phone	908.88
<u>Rural Services Basic Fund</u>		
E-Pride	Stationery/Forms/Gen Ofc	14.93
Emmetsburg Library	Contrib to Other Gov & Or	363.26
Graettinger Library	Contrib to Other Gov & Or	154.39
KRISTAT AUTO PARTS LLC	Miscellaneous Repair	14.11
Mallard Library	Contrib to Other Gov & Or	127.14
KENT MALM	Educational/Training Serv	290.00
North Iowa Lumber & Design,Inc	Buildings	72.54
Northwest Communications	Telecommunications Serv.-	79.95
Palo Alto Co Sec Road	Fuels	209.32
River Valley Telecommunication	Telecommunications Serv.-	74.92
Ruthven Library	Contrib to Other Gov & Or	127.14
City of Spencer	Sanitation & Disposal Ser	17941.96
Swanson Hardware	Misc Expense	101.37
U.S. Postal Service	Postage & Mailing	55.00
West Bend Library	Contrib to Other Gov & Or	136.23
<u>Secondary Road Fund</u>		
Alliant Energy	Engineering Services	240.87
Arnold Motor Supply ATT: Sue	Engineering Services	330.10
Ayrshire Farmers Mut Telephone	Engineering Services	41.24
Bohl's Small Engine & Marine	Engineering Services	97.63
Cintas	Engineering Services	100.14
City of Cylinder	Engineering Services	55.00
Equipment Blades, Inc	Engineering Services	2035.30
Fareway	Engineering Services	13.98
Fleet Pride Truck & Trailer	Engineering Services	458.56
Fox International, Inc.	Engineering Services	39.09
Gateway Hotel	Engineering Services	244.16
Graettinger Mun. Utilities Gra	Engineering Services	750.09
IA Dept of Transportation	Engineering Services	11018.99
Iowa Lakes Regional Water	Engineering Services	107.54
Iowa State University Institut	Engineering Services	810.00
Inland Truck Parts	Engineering Services	1591.13
KRISTAT AUTO PARTS LLC	Engineering Services	51.39
Lube Tech Accelerating Perform	Engineering Services	2613.39
Martin Marietta Agg	Engineering Services	3783.99
Robin K Moore	Engineering Services	149.00
MSC INDUSTRIAL SUPPLY CO	Engineering Services	580.48
Murphy Tractor & Equipment	Engineering Services	572.17
Newman Traffic Signs	Engineering Services	127.45
Northwest Communications	Engineering Services	52.75
Palo Alto Co Auditor	Engineering Services	44.87
Picrays Welding & Fab.	Engineering Services	9.41
River Valley Telecommunication	Engineering Services	84.71
Rouse Tire and Repair, LLC	Engineering Services	298.00
Ruthven Coop Oil Co	Engineering Services	23404.93
City of Ruthven	Engineering Services	108.69
SLASH POINT SALES	Engineering Services	306.00
Society of Land Surveyors	Engineering Services	625.00
Swanson Hardware	Engineering Services	127.76
U.S. Postal Service	Engineering Services	290.00
Verizon Wireless	Engineering Services	208.02
Walter Davis-Oeth	Engineering Services	546.24

Windstream	Engineering Services	493.04
WOODFORD EQUIPMENT	Engineering Services	128.01
Ziegler Inc	Engineering Services	712.18
<u>Emergency Mgmt Agency</u>		
Palo Alto Co Sec Road	Parts	156.75
<u>E911 Surcharge Fund</u>		
Ayrshire Farmers Mut Telephone	Engineering Services	154.30
Century Link	Engineering Services	324.18
MCI Comm Service	Engineering Services	31.66
MEDIACOM LLC	Engineering Services	156.24
Northwest Communications	Engineering Services	758.78
River Valley Telecommunication	Engineering Services	886.55
Windstream	phone	269.10

Drainage Claims

Maxine K. Hansen	DD19 crop loss/compaction	9611.38
Jacobson-Westergard&Assoc, Inc.	DD19 eng exp	1005.25
Kenneth L. & Martha J. Salton	DD19 crop loss/compaction	7211.07
Jacobson-Westergard&Assoc, Inc.	DD81 eng exp	577.50
Palo Alto Co Sec Road	DD81 repair	19761.85
King Excavation	DD84 repair pay #5	8395.20
Jacobson-Westergard&Assoc, Inc.	DD162 eng exp	2397.50
Jacobson-Westergard&Assoc, Inc.	DD23 Lat 9 eng exp	8294.80
B & B FARM DRAINAGE INC	DD23 MainTile final pay	121120.05
Jacobson-Westergard&Assoc, Inc.	DD23 eng exp	1260.30

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

Roger Faulstick, Chairman

Carmen Moser, County Auditor