

Courthouse  
Emmetsburg, Iowa  
October 6<sup>th</sup>, 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; Jordan Morey, Auditor's Office. Present by conference call: Linda Koppie; Joe Noonan; 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 Graettinger, seconded by Merrill to approve the agenda for October 6<sup>th</sup>, 2020. Motion Carried.

Motion by Wirtz, seconded by Ron Graettinger to approve the minutes for September 29<sup>th</sup>, & 30<sup>th</sup>, 2020. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve the Recorder's Report for the date ending September 30, 2020. Motion Carried.

Motion by Merrill, seconded by Wirtz to approve the Veteran Affairs claims report for October 1<sup>st</sup>, 2020; and to approve the quarterly report for Veteran Affairs ending September 30<sup>th</sup>, 2020. Motion Carried.

Motion by Graettinger, seconded by Solberg to set new dates for Public Hearings to consider Rezoning of 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 Oct 6th, 2020 and at their regularly scheduled Meeting of the Palo Alto County Supervisors moved to set the first of three hearings on October 13th,

2020 and then on Oct. 20th, 2020 and then on Oct. 27th, 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 13<sup>th</sup> day of October, 2020 at 8:30 am and further sets the second of three hearings on the 20th of October, 2020 at 8:30 am and further sets the third of three hearings on the 27th 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 Linus Solberg 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 6th day of October, 2020.

MOTION CARRIED.

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

/s/Carmen Moser  
Attest: Carmen Moser  
Palo Alto County Auditor

Sarah Strohman, Community Health Director, met with the Board by conference call to give an update on COVID19. Currently there are 22 active cases in Palo Alto County.

No one was present for public comment.

The Board reviewed a letter from Collin Klingbeil, Bolton & Menk, regarding payment of damages to Brian Ruppert for repairs on Drainage District 80 Lower Main.

Motion by Wirtz, seconded by Merrill to approve payment to Brian Ruppert for \$5,690 for seeding and fence damage on Drainage District No. 80 Lower Main. Motion Carried.

There were no committee reports.

Rick Hopper, Jacobson-Westergard & Assoc., met with the Board to file the engineer's report for Drainage District 119 for main tile re-route improvements.

The preliminary engineer's estimates are as follows:

Option 1: 1" drainage coefficient 2050' tile with 180' of open ditch	\$222,658.50
Option 2: 1" drainage coefficient 1500' tile with 680' of open ditch	\$181,546.00
Option 3: ½" drainage coefficient 2050' tile with 180' of open ditch	\$198,106.00
Option 4: ½" drainage coefficient 1500' tile with 680' of open ditch	\$163,318.50

Motion by Merrill, seconded by Graettinger to accept the engineer's report for Drainage District 119 and set the hearing on improvements for November 17<sup>th</sup>, 2020, at 10:00 a.m. at the Election Center. Motion Carried.

Rick Hopper, Jacobson-Westergard & Assoc., met with the Board for the bid letting for West Fork Des Moines River Bank Stabilization project.

The following bids were received.

King Excavation	\$535,435
Reutzel Excavating	\$553,600
MLS Landscaping	\$566,644.20

Motion by Solberg, seconded by Merrill to award the contract to King Excavation for \$535,435 for the West Fork Des Moines river bank stabilization project. Motion Carried.

Collin Klingbeil, Bolton & Menk, met with the Board to file the plans & specifications for Drainage District 180 Lower Main tile.

Motion by Solberg, seconded by Wirtz to accept the plans & specifications for Drainage District 180 Lower Main Tile and set the bid letting date for DD 180 Lower Main on October 27, 2020, 9:00 a.m. at the Courthouse Boardroom. Motion Carried.

Collin Klingbeil, Bolton & Menk, met with the Board for the bid letting on Jt. 63 Branch Main Tile. The bid letting was held by conference call with Pocahontas County.

Present: Jeff Ives, Chair; Clarence Siepker; Ed Dewey; Brent Aden; Louis Stauter; Kelly Jepsen, Auditor. Palo Alto Board: Roger Faulstick, Chair; Linus Solberg; Craig Merrill; Keith Wirtz; Ron Graettinger; Carmen Moser, Auditor.  
Present: Craig Kassel.

Motion by Louis Stauter, seconded by Linus Solberg to appoint Jeff Ives as Chair and Kelly Jepsen as Secretary of the Joint 63 Brand Main tile conference call. Ayes: All. Motion Carried.

Collin Klingbeil and Jon Rosengren from Bolton & Menk opened the bid bonds and read the following base bids:

	Base Bids	Alternate Bids
Reutzel Excavating	\$318,316.35	\$180,330.00
Wenthold Excavating	\$791,803.85	\$315,023.80
McCarty Custom Inc.	\$377,132.07	\$218,822.72
Midwest Mechanical	\$391,597.19	\$196,226.50
Dirt Proz, LLC	\$377,348.00	\$202,425.00
Progress Structures	\$395,811.00	\$202,425.00

Motion by Linus Solberg, seconded by Ed Dewey to accept the base bid and alternate for 1" drainage coefficient to Reutzel Excavating for \$361,886.35 for Jt 63 Branch Main tile improvements. Ayes: All. Motion Carried.

Motion by Louis Stauter, seconded by Keith Wirtz to adjourn the joint conference call for Jt 63 Brand Main Tile at 10:36 a.m. Motion Carried.

Motion by Graettinger, seconded by Wirtz to adjourn the board meeting at 10:37 a.m. Motion Carried.

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Roger Faulstick, Chairman

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Carmen Moser, County Auditor