

Election Center
Emmetsburg, Iowa
September 28, 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: Peter Hart, County Attorney; Jacob Oliver, Reporter/Democrat.

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.

Motion by Wirtz, 2nd by Graettinger to approve the agenda for September 28, 2021. Motion Carried.

Motion by Faulstick, 2nd by Graettinger to approve the minutes for September 21, 2021. Motion Carried.

Aletha King, Zoning, met with the Board. Present: Kent Krause; Mitch Baum by conference call. Planning & Zoning recommended to approve the conditional use permit for Summit Pork III LLP in Section 12 of Freedom Township. The site meets the Good Neighbor Policy.

Motion by Merrill, 2nd by Graettinger to approve a conditional use permit & master matrix for Summit Pork III LLP in Section 12 of Freedom Township. Motion Carried.

No one was present for public comment.

The Board held a Public Hearing on the Flood Plain Management Ordinance.

RESOLUTION NO. 9-28-2021

A RESOLUTION TO REPEAL AND REPLACE THE May 11th, 1994 FLOOD PLAIN MANAGEMENT ORDINANCE

WHEREAS, the Palo Alto County Board of Supervisors met in regular session on May 11th, 1994 and adopted by Resolution Number S.R. #21 enacting the Palo Alto County Flood Plain Management Ordinance with that same date; and,

WHEREAS, the Board of Supervisors met in regular session on September 28th, 2021 and moved to repeal and replace the May 11th, 1994 Flood Plain Management Ordinance with the 2021 Palo Alto County Flood Plain Management Ordinance which is now on file and accessible through the Palo Alto County Auditor's web page; and,

WHEREAS, Iowa Code 331.305 requires publishing notice of the public hearing to repeal and replace an ordinance at least once, not less than four (4) days or more than twenty (20) days before the date of the proposed amendment to the ordinance hearing in one or more newspapers; and,

WHEREAS the Palo Alto County Board of Supervisors have set the first of three public hearings to consider repeal and replace the May 11th, 1994 Flood Plain Management Ordinance.

The first of three hearings were held Sept. 28th, 2021 at 8:30 am and the second of three hearings was scheduled to be held on Oct. 5th, 2021 at 8:30 am and the third of three hearings was scheduled to be held on the 12th of October, 2021 at 8:30 am. The Palo Alto County Auditor has caused a summary of this ordinance and the notice of these hearings to be placed of record with the official newspapers of general circulation in compliance with Iowa Code 331.305 before the date for the hearing on the amendment(s) to repeal and replace the May 11th, 1994 Flood Plain Management Ordinance; 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, Supervisors determine to Repeal and Replace and amend the 1995 Palo Alto County Zoning Ordinance by enacting the 22 pages of the 2021 Palo Alto County Flood Plain Management Ordinance.

NOW THEREFORE, BE IT FURTHER RESOLVED following review, consideration and discussion, Supervisors and after waiving the second and third readings of the County Flood Plain Management Ordinance by majority vote of the Board members, the Board of Supervisors repeal the May 11th, 1994 Flood Plain Management Ordinance and resolve to replace and to substitute and to adopt and enact the 2021 Palo Alto County Flood Plain Management Ordinance under County Home Rule and the authority of the Iowa Code.

The Palo Alto County Auditor is directed to cause this resolution repealing and replacing and the 1994 Flood Plain Management Ordinance with the 2021 Flood Plain Management Ordinance and cause that to be placed of record in 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.

WAIVER OF SECOND AND THIRD HEARINGS

Supervisor Keith Wirtz moves and motion is seconded by Supervisor Craig Merrill to waive the second and waive the third readings of the 2021 Floodplain Management Ordinance. Recorded Voice Vote To Waive The Second And Third Readings of the 2021 Palo Alto County Flood Plain Management Ordinance.

Keith Wirtz __aye_____

Ron Graettinger _aye_____

Roger Faulstick __aye_____

Craig Merrill __aye_____

Linus Solberg __aye_____

Motion to waive the second and third readings of the 2021 Palo Alto County Flood Plain Management Ordinance carried.

ADOPTION

Supervisor Ron Graettinger moves and motion is seconded by Supervisor Craig Merrill therefore to adopt the RESOLUTION to Repeal and to Replace the 2021 Palo Alto County Flood Plain Management Ordinance and for the passage of the above resolution.

RECORDED VOICE VOTE TO REPEAL the 1994 Flood Plain Management Ordinance and AND TO REPLACE it with the 2021 Palo Alto County Flood Plain Management Ordinance.

Keith Wirtz __aye_____

Ron Graettinger _aye_____

Roger Faulstick _aye_____

Craig Merrill _aye_____

Linus Solberg __aye_____

RESOLUTION TO Repeal the 1994 and to Replace it with the 2021 Palo Alto County Flood Plain Management Ordinance, ADOPTED.

