

Courthouse  
Emmetsburg, Iowa  
December 14<sup>th</sup>, 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; Jordan Morey, Auditor's Office.

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 Graettinger, 2nd by Wirtz to approve the agenda for December 14, 2021. Motion Carried.

Motion by Wirtz, 2nd by Faulstick to approve the minutes for December 7, 2021. Motion Carried.

Peter Hart, County Attorney, met with the Board for the opioid litigation documentation. Motion by Graettinger, 2<sup>nd</sup> by Wirtz to approve the opioid litigation resolution 12-14-2021. Ayes: Graettinger, Faulstick, Merrill, Wirtz, Solberg. Nays: None. Resolution passed.

#### **RESOLUTION NO. 12-14-2021**

*Authorizing Palo Alto County Iowa to Enter into Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the Iowa Opioid Allocation Memorandum of Understanding and Authorize Entry Into that Memorandum of Understanding*

**WHEREAS**, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the "Settling Defendants") have been ongoing for several years;

**WHEREAS**, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation;

**WHEREAS**, copies of the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively "Settlement Agreements");

**WHEREAS**, copies of the Settlement Agreements as well as summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements and the MDL Court's Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements have been provided to the County prior to the execution of this Resolution;

**WHEREAS**, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Iowa including to the State of Iowa and Participating Subdivisions, as that term is defined in the Settlement Agreements, upon occurrence of certain events as defined in the Settlement Agreements ("Iowa Opioid Funds");

**WHEREAS**, the Law Firms have engaged in extensive discussions with the State Attorney General's Office ("AGO") as to how the Iowa Opioid Funds will be allocated, which has resulted in the proposed Iowa Opioid Allocation Memorandum of Understanding ("Allocation MOU"), which is an agreement between all of the entities who are signatories to the Allocation MOU;

**WHEREAS**, a copy of the Allocation MOU and the Exhibits to that MOU has been provided with this Resolution;

**WHEREAS**, the Allocation MOU divides Iowa Opioid Funds as follows: (i) 50% to the State (“the Iowa Abatement Share”) and (ii) 50% to Participating Local Governments (“LG Share”), less fees and costs allocated to the Iowa Backstop Fund as set forth in Section D of the Allocation MOU and in this Resolution (“LG Abatement Share”).

**WHEREAS**, the LG Abatement Share shall be distributed in direct payments to the Counties that are Participating Local Governments according to the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804) in the amounts set forth on Exhibit 2 to the Allocation MOU (“Direct Distribution Percentage”). The Direct Distribution Percentage will be multiplied by the total LG Abatement Share to arrive at the total allocation to the Participating Local Government (the “Direct Distribution Amount”).

**WHEREAS**, 100% of the Iowa Abatement Share and the LG Abatement Share, regardless of allocation, shall be utilized only for Opioid Related Expenditures incurred after the Effective Date of this MOU. The list of approved Opioid Related Expenditures are set forth in Exhibit 1 to this MOU.

**WHEREAS** at least 75% of the Iowa Abatement Share and 75% of the LG Abatement Share shall be utilized for only the “Core Strategies” listed in Schedule A of Exhibit 1 to this MOU.

**WHEREAS**, every Participating Local Government that receives a Direct Distribution Amount shall create a separate fund on its financial books and records that is designated for the receipt and expenditure of the entity’s Direct Distribution Amount, called the “LG Abatement Fund.” Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government. A Participating Local Government may invest LG Abatement Fund funds consistent with the investment of other funds of a Participating Local Government.

**WHEREAS**, Funds in a LG Abatement Fund may be expended by a Participating Local Government only for Opioid Related Expenditures. For avoidance of doubt, funds in a LG Abatement Fund may not be expended for costs, disbursements or payments made or incurred prior to the Settlement.

**WHEREAS**, each LG Abatement Fund shall be subject to audit in a manner consistent with Code of Iowa §§331.402(2)(i) and 11.6. Any such audit shall be a financial and performance audit to ensure that the LG Abatement Fund disbursements are consistent with the terms of this MOU. If any such audit reveals an expenditure inconsistent with the terms of this MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure.

**WHEREAS**, County has contracted with the Law Firms for representation in the Litigation and the Law Firms have been representing those entities since 2018 and in consideration for the Law Firms’ representation, the County entered into a contract with the Law Firms for a 25% contingency fee applied to County’s total recovery from any settlement.

**WHEREAS**, the Settlement Agreements provide for the payment of attorney’s fees and legal expenses owed by States and Participating Local Governments to outside counsel retained for Opioid Litigation. To effectuate this, the Court in the MDL Litigation has established a fund to compensate attorneys representing plaintiffs in the Litigation (the “National Attorney Fee Fund”).

