

Courthouse  
Emmetsburg, Iowa  
February 9, 2021, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Linus Solberg, Chair; Ronald Graettinger, Roger Faulstick, Craig Merrill, Keith Wirtz. Present on conference call: Joe Schany, Reporter/Democrat. Present: Peter Hart, County Attorney.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Graettinger, Faulstick, Merrill Wirtz, Solberg. 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 and posted.

Motion by Graettinger, seconded by Merrill to approve the agenda for February 9, 2021. Motion Carried.

Motion by Wirtz, seconded by Faulstick to approve the minutes for February 2<sup>nd</sup>, 2021. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve the Recorder's Report for the date ending January 31, 2021. Motion Carried.

Motion by Merrill, 2<sup>nd</sup> by Wirtz to approve hiring Shannon Pascual as part time secretary for Conservation at \$15.00 per hour effective February 2<sup>nd</sup>, 2021. Motion Carried.

Sarah Strohman, Community Health Director, was not available for the update due to the community vaccine clinic taking place at the VFW.

No one was present for public comment.

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

Walter presented 4 bids for pavement markings and recommended approval of the low bid from Vogel Traffic Services.

Motion by Merrill, 2<sup>nd</sup> by Faulstick to approve pavement marking contract with Vogel Traffic Service for \$68,521.80. Motion Carried.

Peter Hart, County Attorney, presented a Resolution to extend the 3/10/2020 Moratorium on the construction and maintenance of solar energy conversion systems in Palo Alto County. Present: Dean Gunderson, Dale Opheim. Present by conference call: Bret Dublinske, Brady Evans, MidAmerican, Craig Brownlee, Walter Davis-Oeth, Gabe Klooster, Sheila Tipton. Peter presented an article from the Des Moines Register regarding solar energy in Iowa.

Motion by Graettinger, 2<sup>nd</sup> by Faulstick to introduce and approve the following Resolution 2-9-2021 Extending the 3/10/2020 Moratorium on the Construction and Maintenance of Solar Energy Conversion systems and related energy devices in Palo Alto County. Ayes: Graettinger, Faulstick, Merrill, Wirtz, Solberg. Nays: none. Resolution Passed.

**RESOLUTION NO. 2-9-2021**  
**A RESOLUTION EXTENDING THE 03/10/2020**  
**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 adopted a temporary moratorium on Solar Energy Conversion Systems on March 10<sup>th</sup>, 2020 for the longer of either one year's time or until S.E.C.S. siting decision and the Iowa Replacement Tax issues under Iowa Code Chapter 437A could be addressed and resolved to the County's satisfaction; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission have completed their draft of the Palo Alto County “Utility-Scale Solar Energy Project Ordinance” draft for the County Board of Supervisors; and,

WHEREAS, In the meantime, Six months after the Moratorium was put in place and during the morning of August 10<sup>th</sup>, 2020, Central Iowa residents withstood the over 100 mph straight line winds, the “Derrecho”, which left over \$7.5 Billion dollars in damage to public infrastructure and private property. Over 250,000 MidAmerican Energy customers lost power from the “Derecho” leaving unprecedented and long lasting damage.

Had any contemplated solar panels permitted by the Palo Alto County S.E.C.S. ordinance actually been constructed and then damaged by the Derecho, there would have been no electrical output and no replacement tax generated for Palo Alto County.

WHEREAS, the Palo Alto County Supervisors cannot logically exchange the present day income generated by real estate taxes payable for productive fertile farm farmland, and instead structure County finances upon the uncertainty generated by the Replacement Tax formula under of Iowa Code Chapter 437A (4) (6 & (7)); and,

WHEREAS, the Palo Alto County Board of Supervisors still require answers to the following longstanding and continuing existing concerns:

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. Had any solar panels been constructed and later been damaged/destroyed by the “Derecho”, the S.E.C.S. would have been unable to produce electrical output thereby frustrating any replacement tax receipts for Palo Alto County. There would be no Replacement Tax income generated to the County from damaged solar panels under of Iowa Code Chapter 437A (4) (6 & (7) ; and,

WHEREAS, the Palo Alto County Board of Supervisors believes that above issues merit additional study for possible legislative solutions; and,

NOW THEREFORE, the Palo Alto County Board of Supervisors following review, consideration and discussion, RESOLVE that the March 10<sup>th</sup>, 2020 moratorium on further construction maintenance or development of S.E.C.S. should be extended into the future until legislative resolutions can be effected.

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 adjudge invalid or unconstitutional.

**ADOPTION**

Supervisor Ron Graettinger therefore moves for the approval and passing of the resolution extending the March 10<sup>th</sup>, 2020 moratorium on Solar Energy Conversion projects.

Supervisor Roger Faulstick seconded the motion to adopt the resolution.