Passed and approved this 28th day of September, 2021.

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

Attest:

/s/ Carmen Moser. Palo Alto County Auditor

Committee Reports: Wirtz—Central Iowa Detention; Iowa Drainage District Association; Solberg—pipeline meeting.

Motion by Wirtz, 2nd by Faulstick to appoint Rick Hopper, Engineer, and Allen Stangl & Bill Brown as Reclassification Commissioners for Drainage District No. 162. Motion Carried

Rick Hopper, Jacobson-Westergard, and Derek Behrens met with the Board to file the Reclassification report on Drainage District No. 23 Lateral 8, 9, 10 & 11.

Motion by Graettinger, 2nd by Faulstick to accept the reclassification report and set November 16, 2021, at 9:00 a.m. at the Election Center for the Reclassification Hearing. Motion Carried.

Rick Hopper, Jacobson-Westergard, and Derek Behrens met with the Board for the bid letting on Drainage District No. 119. Present: Rick Elbert, Dale Reed, Mark Walsh, Doug Shirk, Diane Smith.

The following bids were received:

<u>½" coefficient</u>	<u>Main Tile</u>	<u>Lateral H-3</u>
Holland Contracting	\$216,662.75	\$37,470
Valley Contracting	\$392,578.75	\$93,984
Reutzel Excavating	\$213,215.20	\$26,872

The Board asked for landowner input on the bids received. The landowners recommended the ½" coefficient and to replace Lateral H-3.

Motion by Wirtz, 2nd by Faulstick to approve the low bid to Reutzel Excavating for the ½" coefficient for \$213,215.20 and Lateral H-3 for \$26,872. Motion Carried.

Motion by Merrill, seconded by Wirtz to approve the claims and drainage claims for September 28, 2021. Motion Carried.

General Basic Fund

Axon Enterprise, Inc.	Safety Items	2240.00
Bomgaars	Minor Equip & Hand Tools	267.91
Ron Broderson	Engineering Services	5000.00
Brown Winick ATTN: Accounts Re	Consultants	2663.50
Brownlee Farm Management	Engineering Services	849.47
Canon	Photocopy & Dup. Serv.	166.00
Renee Chism	Food & Provisions	21.88
Counsel Office & Document	Office & Data Processing	244.82
Creative Stitches	Conservation Board	138.50
E-Pride	Custodial Supplies	40.78
Emmet Co Public Health	Salary-Regular Employees	2967.15
Emmetsburg Ford	Operating/Construction Eq	526.03
Harris Sanitation	Sanitation & Disposal Ser	536.00
Peter C Hart	Employee Mileage & Subs.	27.00
TAMMY HORST	Park Maintenance & Suppli	200.00
Hy-Vee Accounts Receivable	Food & Provisions	212.96
IA Lakes Electric Coop	Electric Light & Power	1863.00
Iowa Lakes Regional Water	Water & Sewer	541.32
IA LAW ENFORCEMENT INTEL NET A	Educational/Training Serv	200.00
IA STATE COUNTY TREAS ASSOC Ch	Educational/Training Serv	50.00
Inman Electric Co Inc	Engineering Services	124.03
Craig Kassel	Engineering Services	370.00
Kossuth Co Jail	Inmate Housing-out of cou	450.00
KRISTAT AUTO PARTS LLC	Minor Equip & Hand Tools	93.77
Loffler Companies - 131511	Photocopy & Dup. Serv.	42.05
Mail Services, LLC	Postage & Mailing	310.77
MEDIACOM LLC	Telecommunications Serv.-	200.42
MidAmerican Energy	electricity	2357.55
North Iowa Lumber & Design, Inc	Park Maintenance & Suppli	444.72
Northwest Communications	Telecommunications Serv.-	209.90
Palo Alto Co Comm Health Ser	Board of Health	3995.55
Palo Alto Co Sec Road	Fuels	1025.84
Palo Alto County Treasurer	Planning/Mngmnt Consultan	2077.50
Pitney Bowes	Postage & Mailing	118.99
Quill Corporation	Stationery/Forms/Gen Ofc	8.78
River Valley Telecommunication	Telecommunications Serv.-	331.47
Marian Rosacker	Engineering Services	5000.00
Tim Rouse	Engineering Services	5000.00
Sioux Sales Co.	Safety Items	690.00
STATE HYGIENIC LABORATORY	Engineering Services	262.50
Swanson Hardware	Minor Equip & Hand Tools	345.64