**WHEREAS**, the Law Firms intend to make application to the National Attorney Fee Fund. However, because there is still uncertainty regarding what counsel for litigating local governments will recover as compensation for the large volume of work done and the large out of pocket expense of the Litigation, and whereas the Parties to the Allocation MOU desire to fairly compensate outside counsel for the work done on behalf of the Participating Local Governments in Iowa, the Allocation MOU provides that a fund be created from 15 % of the LG Share attributable to the Litigating Local Governments, less any amounts a Litigating Local Government (“Iowa Backstop Fund”)

**WHEREAS**, the Iowa Backstop Fund is meant to compensate outside counsel for participating local governments only for amounts not recovered at the National Fee Fund attributable to their Iowa clients;

**WHEREAS**, to be eligible for the Iowa Backstop Fund, the Law Firms must first seek payment from the National Attorneys’ Fees Fund and may not recover amounts attributable to Counsel’s representation of the County received at the National Attorneys’ Fees Fund from the Iowa Backstop Fund;

**WHEREAS**, the County, by this Resolution, agrees to the creation of the Iowa Backstop Fund in the amount of 15% of the LG Share attributable to the Litigating Local Governments in order to fund a state-level “backstop” for payment of the fees, costs, and disbursements of the Law Firms;

**WHEREAS**, in no event shall the total of the amounts received by the Law Firms at the National Attorney’s Fees Fund related to the County and the amount received at the Iowa Backstop Fund exceed the amount the Law Firms would have been entitled to pursuant their fee contract with the County;

**WHEREAS**, the County, by this Resolution, shall establish an account for the receipt of the LG Abatement Share consistent with the terms of this Resolution (“the LG Abatement Fund”);

**WHEREAS**, the County’s LG Abatement Fund shall be separate from the County’s general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU;

**WHEREAS**, the County must comply annually with the reporting requirements in the Allocation MOU;

**WHEREAS**, the if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement and the Allocation MOU, provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreements stating the County’s intention to be bound by the Settlement Agreements; (3) approves the Allocation MOU; (4) executes the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the Allocation MOU;

**WHEREAS**, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements and to enter into the Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the Allocation MOU;

**NOW, THEREFORE, BE IT RESOLVED:** the County Board of Supervisors hereby approves and authorizes Linus J. Solberg , chair of the Palo Alto Board of Supervisors to settle and release the County’s claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements, Allocation MOU and all exhibits thereto, including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding.

**BE IT FURTHER RESOLVED:** the County hereby establishes an account separate and distinct from the County's general fund which shall be titled "LG Abatement Fund" to receive the LG Abatement Share from the Settlement Agreements.

**BE IT FURTHER RESOLVED** that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Palo Alto County Board of Supervisors this 14th day of December, 2021.

/s/LJ Solberg

Board Chair, Linus J. Solberg

ATTEST:

/s/Carmen Moser

Palo Alto County Auditor, Carmen Moser

No one was present for public comment.

Gary Atherton met with the Board to give a FEMA update on the 2019 FEMA repairs.

Don Etlar met with the Board to discuss legislative drainage proposals. Senator Guth was not able to attend and asked that the supervisors support Senate File 500 and to contact their legislators. Linda Koppie was present by conference call and requested that landowners be given notice when contractors are going to be on their property.

Andy Stolley met with the Board. Walter Davis-Oeth, County Engineer, was present by conference call. Andy presented the project summary for the new diesel tanks at Ruthven & Graettinger and a new gas tank at Ruthven.

Motion by Faulstick, 2<sup>nd</sup> by Graettinger to approve the project summary for the new diesel tanks at Ruthven & Graettinger and a new gas tank at Ruthven. Motion Carried.

Motion by Merrill, 2<sup>nd</sup> by Wirtz to approve hiring Jake Treybal as full-time operator at the Ayrshire shed at \$19.49 per hour per union contract effective December 13, 2021. Motion Carried.

Motion by Graettinger, 2<sup>nd</sup> by Merrill to approve hiring Kyle Cook as full-time operator at the Emmetsburg shed at \$19.49 per hour per union contract effective December 28, 2021. Motion Carried.

John Rosengren, Bolton & Menk, met with the Board for the completion hearing on Drainage District No. 84. Present: Jordan Morey, Auditor's Office.

There were no claims for damages on file.

Motion by Wirtz 2<sup>nd</sup> by Merrill to approve the completion of contract with King Excavation for repairs on Drainage District No. 84 and to direct the Auditor to release the retainage after 30 days. Motion Carried.

Motion by Faulstick, 2<sup>nd</sup> by Wirtz to introduce and approve the Resolution No. 12-14-2021 (A) for the Palo Alto County Historical School Association. Ayes: Wirtz, Merrill, Faulstick, Graettinger, Solberg. Nays: none. Resolution Passed.

