

Courthouse
Emmetsburg, Iowa
October 13th, 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; Aletha King, Zoning; Mark Hobert; Josh Harris; Present by conference call: Joe Schany, newspaper.

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 Wirtz, seconded by Graettinger to approve the agenda for October 13th, 2020. Motion Carried.

Motion by Graettinger, seconded by Solberg to approve the minutes for October 6th, 2020. Motion Carried.

Sarah Strohman, met with the Board for update from Community Health. Sarah presented the FY2020 Annual Report for Community Health. Sarah requested an additional \$3,000 for the budget request for next fiscal year.

Motion by Graettinger, seconded by Merrill to cancel the Board meeting for Tuesday, November 3rd, 2020; and set the canvass of general election for Tuesday, November 10th, 2020, at 9:00 a.m. in the Courthouse Boardroom. Motion Carried.

No one was present for public comment.

RESOLUTION NO. 10-13-2020

A RESOLUTION TO REZONE 7.85 Acres of A-C Agricultural – Conservation Classification in Section 19 Township 96 North Range 34 West of the 5th Principal Meridian in Palo Alto County which 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. 28th, 2020 in the Palo Alto County Courthouse and voted to recommend rezoning 7.85 acres of “A-C”, Agricultural-Conservation District Classification and recommended change in classification to 7.85 “C”, Commercial District at the request of Ken L. Rubel, Jr. and Jane A. Rubel, husband and wife, described as:

WHEREAS, upon being informed of the approval of the Planning and Zoning Commission action on September 28th, 2020, the Palo Alto County Board of Supervisors met at their regularly scheduled Meeting of the Palo Alto County Supervisors on Oct 6, 2020 and moved to schedule the public hearings to consider amending and rezoning Palo Alto County’s Zoning Map regarding the above described 7.85 “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 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 Oct. 13th, 2020 at 8:30 am, the Supervisors determine to approve this requested change of zoning for 7.85 Acres from "A-C" Agricultural Conservation and in its place substitute the "C" Commercial District. 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 Oct. 13th, 2020, and the second public reading was scheduled for Oct. 20th, 2020 and the third public reading was scheduled for Oct. 27th, 2020 of the proposed request for zoning amendment had been published in an official newspaper of general circulation,

The Supervisors FURTHER RESOLVE that the necessity of holding the optional second reading on Oct. 20th, 2020 and optional third reading on Oct. 27th, 2020 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 7.85 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 7.85 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 to provide a copy of this resolution to the Office of the Zoning Administrator for Palo Alto County.

ADOPTION

Supervisor Keith Wirtz therefore moves to waive the second and third readings for the proposed rezoning of these 7.85 acres and further moves for the approval and passing of the resolution.

Supervisor Ron Graettinger seconded the motion to waive the second and third readings for the proposed rezoning of these 7.85 acres and further moves for the approval and passing and adoption of 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 __aye_____
Ron Graettinger _aye_____
Roger Faulstick aye_____
Craig Merrill __aye_____
Linus Solberg _ aye_____

Motion to waive the second reading of the resolution and to waive the third reading of the resolution to change the zoning of 7.85 Acres from "A-C" to "C" Commercial adopted.

Supervisor Ron Graettinger therefore moves to ADOPT THE PROPOSED RESOLUTION TO CHANGE THE ZONING OF 7.85 ACRES FROM "A-C" TO "C",

Supervisor Craig Merrill seconded the motion to ADOPT THE PROPOSED RESOLUTION TO CHANGE THE ZONING OF 7.85 ACRES FROM "A-C" TO "C",

RESOLUTION AND VOICE VOTE TO ADOPT THE PROPOSED RESOLUTION TO CHANGE THE ZONING OF 7.85 ACRES FROM "A-C" TO "C" WAS MADE:

Keith Wirtz __aye_____
Ron Graettinger _aye_____
Roger Faulstick aye_____
Craig Merrill __aye_____
Linus Solberg __aye_____

RESOLUTION TO CHANGE ZONING 7.85 ACRES FROM "A-C" TO "C"
COMMERCIAL DISTRICT ADOPTED.