VISA	Postage & Mailing	1144.93
Windstream	phone	255.22
WOODFORD EQUIPMENT	Operating/Construction Eq	49.57
Wyatt Wirtz	Engineering Services	5000.00
<u>General Supplemental Fund</u>		
Amazon Capital Services	Stationery/Forms/Gen Ofc	32.97
INTAB, LLC	Stationery/Forms/Gen Ofc	60.48
MidAmerican Energy	electricity	66.39
Carmen Moser	Stationery/Forms/Gen Ofc	83.94
PELZER LAW FIRM JENNIFER BENNE	Legal & Ct-Related Servic	195.30
SEAT TREASURER C/O ISAC	Educational/Training Serv	75.00
<u>Rural Services Basic Fund</u>		
Bomgaars	Buildings	19.98
Bowman Welding Service	Miscellaneous Repair	487.20
Emmetsburg Ford	Equipment	1190.05
IA Lakes Electric Coop	Electric Light & Power	193.00
J.W. Repair	Equipment	440.98
Palo Alto Co Sec Road	Fuels	579.56
Pro Cooperative	Chemicals & Gases-Herb.	1644.30
Shamrock Recycling, Inc	Sanitation & Disposal Ser	2537.62
Windstream	phone	60.86
<u>Special Revenue-SheriffReserve</u>		
Sioux Sales Co.	Safety Items	1380.00
<u>Secondary Road Fund</u>		
Alliant Energy	Engineering Services	144.41
Arnold Motor Supply ATT: Sue	Engineering Services	565.12
Blacktop Service Company	Engineering Services	35030.00
Brown Supply Co.	Engineering Services	2196.84
Cemstone	Engineering Services	1459.00
Cintas	Engineering Services	67.29
Don's Truck Sales Inc	Engineering Services	166.84
E.M.U.	Engineering Services	97.24
Fareway	Engineering Services	11.10
Fleet Pride Truck & Trailer	Engineering Services	895.81
Fox International, Inc.	Engineering Services	171.04
David Geerdes	Engineering Services	292.50
Gordon Flesch Company Inc GFC	Engineering Services	490.68
IA Lakes Electric Coop	Engineering Services	26.36
Jack's OK Tire	Engineering Services	1046.00
Metal Culverts Inc.	Engineering Services	28881.00
MidAmerican Energy	Engineering Services	161.08
Murphy Tractor & Equipment	Engineering Services	2291.51
NUSS TRUCK & EQUIPMENT	Engineering Services	190.06
Palo Alto County Treasurer	Engineering Services	205576.06
Ruthven Coop Oil Co	Engineering Services	12530.72
SLASH POINT SALES	Engineering Services	62.50
Staples Credit Plan	Engineering Services	211.18
Swanson Hardware	Engineering Services	310.80
Ten Point Construction Co.	Engineering Services	240107.33
City of West Bend	Engineering Services	94.18
Ziegler Inc	Engineering Services	25.89
<u>Debt Service Fund</u>		
UMB BANK, N.A. Attn: Diana Van	GO Bond Redemption	484288.00
<u>Emergency Mgmt Agency</u>		
Palo Alto Co Sec Road	Parts	187.62
<u>E911 Surcharge Fund</u>		
Ayrshire Farmers Mut Telephone	Engineering Services	150.00
Century Link	Engineering Services	262.08
Iowa APCO ATTN: Jordon Sander	Educational/Training Serv	115.00
Iowa NENA ATTN: Amanda Roush	Educational/Training Serv	115.00
Northwest Communications	Engineering Services	150.00
Windstream	phone	80.44
<u>Drainage Claims</u>		
Bolton & Menk, Inc.	DD180 Lat1 tile improve	8825.00
Bolton & Menk, Inc.	DD48 MainOpen FEMA rep	882.50
Bolton & Menk, Inc.	DD61 MainOpen Improve	25092.50
Bolton & Menk, Inc.	DD62 MainOpen FEMA rep	1768.00
Bolton & Menk, Inc.	DD98 MainOpen FEMA rep	470.50
Bolton & Menk, Inc.	DD98 Sub1 MainOpen FEMA	3341.50
James T. & Diane Darr	DD62 crop loss	288.59
Hancock Concrete Products	DD180 Lat 1 tile material	44798.40
Richard E. Higgins, Jr. &	DD98 Sub 1 crop loss	42.21
Thomas Higgins, ThereseMartinez	DD98 Sub 1 crop loss	147.99
David Kassel	DD62 crop loss	244.19
K&J Kassel Farms, Inc	DD62 crop loss	325.58
Roger & Kathryn Kramer	DD98 Sub 1 crop loss	66.60
Lair Tiling & Excavation, Inc.	DD69 repair	355.00
KENT MALM	DD69 repair tile inspect	40.00
Reutzel Excavating Inc	DD61 MainOpen pay#3	159039.00
Ronald Rouse	DD62 crop loss	939.75
Craig W. Spear	DD98 MainOpen crop loss	200.49

Motion by Graettinger, 2nd by Merrill to adjourn. Motion Carried.

Linus Solberg, Chairman

Carmen Moser, County Auditor