RESOLUTION NO. 12-14-2021 (A)  
RESOLUTION OF THE BOARD OF SUPERVISORS OF PALO ALTO COUNTY, IOWA,  
TO APPROVE THE SUBMITTAL OF AN APPLICATION FOR FUNDING ASSISTANCE  
TO THE PALO ALTO COUNTY GAMING DEVELOPMENT CORPORATION

WHEREAS, the Palo Alto County Historical School Association has identified a need to repair the country school roof located at the Palo Alto County Fairgrounds, by removing the shingles on the north and west side of the roof, sheeting the roof, and placing new shingles on the roof. This is part of a two-year plan which began in 2021 and will be completed in 2022.

WHEREAS, the County Board of Supervisors has identified the Palo Alto Counting Gaming Development Corporation as a potential resource for supporting the Palo Alto County Historical School Association and its offering and its opportunities to and for the residents of Palo Alto County.

NOW THEREFORE, BE IT RESOLVED, by the County Board of Supervisors of Palo Alto County, that the Palo Alto County Historical School Association is authorized to proceed with the submittal of a grant application to the Palo Alto County Gaming Development Corporation requesting funds to repair the north and west side of the roof, sheeting the roof, and placing new shingles on the roof.

All resolutions or parts of resolutions in conflict are hereby repealed to the extent of such conflict.

INTRODUCED AND APPROVED THIS 14th DAY OF December. 2021

/s/LJ Solberg, Chairperson

ATTEST:

/s/Carmen Moser, County Auditor

Motion by Merrill, 2<sup>nd</sup> by Wirtz to introduce and approve the Resolution No. 12-14-2021 (B) for the Silver Lake Shores Owner's Association. Ayes: Wirtz, Merrill, Faulstick, Graettinger, Solberg. Nays: none. Resolution Passed.

RESOLUTION NO. 12-14-21 (B)

**RESOLUTION FOR AUTHORIZATION OF GRANT FUNDING FOR  
THE  
SILVER LAKE SHORES OWNERS' ASSOCIATION**

**WHEREAS**, the Silver Lake Shores Owners' Association is seeking to obtain funding in the amount of \$4750.00 in order to purchase and install a road sign near the housing development on the south side of Palo Alto's Silver Lake;

**WHEREAS**, the Silver Lake Shores Owners' Association, being a non-profit group, wishes to partner with the Palo Alto County Gaming Development Corporation as a potential resource to enhance Silver Lake's natural beauty and promote a sense of pride for the community as a whole;

**NOW THEREFORE BE IT RESOLVED**, by the County Board of Supervisors of Palo Alto County, Iowa, that the Silver Lake Shores Owners' Association be authorized to proceed with submittal of a grant application to the Palo Alto County Gaming Development Corporation to request funding assistance to purchase and install a road sign on South Shores Drive.

PASSED AND APPROVED this 12-14-2021.

BY: /s/LJ Solberg,

Chairman, Palo Alto County Board of Supervisors

ATTEST:

/s/Carmen Moser, Palo Alto County Auditor

Motion by Merrill, 2<sup>nd</sup> by Faulstick to introduce and approve the Resolution No. 12-14-2021 (C) for the Palo Alto County Transfer Station. Ayes: Wirtz, Merrill, Faulstick, Graettinger, Solberg. Nays: none. Resolution Passed.

**Resolution No. 12-14-2021 (C)**  
**A RESOLUTION AUTHORIZING GRANT FUNDING FOR**  
**THE**  
**PALO ALTO TRANSFER STATION**

WHEREAS, the Palo Alto Transfer Station is seeking to obtain funding in the amount of \$3060.00 to be used as project cost share to obtain a Used Recycling Trailer to make recycling more accessible for county residents; and,

WHEREAS, the Palo Alto Transfer Station's normal annual operating budget resources are not sufficient to purchase an additional recycling trailer; and,

NOW THEREFORE BE IT RESOLVED the Palo Alto County, IA, Board of Supervisors hereby affirms its support of the Palo Alto Transfer Station in seeking assistance through the Palo Alto County Gaming and Development Corporation for grant funding in the amount of \$3060.00 to use as project cost share to purchase a Used Recycling Trailer.

PASSED AND APPROVED this 12-14-2021.

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

ATTEST:/s/ Carmen Moser, Palo Alto County Auditor

Motion by Graettinger, 2<sup>nd</sup> by Wirtz to introduce and approve the Resolution No. 12-14-2021 (D) for the Highland Cemetery Association. Ayes: Wirtz, Merrill, Faulstick, Graettinger, Solberg. Nays: none. Resolution Passed.