Passed and approved this 13th day of October, 2020.

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

Attest:
/s/Carmen Moser
Palo Alto County Auditor

RESOLUTION NO. 10-13-2020 (A)
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 Josh Harris has been issued a draft permit for the construction of a confined animal feeding operation building in in the NE NW of Section 23 of Lost Island Township 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 9-30-2020.
- 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 Linus Solberg, 2nd by Keith Wirtz to approve Resolution No. 10-13-2020.

Ayes: Graettinger, Merrill, Wirtz, Solberg, Faulstick.

Nays: none.

Resolution Passed.

/s/Roger Faulstick, Chair

Attest: /s/Carmen Moser, Auditor

Committee Reports: Keith Wirtz: DD 106 meeting on repairs.

Don Reffer, B&W Control Specialists, met with the Board to consider quotes for maintenance spraying of the drainage districts. Don informed the Board of the prices for spraying and conditions of the drainage districts.

Motion by Merrill, seconded by Wirtz to approve the quotes for drainage district spraying maintenance for 2020. Motion Carried. (List on file in the Auditor's Office).

Motion by Solberg, seconded by Wirtz to approve the claims and drainage claims for October 13th, 2020. Motion Carried.

General Basic Fund

Alliant Energy	Utilities Payments	100.00
BLUE LAKE WEBSITES ANITRA LARS	Misc Expense	450.00
John Bredehoeft	Engineering Services	1000.00
Terry Chamberlain	Wages-Temp, Pt. Time Empl	45.00
Christina Clausen	Employee Mileage & Subs.	36.00
Clements Associates, Inc	Shop Equipment	683.54
Counsel Office & Document	Office & Data Processing	72.95
DATASPEC INC.	Misc Expense	449.00
Aimee Kramer-Devereaux	Engineering Services	273.99
Dyno Oil Co	Cash Allowances	52.00
E-Pride	Stationery/Forms/Gen Ofc	480.40
E.M.U.	utilities	375.20
Family Practice Clinic	Acute & Emergency Treat.	123.75
Fareway	Food & Provisions	508.19
GALLS, LLC	Wearing Apparel & Uniform	1126.78
GOVERNMENT FORMS AND SUPPLIES	Stationery/Forms/Gen Ofc	85.75
Graettinger Times	Board Proceedings	1242.45
Vincent H. Heller	Bus	62.00
Hudson Law Firm	Consultants	901.20
Hughes Pharmacy	Prescription Medicine	367.04
Hughes, Brennan & Wirtz Inc	Real Property Insurance	78167.58
Hy-Vee Accounts Receivable	Food & Provisions	113.18
IA Law Enforcement Academy	Educational/Training Serv	150.00
IMWCA	Workmens' Comp Insurance	4806.55
IA Office of State Medical Exm	Medical & Health Services	4290.00
Iowa Trust & Savings Bank	Stationery/Forms/Gen Ofc	106.09
Jim's Repair	Minor MV Parts & Access	42.45
Aletha King	Employee Mileage & Subs.	277.00
The Lighting Source & More 436	Buildings	84.50
Loffler Companies - 131511	Office & Data Processing	173.37
Louscher Family Dentistry	Acute & Emergency Treat.	317.00
Mail Services, LLC	Postage & Mailing	282.80
City of Mallard	Utilities Payments	100.00
Mangold Environmental	Engineering Services	60.00
Martin-Mattice Fun. Home	Medical & Health Services	650.00
Matt's Cleaning Service	Salary-Regular Employees	500.00
McNally Abstract Co	Acct/Audit/Clerical Servi	300.00
MEDIACOM LLC	Telecommunications Serv.-	785.35
MidAmerican Energy	electricity	821.50
Midwest Radar & Equipment	Legal & Ct-Related Servic	400.00
Mike Myer	Engineering Services	373.43
Northwest Communications	Telecommunications Serv.-	342.40
Palo Alto Co Comm Health Ser	Board of Health	3231.91
Palo Alto Co Emergency Mgmt	Contrib to Other Gov & Or	2108.25
Palo Alto Co Fair Assn	Contrib to Other Gov & Or	16061.07
Palo Alto Co Health System	Acute & Emergency Treat.	651.00
Palo Alto Co Sec Road	Natural & LP Gas, Fuel Oi	1756.48
The Print Shop	Stationery/Forms/Gen Ofc	43.67
Quill Corporation	Stationery/Forms/Gen Ofc	260.85
River Valley Telecommunication	Electric Light & Power	267.30
Ruthven Zipcode	Official Pub & Legal Noti	137.16
Tara Sargent	Rent Payments	244.00
HOWARD SMITH	Bus	420.00
Solutions Inc.	services	685.46
Spencer Radio Group	Misc Expense	955.00
STATE HYGIENIC LABORATORY	Engineering Services	779.50
Susan Frye Court Reporting	Legal & Ct-Related Servic	108.65
Swanson Hardware	Custodial Supplies	470.25
Thomson Reuters West Payment C	Legal Research Service	516.63
UPS	Engineering Services	39.46
VAN HEUVELEN PROPERTIES LLC	Cash Allowances	175.00
VISA	Minor Equip & Hand Tools	1498.86
Wells Fargo Financial Leasing	Contract Carriers	158.00
Windstream	phone	1064.25
WOODFORD EQUIPMENT	Minor MV Parts & Access	140.25
Sidney Zylstra	Bus	396.00

