

Courthouse  
Emmetsburg, Iowa  
September 29, 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.

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.

Due to COVID-19 the meeting was held by conference call. The conference call bridge number and conference ID number was posted and provided at the top of the agenda that was emailed.

Motion by Merrill, seconded by Wirtz to approve the agenda with change to cancel the conference call with Kossuth County and to add approval of cigarette permit for Lakeland EZ Stop LLC. Motion Carried.

Motion by Solberg, seconded by Graettinger to approve the minutes for September 22<sup>nd</sup> and 23<sup>rd</sup>, 2020. Motion Carried.

Motion by Merrill, seconded by Wirtz to approve a cigarette permit for Lakeland EZ Stop LLC for July 1, 2020, to June 30, 2021. Motion Carried.

Aletha King, Zoning, met with the Board to present information from the Zoning Board regarding rezoning of 7.85 acres from agricultural -conservation to commercial in Section 19 of Highland Township.

Motion by Graettinger, seconded by Merrill to set public hearings to consider rezoning 7.85 acres from agricultural- conservation to commercial in Section 19 of Highland Township. Motion Carried.

### **Motion Scheduling Public Hearings**

#### **A MOTION SETTING PUBLIC HEARING(S) TO CONSIDER REZONING 7.85 Acres of "A-C" Agricultural-Conservation in Section 19 Township 96 North, Range 34 West of the 5th Principal Meridian in Palo Alto County which parcel is parallel to US Highway 18, Ruthven**

WHEREAS, the Palo Alto County Planning and Zoning Commission met in regular session at 7:00 pm on Sept. 28<sup>th</sup>, 2020 in the Palo Alto County Courthouse and at the request of Ken Rubel Jr. and Jane Rubel, husband and wife, the Commission approved the request to rezone 7.85 Acres of "A-C", Agricultural-Conservation District Acres and to change the classification of this parcel to "C" Commercial District, described as follows:

#### **LEGAL DESCRIPTION:**

Part of the West Half (W ½) of the Northwest Fractional Quarter (NW fr. ¼) of Section Nineteen (19), Township Ninety-six (96) North, Range Thirty-four (34) West of the 5<sup>th</sup> P.M. , described as follows: Beginning at the Northwest corner of said Section 19; thence East 21 rods 9 feet ( 355.5') to the center of highway ( former county road, now vacated); thence southerly along the center of said highway 102 rods (1,683') ; thence West 12 rods ( 198') to the West line of said Section; thence North 102 rods ( 1,683') to the point of beginning containing 7.85 acres; except a parcel of land deed to the State of Iowa recorded in Book 45, Page 347, Palo Alto County Iowa.

AND, WHEREAS, the Board of Supervisors upon being informed of the approval of the Planning and Zoning Commission action on Sept. 28<sup>th</sup>, 2020, the Palo Alto County Board of Supervisors met Sept. 29<sup>th</sup>, 2020 and at their regularly scheduled Meeting of the Palo Alto County Supervisors moved to set the first of three hearings on October 6<sup>th</sup>, 2020 and then on Oct. 13<sup>th</sup>, 2020 and then on Oct. 20<sup>th</sup>, 2020 for the scheduled public

hearings to consider amending and rezoning Palo Alto County's Zoning Map regarding the 7.85 Acres classified as "A-C" Acres from Agricultural-Conservation to "C" Commercial Districts; and;

WHEREAS, the 7.85 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 7.85 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 7.85 acres on the 6<sup>th</sup> day of October, 2020 at 8:30 am and further sets the second of three hearings on the 13<sup>th</sup> of October, 2020 at 8:30 am and further sets the third of three hearings on the 20<sup>th</sup> of October, 2020 at 8:30 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 7.85 "A-C", Agricultural-Conservation District Acres and to change the classification of these 7.85 acres to "C" Commercial District.

Supervisor Craig Merrill seconded the motion to schedule the hearing(s) for the proposed rezoning of these 7.85 acres "A-C", Agricultural-Conservation District Acres changing the classification of these 7.85 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 29<sup>th</sup> day of Sept., 2020.

MOTION CARRIED.

/s/ Roger Faulstick

Chairperson, Palo Alto County Board of

Supervisors

Attest: /s/Carmen Moser

Palo Alto County Auditor

Sarah Strohman, Community Health Director, met with the Board by conference call to give an update on COVID19 in Palo Alto County. Palo Alto County currently has 41 active cases.

No one was present for public comment.

Walter Davis-Oeth, County Engineer, met with the Board to give an update on roads & bridges, gravel crushing, and the Silver Lake project.

Gary Atherton met with the Board for the bid letting on drainage district FEMA repairs. Quotes were reviewed for the following drainage districts: North 15, 61, & 3. The following quotes were received:

|                            | Anderson Drainage | Reutzel Exc.      |
|----------------------------|-------------------|-------------------|
| Drainage District North 15 | \$49,226.50       | \$56,450.96       |
| Drainage District 61       | \$25,499.50       | \$29,947.50       |
| Drainage District 3        | <u>\$1,047.50</u> | <u>\$2,400.00</u> |
|                            | \$75,773.50       | \$88,798.46       |

Motion by Merrill, seconded by Solberg to award the bid for FEMA repairs to Anderson Drainage & Excavation LLC for \$75,773.50. Motion Carried.

Gary Atherton discussed with the Board repairs to Drainage District No. 106 in Section 36 of West Bend Township. Anderson Drainage & Excavation LLC filed a quote for \$28,000 for the repairs. Keith Wirtz will meet with the landowners, the contractor, and Gary Atherton to discuss the repair project.

Collin Klingbeil, PE, Bolton & Menk, met with the Board. Collin presented the plans and specifications for the FEMA drainage district repairs for the following districts: 7, 21, 21 W Lat 1, 48, 62, Jt 63, 80 Upper, 80 Lower, 80 Branch F, 98, 98 Sub 1, 132, 175, 180, 923 Lat 2.

Motion by Wirtz, seconded by Solberg to accept the plans & specifications for drainage district repairs and to set the bid letting date for the FEMA repair projects for October 20<sup>th</sup>, 2020, at 9:00 a.m. at the Courthouse Boardroom. Motion Carried.

Motion by Graettinger, seconded by Solberg to approve \$5,000 to Deb Metz for the completion of septic grant. Motion Carried.

Committee Reports: Craig Merrill: NW Iowa Care Connections; Keith Wirtz: IDDA meeting; Early Childhood.

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

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Roger Faulstick, Chairman

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Carmen Moser, County Auditor