**RESOLUTION NO. 12-14-2021 (D)**

**RESOLUTION FOR AUTHORIZATION OF GRANT FUNDING FOR THE**  
**HIGHLAND CEMETERY ASSOCIATION**

**WHEREAS**, the Highland Cemetery Association is seeking to obtain funding in the amount of 4,000.00 to straighten, raise and level including new foundations for the existing gravestone memorial markers and the repair of broken stones in the Highland Township Cemetery;

**WHEREAS**, the Highland Cemetery Association, being a non-profit group, wishes to partner with the Palo Alto County Gaming Development Corporation, a potential resource to restore the dignity and honor to the Highland Township Cemetery and provide a respectful public cemetery for all;

**NOW THEREFORE BE IT RESOLVED**, by the County Board of Supervisors of Palo Alto County, Iowa, that the Highland Cemetery Association be authorized to proceed with the submittal of a grand application to the Palo Alto Gaming Development Corporation to request funding assistance to straighten, raise and level cemetery gravestone markers, including new foundations and the repair of broken grave stones.

PASSED AND APPROVED 12-14-2021.

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

ATTEST:

/s/ Carmen Moser, Palo Alto County Auditor

Motion by Graettinger, 2<sup>nd</sup> by Merrill to introduce and approve the Resolution No. 12-14-2021 (E) for the Palo Alto County Sheriff's Office. Ayes: Wirtz, Merrill, Faulstick, Graettinger, Solberg. Nays: none. Resolution Passed.

**PALO ALTO BOARD OF SUPERVISORS RESOLUTION  
RESOLUTION NO. 12-14-2021 (E)**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF PALO ALTO COUNTY,  
IOWA, TO APPROVE THE SUBMITTAL OF AN APPLICATION FOR FUNDING  
ASSISTANCE TO THE PALO ALTO GAMING DEVELOPMENT CORPORATION.**

WHEREAS, the Palo Alto County Sheriff's Office has identified a need to purchase 9 Toughbook Touchpad Laptops, Keyboards, Vehicle Docks, Magnetic Mounts, Project Fees, and Tech Installation Services for patrol vehicles.

WHEREAS, the County Board of Supervisors has identified the Palo Alto County Gaming Corporation as a potential resource for supporting the county wide law enforcement needs and local projects that strengthen the county's residents for future generations;

WHEREAS, the County Board of Supervisors supports the need to purchase 9 Toughbook Touchpad Laptops, 9 Keyboards, Vehicle Docks, Magnetic Mounts, Project Fees, and Tech Installation Services for patrol vehicles.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Supervisors of Palo Alto County, Iowa, that the Palo Alto County Sheriff's Office is authorized to proceed with submittal of a Full Grant to the Palo Alto County Gaming Development Corporation, requesting funding assistance to purchase 9 Toughbook Touchpad Laptops, 9 Keyboards, Vehicle Docks, Magnetic Mounts, Project Fees, and Tech Installation Services for patrol vehicles.

All resolutions or parts of resolutions in conflict are hereby repealed to the extent of such conflict.

PASSED AND APPROVED the 14 day of December, 2021

Board Chairman, /s/LJ Solberg

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

Motion by Faulstick, 2<sup>nd</sup> by Wirtz to introduce and approve the Resolution No. 12-14-2021 (F) for the Palo Alto County Gun Club. Ayes: Wirtz, Merrill, Faulstick, Graettinger, Solberg. Nays: none. Resolution Passed.

**Resolution No.12-14-2021 (F)**

**A RESOLUTION AUTHORIZING GRANT FUNDING FOR  
THE  
PALO ALTO GUN CLUB**

WHEREAS, the Palo Alto Gun Club is seeking to obtain funding in the amount of \$3958.00 in order to construct a bleacher cover at Sportsman Recreation Area, a public park owned and maintained by the Palo Alto County Conservation Board; and,

WHEREAS, the Palo Alto Gun Club's normal annual operating budget resources would not be sufficient to construct a bleacher cover; and,

NOW THEREFORE BE IT RESLOVED the Palo Alto County, IA Board of Supervisors hereby affirms its support of the Palo Alto Gun Club in seeking

assistance through the Palo Alto County Gaming and Development Corporation for grant funding in the amount of \$3958.00 to construct a bleacher cover at Sportsman Recreation Area.

PASSED AND APPROVED this 12-14-2021.

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

ATTEST:

/s/Carmen Moser, Palo Alto County Auditor

Committee Reports: Roger: pipeline discussion; Robin Jamison: wellness update.

MINUTES FOR HEARING ON  
NONCURRENT DEBT AND  
APPROVING INTERNAL  
ADVANCE

419285-14

Emmetsburg, Iowa

December 14, 2021

The Board of Supervisors of Palo Alto County, Iowa met on December 14, 2021, at 10:00 o'clock a.m., at the Courthouse Boardroom, Emmetsburg, Iowa.