General Supplemental Fund

A Rifkin Co	Misc Expense	46.79
American Resource Consultants	Misc Expense	1247.65
E-Pride	Stationery/Forms/Gen Ofc	94.92
ELECTION SYSTEMS & SOFTWARE	Stationery/Forms/Gen Ofc	2137.35
E.M.U.	utilities	45.48
Hughes, Brennan & Wirtz Inc	Fidelity & Security Bond	1457.00
Inclusion Solutions, LLC	Misc Expense	2798.00
MidAmerican Energy	electricity	32.24
RESERVE ACCOUNT	Postage & Mailing	2500.00
Storey Kenworthy/Matt Parrott	Misc Expense	200.00
Swanson Hardware	Misc Expense	94.42

Rural Services Basic Fund

Emmetsburg Library	Contrib to Other Gov & Or	12222.88
Graettinger Library	Contrib to Other Gov & Or	5194.72
Hughes, Brennan & Wirtz Inc	Equipment Insurance	1480.31
IMWCA	Workmens' Comp Insurance	8926.45
J.W. Repair	Equipment	677.10
Aletha King	Employee Mileage & Subs.	86.12
Mallard Library	Contrib to Other Gov & Or	4278.01
Northwest Communications	Telecommunications Serv.-	79.95
Palo Alto Co Sec Road	Equipment	500.40

