

Courthouse
Emmetsburg, Iowa
March 15th, 2022, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Keith Wirtz, Chair; Ronald Graettinger, Roger Faulstick, Craig Merrill, Linus Solberg. Present: Peter Hart. County Attorney; Jordan Morey, Auditor's Office; Diane Weiland, 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 Faulstick, 2nd by Merrill to approve the agenda for March 22nd, 2022, with the addition to approve the engagement letter with Dorsey & Whitney. Motion Carried.

Motion by Graettinger, 2nd by Solberg to approve the minutes for March 8th, 2022. Motion Carried.

Dean Gunderson was present for public comment regarding Drainage District 61 North and possible confusion with 2 notices being mailed. Clarification will be given at the time of the public hearing on April 5th, 2022.

Motion by Graettinger, 2nd by Merrill to approve the engagement letter with Dorsey & Whitney for legal services. Motion Carried.

The Board held a public hearing on the reprecincting & redistricting ordinance. No objectors present. Notice of Public Hearing was published in newspaper as required.

Motion by Merrill, 2nd by Solberg to introduce and approve the reprecincting & redistricting ordinance and to waive the 2nd & 3rd readings of the ordinance. Ayes: Graettinger, Faulstick, Merrill, Wirtz, Solberg. Motion Carried.

AN ORDINANCE ADOPTING THE 2021 REDISTRICTING

PLANS and Identifying Election Precincts in Palo Alto County

WHEREAS the Population for Palo Alto County as reflected by the 2020 Federal Census is, which is a change from 2010 to the year 2020; and,

WHEREAS Precincts established by Iowa Code Chapter 49, Division IV shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections.

NOW THEREFORE BE IT ENACTED by the Palo Alto County Supervisors that the plan to establish new precincts by the redistricting process as amended be approved and adopted. The following areas shall comprise the 8 respective election precincts in Palo Alto County:

P1. Emmetsburg Ward 1

EM1

- a. Emmetsburg Ward 1 shall comprise of that area located North of the center line of 9th Street (Highway 18) and East of the center line of Huron Street; also that area North of center line of 5th Street; also that area North of the center line of 7th Street, located between the center lines of Lake Street and the Union Pacific Railroad, West to East; also North of center line of 4th Street, South of center line of College Drive and East of center line of Superior; also North of College Drive and east of Palo Alto County Road N-40; also those

portions of the Northwest Quarter (NW1/4) of Section Twenty-nine (29) and of the Northeast Quarter (NE1/4) of Section Thirty (30), Township Ninety-six (96) North, Range Thirty-two (32) West of the 5th P.M., Palo Alto County, Iowa, described as follows: Commencing at the Northeast corner of said Section 30; thence South 0°48'29" East (assumed meridian) 63 feet along the easterly line of the Northeast Quarter (NE1/4) of said Section 30 to the point of beginning at the southerly right-of-way line of Iowa Primary Road No. U.S. 18; thence North 89°32'28" West 279.15 feet along said road right-of-way line; thence South 0°26'17" East 300.57 feet; thence North 89°42'56" East 281.15 feet to the easterly line of said Section 30 Northeast Quarter at a point South 0°48'29" East 296.96 feet from the point of beginning; thence continuing North 89°42'56" East 988.85 feet; thence North 0°17'04" West 289.95 feet to the southerly right-of-way line of said Primary Road No. U.S. 18; thence South 89°42'56" West 331.21 feet along said road right-of-way line; thence North 0°42'01" West 7.00 feet along said road right-of-way line; thence South 89°42'56" West 660.53 feet along said road right-of-way line to the point of beginning, containing 8.62 acres.

P2. Emmetsburg Ward 2

EM2

Emmetsburg Ward 2 shall comprise of that area located between the center lines of Lake and the area west of 450th Ave (Hwy 18), East to West and located between the center lines of 4th Street and 9th Street, North to South; also, that area North of the center line of 8th Street and West of Superior Street; also, that area North of the center line of College Drive and West of center line of Palo Alto County Road N-40 (460th Ave.).