The meeting was called to order by the Chair, and the roll was called showing the following Supervisors present and absent:

Present: Linus Solberg, Keith Wirtz, Craig Merrill, Roger Faulstick, Ron Graettinger

Absent: None.

This being the time and place specified for taking action on the proposal to incur non-current debt in an amount not to exceed \$500,000, the County Auditor announced that no written objections had been placed on file. Whereupon, the Chairperson called for any written or oral objections, and there being none, the Chairperson closed the public hearing.

After due consideration and discussion, Supervisor Craig Merrill introduced the following resolution and moved its adoption, seconded by Supervisor Ron Graettinger. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted:

Ayes: Solberg, Wirtz, Merrill, Faulstick, Graettinger

Nays: None

Whereupon, the Chairperson declared the resolution duly adopted, as hereinafter set out.

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At the conclusion of the meeting and upon motion and vote, the Board adjourned.



/s/ LJ Solberg  
Chairperson

Attest:

/s/Carmen Moser  
County Auditor

RESOLUTION NO. 12-14-2021 (G)

Resolution Authorizing Internal Advance to Fund Urban Renewal Project  
Costs

WHEREAS, the Board of Supervisors of Palo Alto County, Iowa (the “County”), has established the Palo Alto County Industrial Park Urban Renewal Area (the “Urban Renewal Area”) and has established the Palo Alto County Industrial Park Urban Renewal Area Tax Increment Revenue Fund (the “Tax Increment Fund”) in connection therewith; and

WHEREAS, the County has undertaken a certain urban renewal project (the “Project”) in the Urban Renewal Area, consisting of using tax increment financing to fund the construction of a new public safety building; and

WHEREAS, it has been proposed that the County facilitate an internal advance of funds in an amount not to exceed \$500,000 (the “Advance”) for the purpose of paying the costs of the Project and, pursuant to Section 331.479 of the Code of Iowa, the County has published notice and has held a public hearing on such proposal on December 14, 2021, and

WHEREAS, the County desires to make the Advance eligible to be repaid from incremental property tax revenues derived from the Urban Renewal Area;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors, as follows:

Section 1. It is hereby directed that an initial advance of funds (the “Advance”) in the amount of Five Hundred Thousand Dollars (\$500,000) be advanced in order to cover a portion of the costs of funding of the Project from the County’s General Fund. The Advance shall be repaid to the General Fund, without interest, out of incremental property tax revenues received with respect to the Urban Renewal Area.

It is intended that the Advance, shall be repaid to the County’s General Fund from cash on hand in the Tax Increment Fund on or before June 30, 2022.

Section 2. A copy of this Resolution shall be filed in the office of the County Auditor of Palo Alto County to evidence the Advance.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this 14<sup>th</sup> day of December, 2021.

/s/LJ Solberg  
Chairperson

Attest: /s/Carmen Moser  
County Auditor

John Hansen, Midwest Construction, met with the Board to answer questions on the public safety building bid proposals. Present: Robin Jamison, County Treasurer; Mike Hermansen, Kim Kibbie, Lynn Schultes, County Sheriff, Jordan Morey, Auditor's Office. Present by conference call: John Danos and Travis Squires, Piper & Sadler. Travis reviewed the funding options discussed last week and explained the estimated tax increment financing available from the wind turbines.

#### MINUTES OF MEETING TO AWARD CONTRACTS

419285-14

Emmetsburg, Iowa

December 14, 2021

The Board of Supervisors of Palo Alto County, Iowa, met on December 14, 2021, at 10:30 o'clock a.m., at the Courthouse Boardroom, Emmetsburg, Iowa, pursuant to adjournment and the rules of this Board. The Chairperson presided and the roll being called, the following named Supervisors were present and absent:

Present: Linus Solberg, Keith Wirtz, Craig Merrill, Roger Faulstick, Ron Graettinger.

Absent: none.

The Board of Supervisors further considered proposals received on November 23, 2021 for the proposed Palo Alto County Public Safety Center Project (Contracts 1-6) and embodied its findings in the resolution next hereinafter referred to.

Supervisor Roger Faulstick introduced the resolution next hereinafter set out, and moved that the said resolution be adopted; seconded by Supervisor Ron Graettinger; and after due consideration thereof by the Board of Supervisors, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted:

Ayes: Graettinger, Faulstick, Wirtz.

Nays: Merrill, Solberg.

Whereupon, the Chairperson declared the said motion duly carried and the said resolution duly adopted.