The Retrofit Companies, Inc.	Sanitation & Disposal Ser	1063.10
Ruthven Library	Contrib to Other Gov & Or	4278.01
City of Spencer	Sanitation & Disposal Ser	24261.80
Swanson Hardware	Misc Expense	36.34
Weights & Measures Bureau	Misc Expense	46.50
West Bend Library	Contrib to Other Gov & Or	4583.58
Windstream	phone	60.41
<u>Secondary Road Fund</u>		
Alliant Energy	Engineering Services	115.90
Arnold Motor Supply ATT: Sue	Engineering Services	153.32
Ayrshire Farmers Mut Telephone	Engineering Services	41.24
B & I Electric	Engineering Services	600.64
Bomgaars	Engineering Services	119.34
Cemstone	Engineering Services	1756.25
Cintas	Engineering Services	405.55
City of Cylinder	Engineering Services	50.00
Deitering Bros Inc	Engineering Services	177.00
Don's Truck Sales Inc	Engineering Services	2094.35
Emmet County Engineer	Engineering Services	8079.99
City of Emmetsburg	Engineering Services	58.97
Emmetsburg Ford	Engineering Services	259.73
Fleet Pride Truck & Trailer	Engineering Services	247.58
City of Fort Dodge	Engineering Services	587.50
City of Graettinger	Engineering Services	170.37
Great Lakes Concrete	Engineering Services	980.00
Hotsy Equipment Co.	Engineering Services	181.00
Hughes, Brennan & Wirtz Inc	Engineering Services	55603.00
IA Dept of Natural Resources W	Engineering Services	95.00
Iowa Lakes Regional Water	Engineering Services	97.76
Interstate Batteries	Engineering Services	468.83
IA Div of Criminal Inv. Suppor	Engineering Services	30.00
Jack's OK Tire	Engineering Services	2955.63
Kapp's Fire Extinguisher Sales	Engineering Services	742.53
Lube Tech Accelerating Perform	Engineering Services	2734.34
M.D. Products, Inc.	Engineering Services	2179.68
City of Mallard	Engineering Services	64.77
MidAmerican Energy	Engineering Services	536.79
Midwest Wheel Companies	Engineering Services	1017.99
MSC INDUSTRIAL SUPPLY CO	Engineering Services	715.37
Murphy Tractor & Equipment	Engineering Services	296.41
North Iowa Lumber & Design, Inc	Engineering Services	15.30
Northern Safety Co., Inc.	Engineering Services	496.11
NUSS TRUCK & EQUIPMENT	Engineering Services	5786.09
Northwest Communications	Engineering Services	53.18
Palo Alto Co Auditor	Engineering Services	7022.90
Piccrays Welding & Fab.	Engineering Services	243.90
River Valley Telecommunication	Engineering Services	79.74
Ruthven Coop Oil Co	Engineering Services	15419.32
SLASH POINT SALES	Engineering Services	330.75
Swanson Hardware	Engineering Services	23.54
Unity Point Clinic- Occ Med	Engineering Services	126.00
Verizon	Engineering Services	208.02
City of West Bend	Engineering Services	98.45
Wickman Auto Salvage	Engineering Services	500.00
Windstream	Engineering Services	499.10
Ziegler Inc	Engineering Services	4093.53
<u>Emergency Mgmt Agency</u>		
Hughes, Brennan & Wirtz Inc	Tort Liability Insurance	374.31
Palo Alto Co Sec Road	Parts	192.72
Swanson Hardware	Stationery/Forms/Gen Ofc	5.49
<u>E911 Surcharge Fund</u>		
Ayrshire Farmers Mut Telephone	Engineering Services	154.30
Century Link	Engineering Services	326.34
MCI Comm Service	Engineering Services	33.04
MEDIACOM LLC	Engineering Services	157.49
Northwest Communications	Engineering Services	5767.50
River Valley Telecommunication	Engineering Services	886.55
Verizon	phone service	3.55
Windstream	phone	438.49
WINDSTREAM COMMUNICATIONS ATTE	phone	204.83
<u>Drainage Claims</u>		
Jacobson-Westergard&Assoc, Inc.	DD23 Lat 9 eng exp	3863.10
Jacobson-Westergard&Assoc, Inc.	DD23 Lat8 eng exp	1774.10
Jacobson-Westergard&Assoc, Inc.	DD23 Main Tile eng exp	140.00
Jacobson-Westergard&Assoc, Inc.	DD23 MainOpen FEMA	337.50
Jacobson-Westergard&Assoc, Inc.	DD41 MainOpen FEMA	570.00
Jacobson-Westergard&Assoc, Inc.	DD5 FEMA eng exp	407.50
King Excavation	DDJt13 OL Waterway rep	1050.00
Palo Alto County Treasurer	DD N 15 taxes	413.91
Reutzel Excavating Inc	DD23 Lat 8 pay#5	8115.28
Reutzel Excavating Inc	DD23 Lat9 pay#5	149515.67
Brian Ruppert	DD80 LowMain damages	5690.00

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

Roger Faulstick, Chairman

Carmen Moser, County Auditor