THE RECORDED VOICE VOTE WAS MADE:

Linus Solberg \_aye\_\_\_\_\_

Keith Wirtz \_aye\_\_\_\_\_

Ron Graettinger \_\_aye\_\_\_\_\_

Roger Faulstick \_aye\_\_\_\_\_

Craig Merrill \_aye\_\_\_\_\_

Passed and approved this 9th day of February, 2021

MOTION CARRIED RESOLUTION ADOPTED.

/s/LJ Solberg, Chairman, Palo Alto County  
Board of Supervisors

Attest:

/s/Carmen Moser  
Palo Alto County Auditor

Rick Hopper, Jacobson-Westergard, met with the Board for the completion hearing on Drainage District No. 23 Laterals 8 & 9. Present: Gary Garrelts, Randy Loomis. Present: Jordan Morey, Clerk.

Claims for crop damages were filed by: Randy Loomis for Neil Dahlquist; Gary Garrelts; Steve Peterson; John Heiman; Rich Rouse; Winifred Geelan-Potthoff.

Rick presented the crop loss report for Drainage District 23 Laterals 8 & 9. The contractor has completed the contract. The Board discussed the claims for crop loss and Rick recommended \$12/bushel/acre for beans and \$900/acre for corn crop loss.

Motion by Merrill, 2<sup>nd</sup> by Wirtz to approve claims for damages to landowners as presented by the engineer on the crop loss report and claims filed by landowners (no compaction claims were granted). Motion Carried.

Motion by Graettinger, 2<sup>nd</sup> by Faulstick to approve completion of contract with Reutzel Excavating on Drainage District No. 23 Laterals 8 & 9 and to direct the Auditor to release retainage funds in the amount of \$103,537.54 in 30 days. Motion Carried.

The Board held a conference call with Jon Rosengren, Bolton & Menk, to discuss setting a hearing on Drainage District 61 Main Open Ditch and to ask questions regarding the engineer's report.

Motion by Wirtz, 2<sup>nd</sup> by Graettinger to set the improvement hearing on Drainage District No. 61 Main Open Ditch for March 23, 2021, at 10:00 a.m. at the Election Center. Motion Carried.

Committee Reports. Ron: Upper Des Moines; Roger: Sheriff/courthouse garage; Craig: Care Connections; Food Bank Giveaway; Keith: DD 61; Linus: abandoned excavator.

Motion by Faulstick, seconded by Graettinger to approve the claims and drainage claims for February 2, 2021. Motion Carried.

**General Basic Fund**

Bauer Plumbing & Heating Inc.	Buildings	80.00
BLUE LAKE WEBSITES ANITRA LARS	Data Processing	55.00
Lucas Brown	Animal Bounties & Apiaris	450.00
Central Ia Juv Detention Ctr	Foster Family Home	900.00
Counsel Office & Document	Stationery/Forms/Gen Ofc	361.48
Joy Currans	Wages-Temp, Pt. Time Empl	51.00
E-Pride	Stationery/Forms/Gen Ofc	600.26
Electronic Specialties	Minor MV Parts & Access	347.82
Emmetsburg Ford	Minor MV Parts & Access	177.64
E.M.U.	utilities	826.64
Emmetsburg Publishing Co.	Stationery/Forms/Gen Ofc	229.00
Fareway	Custodial Supplies	21.29
GALLS, LLC	Wearing Apparel & Uniform	44.58
Graettinger Times	Official Pub & Legal Noti	26.00
Heiman, Inc	Buildings	205.00
Hoch's Tree Service	Buildings	75.00
Hughes Pharmacy	Acute & Emergency Treat.	901.47
Ia Dept of Public Safety	Contract Carriers	1242.00
IA State Assn of Counties	Educational/Training Serv	150.00
IA Office of State Medical Exm	Medical & Health Services	2027.00
Mail Services, LLC	Postage & Mailing	270.86
Mainstay Systems Inc	Contract Carriers	106.65
Matt's Cleaning Service	Salary-Regular Employees	500.00
MEDIACOM LLC	Telecommunications Serv.-	803.87
MIDWEST CONSTRUCTION CONSULTAN	Buildings	1399.50
Northwest Communications	Contract Carriers	765.16
Palo Alto Co Comm Health Ser	Board of Health	3099.87
Palo Alto Co Fair Assn	Contrib to Other Gov & Or	536.32
Palo Alto Co Sec Road	Natural & LP Gas, Fuel Oi	2382.20
The Print Shop	Stationery/Forms/Gen Ofc	136.48
QS LAWN AND PEST, LLC	Buildings	180.00
River Valley Telecommunication	Electric Light & Power	64.80
Sioux Sales Co.	Wearing Apparel & Uniform	50.00
HOWARD SMITH	Bus	239.00
Solutions Inc.	services	1315.62
Swanson Hardware	Parts	102.20
Thomson Reuters West Payment C	Legal Research Service	566.63