#### RESOLUTION NO. 12-14-2021 (H)

Resolution awarding contracts for the Palo Alto County Public Safety Center Project (Contracts 1-6)

WHEREAS, pursuant to notice duly posted in the manner and form prescribed by resolution of the Board of Supervisors of Palo Alto County, Iowa, and as required by law, bids and proposals were received by this Board for the Palo Alto County Public Safety Center Project (Contracts 1-6) (the "Project"); and

WHEREAS, all of the said bids and proposals have been carefully considered, and it is necessary and advisable that provision be made for the award of the contracts for the Project;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Palo Alto County, Iowa, as follows:

Section 1. The bids for the Project submitted by the following contractors are fully responsive to the plans and specifications for the Project, are heretofore approved by the Board of Supervisors, and are the lowest responsible bids received, such bids being as follows:

**Contract 1 – General Construction**

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Sande Construction & Supply Co. Inc	\$3,370,777.00
1111 16 <sup>th</sup> Avenue	
Humboldt, IA 50548	

**Contract 2 – Security Metal Doors, Frames, Hardware, Equipment & Security Electronics**

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Noah Detention Construction, LLC	\$1,004,308.00
4225 Ward Cove Drive	
Niceville, FL 32578	

**Contract 3 – Plumbing**

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Midwestern Mechanical	\$692,350.00
3905 4 <sup>th</sup> Avenue West	
Spencer, IA 51301	

**Contract 4 – HVAC**

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Midwestern Mechanical	\$791,058.00
3905 4 <sup>th</sup> Avenue West	
Spencer, IA 51301	

**Contract 5 – Electrical/Security Electronics Conduit & Wiring**

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Winger Companies	\$862,722.94
1525 Avenue O	
Fort Dodge, IA 50501	

**Contract 6 – Fire Sprinkler**

<u>Name and Address of Contractor</u>	<u>Amount of Bid</u>
Midwestern Mechanical	\$189,400.00
3905 4 <sup>th</sup> Avenue West	
Spencer, IA 51301	

Section 2. The contracts for the Project are hereby awarded to such contractors at the total estimated costs set out above, the final settlement to be made on the basis of the unit prices therein set out and the actual final quantities of each class of materials furnished, the said contracts to be subject to the terms of the aforementioned resolution, the notice of hearing and letting, the plans and specifications and the terms of the bidders' written proposals.

Section 3. The Chairperson and County Auditor are hereby authorized and ordered to enter into written contracts with said contractors for the Project, said contracts not to be binding until approved by resolution of this Board of Supervisors.

Section 4. The amount of each contractor's performance and/or payment bonds is hereby fixed and determined to be 100% of the amount of each contract.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved December 14, 2021.

/s/LJ Solberg  
Chairperson, Board of Supervisors

Attest:

/s/Carmen Moser, County Auditor

On motion and vote, the meeting adjourned.

/s/LJ Solberg  
Chairperson, Board of Supervisors

Attest:

/s/Carmen Moser, County Auditor

Motion by Faulstick, seconded by Graettinger to approve the claims and drainage claims for December 14, 2021. Motion Carried.

**General Basic Fund**

Amazon Capital Services	Parts	13.45
Biddle Electric	Electrical Supp.& Parts	1748.50
Bomgaars	Fertilizer & Seed	551.75
Brown Winick ATTN: Accounts Re	Consultants	565.50
Central Iowa Distributing Inc	Custodial Supplies	300.00
Clay County Treasurer	Stationery/Forms/Gen Ofc	114.10
Dorsey & Whitney LLP Attorneys	Consultants	7000.00
E-Pride	Stationery/Forms/Gen Ofc	863.11
Emmet Co Public Health	Employee Mileage & Subs.	2925.19
Emmetsburg Fire Department	Buildings	100.00
Emmetsburg Ford	Minor MV Parts & Access	169.35
E.M.U.	utilities	108.82
Emmetsburg Publishing Co.	Board Proceedings	948.82
Graettinger Times	Official Pub & Legal Noti	757.78
Vincent H. Heller	Bus	209.50
Ronald Herson	Bus	150.00
Hoch's Tree Service	Buildings	1350.00
IA COUNTY ATTORNEYS ASSN	Educational/Training Serv	700.00
IA Dept of Natural Resources W	Well Permit Fee to State	225.00
IMWCA	Workmens' Comp Insurance	4045.30
Inman Electric Co Inc	Engineering Services	230.08
Iowa Trust & Savings Bank	Stationery/Forms/Gen Ofc	114.67
Aletha King	Engineering Services	471.98
Lentz Funeral Homes	Medical & Health Services	1182.00
Mail Services, LLC	Postage & Mailing	496.32
Martin-Mattice Fun. Home	Medical & Health Services	650.00
Matt's Cleaning Service	Salary-Regular Employees	500.00
MEDIACOM LLC	Telecommunications Serv.-	831.49
Myron Corp	Misc Expense	632.81
NACVSO	Misc Expense	50.00
Northwest Communications	Telecommunications Serv.-	633.95
Palo Alto Co Comm Health Ser	Board of Health	1138.33
Palo Alto Co Fair Assn	Contrib to Other Gov & Or	1113.67

Palo Alto Co Sec Road	Stationery/Forms/Gen Ofc	415.76
PITNEY BOWES	Postage & Mailing	1166.55
The Print Shop	Stationery/Forms/Gen Ofc	140.74
QS LAWN AND PEST, LLC	Buildings	150.00
Quill Corporation	Stationery/Forms/Gen Ofc	96.82
Raw Customs & Line X	Minor MV Parts & Access	38.24
RESERVE ACCOUNT	Postage & Mailing	2000.00
River Valley Telecommunication	Electric Light & Power	64.80
Ruthven Zipcode	Official Pub & Legal Noti	45.21
Richard Sample	Bus	75.00
HOWARD SMITH	Bus	272.50
STATE HYGIENIC LABORATORY	Engineering Services	430.00
Swanson Hardware	Buildings	92.50
Thomson Reuters West Payment C	Legal Research Service	271.23
Wyman and Becky Travis	Engineering Services	5000.00
U.S. Postal Service	Postage & Mailing	58.00
Verizon	phone service	320.44
VISA	Minor Equip & Hand Tools	1073.74
West Bend Ford	Minor MV Parts & Access	159.91
West Bend Journal	Official Pub & Legal Noti	42.60
Windstream	phone	948.84
Youth Shelter Care of	Crisis Stab Comm Based Se	1015.98
<b><u>General Supplemental Fund</u></b>		
E-Pride	Stationery/Forms/Gen Ofc	38.70
ELECTION SYSTEMS & SOFTWARE	Stationery/Forms/Gen Ofc	2554.19
IA PRECINCT ATLAS CONSORTIUM	Other	3000.00
Storey Kenworthy/Matt Parrott	Stationery/Forms/Gen Ofc	135.17
<b><u>American Rescue Plan Act 2021</u></b>		
Emmetsburg Ford	Misc Expense	34490.00
Midwest Technology ServicesLLC	Misc Expense	42.50
Solutions Inc.	services	1804.00
<b><u>Rural Services Basic Fund</u></b>		
Emmetsburg Library	Contrib to Other Gov & Or	444.66
Graettinger Library	Contrib to Other Gov & Or	188.98
Growmark FS	Fuels	1167.56
IMWCA	Workmens' Comp Insurance	7512.70
KRISTAT AUTO PARTS LLC	Equipment	151.95
Mallard Library	Contrib to Other Gov & Or	155.63
Northwest Communications	Telecommunications Serv.-	84.95
Randy's Repair	Motor Vehicle Equipment	125.95
River Valley Telecommunication	Telecommunications Serv.-	170.38
Rouse Tire and Repair, LLC	Equipment	770.00
Ruthven Library	Contrib to Other Gov & Or	155.63
Samson Development	Sanitation & Disposal Ser	1100.00
Swanson Hardware	Custodial Supplies	357.72
Unity Point Clinic- Occ Med	Misc Expense	42.00
West Bend Library	Contrib to Other Gov & Or	166.75
<b><u>Special Revenue-SheriffReserve</u></b>		
Hawkeye Community College	Educational/Training Serv	125.00
Tyler Stokes	Educational/Training Serv	70.00
<b><u>Secondary Road Fund</u></b>		
Alliant Energy	Engineering Services	126.44
Arnold Motor Supply ATT: Sue	Engineering Services	1241.35
Ayrshire Farmers Mut Telephone	Engineering Services	41.24
Bomgaars	Engineering Services	2535.56
Central Iowa Distributing Inc	Engineering Services	563.00
Cintas	Engineering Services	201.87
City of Cylinder	Engineering Services	55.00
Deitering Bros Inc	Engineering Services	1519.60
Don's Truck Sales Inc	Engineering Services	112.35
DPT Mechanical	Engineering Services	3434.52
Emmet County Engineer	Engineering Services	8097.59
City of Emmetsburg	Engineering Services	58.97
Emmetsburg Publishing Co.	Engineering Services	153.00
Fareway	Engineering Services	75.08
Fleet Pride Truck & Trailer	Engineering Services	365.39
Fox International, Inc.	Engineering Services	111.82
Thomas Fuchs	Engineering Services	319.78
David Geerdes	Engineering Services	292.50
Graettinger Hardware	Engineering Services	119.70
Graettinger Mun. Utilities Gra	Engineering Services	618.86
Grout Scouts, Inc.	Engineering Services	60380.00
Iowa Lakes Regional Water	Engineering Services	105.09
IA Div of Criminal Inv. Suppor	Engineering Services	15.00
Jack's OK Tire	Engineering Services	3429.92
Kirkham Michael	Engineering Services	757.43
Lube Tech Accelerating Perform	Engineering Services	1670.51
City of Mallard	Engineering Services	174.25
Martin Marietta Agg	Engineering Services	11972.42
MidAmerican Energy	Engineering Services	843.30
MSC INDUSTRIAL SUPPLY CO	Engineering Services	36.67