Verizon	phone service	320.24
VISA	Fuels	252.10
Rick A. Weidner, AIA	Buildings	2000.00
West Bend Ford	Minor MV Parts & Access	228.26
<b><u>Rural Services Basic Fund</u></b>		
Emmetsburg Library	Contrib to Other Gov & Or	309.36
Graettinger Library	Contrib to Other Gov & Or	131.48
Mallard Library	Contrib to Other Gov & Or	108.28
Mid-Iowa Growth Partnership c/	Contrib to Other Gov & Or	5250.00
Northwest Communications	Telecommunications Serv.-	81.95
Palo Alto Co Sec Road	Fuels	49.92
The Retrofit Companies, Inc.	Sanitation & Disposal Ser	990.55
Ruthven Library	Contrib to Other Gov & Or	108.28
SARGENT ELECTRIC	Miscellaneous Repair	1564.00
City of Spencer	Sanitation & Disposal Ser	18454.40
West Bend Library	Contrib to Other Gov & Or	116.00
<b><u>Secondary Road Fund</u></b>		
Grant Waldschmidt Affordable G	Engineering Services	22.77
Algona Hearing Center	Engineering Services	160.00
Arnold Motor Supply ATT: Sue	Engineering Services	330.76
Ayrshire Farmers Mut Telephone	Engineering Services	41.24
Cintas	Engineering Services	80.88
Crysteel Truck Equipment	Engineering Services	859.57
City of Cylinder	Engineering Services	55.00
Electronic Specialties	Engineering Services	640.50
Equipment Blades, Inc	Engineering Services	120.58
Fleet Pride Truck & Trailer	Engineering Services	324.99
Graettinger Hardware	Engineering Services	49.48
Graettinger Mun. Utilities Gra	Engineering Services	653.91
IA Great Lakes Doors, Inc.	Engineering Services	726.04
Iowa Lakes Regional Water	Engineering Services	4.99
Interstate Batteries	Engineering Services	415.85
Jack's OK Tire	Engineering Services	321.36
KRISTAT AUTO PARTS LLC	Engineering Services	125.65
Lube Tech Accelerating Perform	Engineering Services	1553.56
City of Mallard	Engineering Services	74.74
Matheson Tri Gas Inc	Engineering Services	878.62
Murphy Tractor & Equipment	Engineering Services	709.68
North Iowa Lumber & Design, Inc	Engineering Services	42.84
NUSS TRUCK & EQUIPMENT	Engineering Services	355.81
Northwest Communications	Engineering Services	45.41
Picrays Welding & Fab.	Engineering Services	278.63
Rick's Home Repair	Engineering Services	266.00
River Valley Telecommunication	Engineering Services	76.04
Rouse Tire and Repair, LLC	Engineering Services	20.00
Ruthven Coop Oil Co	Engineering Services	18959.67
SLASH POINT SALES	Engineering Services	480.75
Swanson Hardware	Engineering Services	201.87
Syn-Tech Systems	Engineering Services	142.00
Michael Todd & Co Inc	Engineering Services	935.61
Verizon	Engineering Services	208.02
Windstream	Engineering Services	500.41
Ziegler Inc	Engineering Services	3584.87
<b><u>Res Enhance &amp; Protection</u></b>		
VISA	Equipment	778.40
<b><u>Emergency Mgmt Agency</u></b>		
Palo Alto Co Sec Road	Parts	191.75
<b><u>E911 Surcharge Fund</u></b>		
Ayrshire Farmers Mut Telephone	Engineering Services	154.30
E-Pride	Stationery/Forms/Gen Ofc	36.75
MEDIACOM LLC	Engineering Services	168.37
Northwest Communications	Engineering Services	758.78
River Valley Telecommunication	Data Processing Services	1315.49
Windstream	phone	358.05
WINDSTREAM COMMUNICATIONS ATTE	phone	207.56
<b><u>Drainage Claims</u></b>		
B & W Control Specialists	DDJt 60 Main spraying	1966.75
D D 29 Lower Main Tile	DD29 UpMainTile transfer	8615.38
Jacobson-Westergard&Assoc, Inc.	DD 119 eng exp	3804.15
Jacobson-Westergard&Assoc, Inc.	DD 160 eng exp	2195.00
Jacobson-Westergard&Assoc, Inc.	DD 162 eng exp	4556.80
Jacobson-Westergard&Assoc, Inc.	DD19 eng exp	1931.25
Jacobson-Westergard&Assoc, Inc.	DD23 Lat8 Tile eng exp	1350.00
Jacobson-Westergard&Assoc, Inc.	DD23 Lat9 Tile eng exp	1371.00
Jacobson-Westergard&Assoc, Inc.	DD81 eng exp	6598.10
Darren A. Stearns	DD81 beaver trapping	600.00

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

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Linus Solberg, Chairman

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Carmen Moser, County Auditor