NUSS TRUCK & EQUIPMENT	Engineering Services	444.01
Northwest Communications	Engineering Services	46.27
Palo Alto Co Health System	Engineering Services	263.00
Peterson Contractors Inc PCI	Engineering Services	2662.50
River Valley Telecommunication	Engineering Services	75.22
Ruthven Coop Oil Co	Engineering Services	6599.58
City of Ruthven	Engineering Services	89.90
SLASH POINT SALES	Engineering Services	577.25
Stellar Industries	Engineering Services	252.32
Swanson Hardware	Engineering Services	165.35
Vander Haags Inc.	Engineering Services	529.10
Verizon	Engineering Services	408.07
West Bend Journal	Engineering Services	75.00
City of West Bend	Engineering Services	102.33
Windstream	Engineering Services	499.56
Ziegler Inc	Engineering Services	1072.86

**Emergency Mgmt Agency**

Palo Alto Co Sec Road	Parts	184.59
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**E911 Surcharge Fund**

Ayrshire Farmers Mut Telephone	Engineering Services	150.00
Century Link	Engineering Services	262.08
MEDIACOM LLC	Engineering Services	179.56
Northwest Communications	Engineering Services	150.00
River Valley Telecommunication	Engineering Services	645.98
Verizon	phone service	3.58
Windstream	phone	358.05
WINDSTREAM CABS ATTENTION: CAB	phone	161.51
Xybix Systems, Inc	Equipment	26580.23

**Drainage Claims**

Gary Atherton	DD Jt 60-FEMA exp	120.31
Gary Atherton	DD 106-FEMA exp	330.31
Gary Atherton	DD 132-FEMA exp	120.31
Gary Atherton	DD 15N-FEMA exp	120.32
Gary Atherton	DD 159-FEMA exp	120.31
Gary Atherton	DD 160-FEMA exp	120.31
Gary Atherton	DD 175-FEMA exp	120.31
Gary Atherton	DD 18-FEMA exp	120.31
Gary Atherton	DD 180-FEMA exp	120.31
Gary Atherton	DD 21 West Main-FEMA exp	120.31
Gary Atherton	DD 23 Main-FEMA exp	210.31
Gary Atherton	DD 28-FEMA exp	120.31
Gary Atherton	DD 41 Main-FEMA exp	420.31
Gary Atherton	DD 48-FEMA exp	120.31
Gary Atherton	DD 5-FEMA exp	210.31
Gary Atherton	DD 61 Main-FEMA exp	120.31
Gary Atherton	DD 62-FEMA exp	120.31
Gary Atherton	DD 7-FEMA exp	120.31
Gary Atherton	DD 80 Low-FEMA exp	120.31
Gary Atherton	DD 80 Up-FEMA exp	120.31
Gary Atherton	DD 84-FEMA exp	120.31
Gary Atherton	DD 98 Sub 1-FEMA exp	120.31
Gary Atherton	DD 98-FEMA exp	120.31
D D Jt 13 Tile	Transfer funds-21 levy	3021.46
D D 23 Lat 8	Transf stamped warrants21	25813.54
D D 23 Lat 9	Transf stamped warrants21	25813.54
Emmetsburg Publishing Co.	DD162 MainTile pub exp	113.82
Hancock Concrete Products	DD 180 Lat 1 Tile-Pipe	42005.84
Hancock Concrete Products	DD180 Lat1 Tile materials	14235.30
Jacobson-Westergard&Assoc, Inc.	DD119 eng exp	2939.35
Jacobson-Westergard&Assoc, Inc.	DD162 eng exp	1959.50
Jacobson-Westergard&Assoc, Inc.	DD19 MainTile eng exp	140.00
Jacobson-Westergard&Assoc, Inc.	DD64 eng exp	842.50
Jacobson-Westergard&Assoc, Inc.	DD81 eng exp	435.00
Reutzel Excavating Inc	DD 61 Main-Improve FINAL	131436.18
Reutzel Excavating Inc	DD119 MainTile rep pay#1	7407.18

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

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Linus Solberg, Chairman

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Carmen Moser, County Auditor