P3. Emmetsburg Ward 3, Emmetsburg, pt. Silver Lake, pt. Highland, pt. Lost Island, pt. Walnut

EM3, EM, pt. SL, pt. HL, pt. LI, pt. WL

Emmetsburg Ward 3 shall comprise of the City of Emmetsburg area located between the center lines of Lake Street and 450th Ave., East to West; and located between the center of line of 8th Street between center line of 450th Ave. and West center line of Superior; and the Center of 25th Street, North and South; also, that area located West of center line of Broadway and West of the center line and South of Lake Street from center line of 12th Street to the center line north of 25th Street. Emmetsburg Ward 3 precinct shall also consist of all of Emmetsburg Township unincorporated, and Silver Lake Township except the east half of Section 23., and except Sections 24-27, sections 28-30 south of the centerline of 430th Street, and except Sections 31-36.

P4. Emmetsburg Ward 4, Freedom, Nevada, pt. Fern Valley, Fairfield, Vernon, Independence

EM4, FR, NV, pt. FV, FF, VN, IN

Emmetsburg Ward 4 shall comprise of the City of Emmetsburg area located between the center lines of Broadway and 460th Ave., West to East, 5th and 7th Streets, North to South between the Union Pacific Railroad and Huron; also, that area located between the center lines of Lake Street between and 460th Ave, West to East, of 7th Street and 9th Street (Highway 18), North to South; also that area located West of center line of Broadway from 7th Street and South of the center line of 12th Street. Emmetsburg Ward 4 precinct shall also consist of all of Freedom township unincorporated; all of Nevada Township; all of Fern Valley Township EXCEPT the town of Rodman and

everything south of 425th Street and 430th Street; all of Fairfield Township including the City of Cylinder. Also included are all of Vernon and Independence Townships.

P5. West Bend, pt. Fern Valley

WB, pt. FV

West Bend precinct shall comprise of the City of West Bend; City of Rodman; All of West Bend Township unincorporated and all sections South of 425th St & 430th St in Fern Valley Township.

P6. Graettinger, pt. Walnut, pt. Lost Island

GR, pt. WL, pt. LI

Graettinger precinct shall comprise the City of Graettinger; all sections West of 330th Ave and North of 280th St in Lost Island Township; Sections 5,6,7,8,17 & 18 in Walnut Township

P7. Mallard, Ellington, Rush Lake, Booth, Pt. Silver Lake, Great Oak

ML, EL, RL, BO, pt. SL, GO

Mallard precinct shall comprise the City of Mallard; City of Curlew; All of Ellington, Rush

Lake, Booth and Great Oak Townships; and the east half of Section 23, and Sections 24-27, Sections 28-30 south of the centerline of 430th Street, and sections 31-36 of Silver Lake Township.

P8. Ruthven, Pt. Highland

RV, pt. HL

Ruthven precinct shall comprise the City of Ruthven and Highland Township sections 6,7 & 18 and West half of sections 5,8 & 17 all in Highland Township.

This ordinance shall be effective on March 15, 2022, after its final passage and approval and publication as provided by law with the caveat and condition that the redistricting plan be approved by the Iowa Secretary of State upon submission to that office.

Moved by Craig Merrill, Second by Linus Solberg, that this ordinance be passed by roll call vote and to waive the second and third readings.

Ayes: Graettinger, Faulstick, Merrill, Solberg and Wirtz

Nays: None

Ordinance approved by companion resolution, Passed and adopted this 15th day of March, 2022.

/s/Keith Wirtz, Chairperson for the

Palo Alto County Board of Supervisors,

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

Walter Davis-Oeth, County Engineer, met with the Board. Walter discussed with the Board the 5-year construction program.

Motion by Solberg, 2nd by Merrill to approve the Regional 3 FAST Act funding application for concrete overlay for B14 and N51. Motion Carried.

Motion by Solberg, 2nd by Graettinger to approve the pavement markings quote with Vogel for \$66,396.85. Motion Carried.

Motion by Graettinger, 2nd by Faulstick to approve the mileage reimbursement rate at \$.55 and retroactive to March 1, 2022. Motion Carried.

Motion by Graettinger, 2nd by Faulstick approve crop damage to Wirtz Farm Partnership for \$666 on Drainage District 61 Main. Wirtz: Abstain. Motion Carried.

Motion by Merrill, 2nd by Solberg to set the Public Hearing date for the Proposed County Budget for March 29, 2022, at 9 am at the Courthouse Boardroom. Motion Carried.

At 9:15 a.m., the Board convened to the courtroom to discuss changes to the wind ordinance. Present: Laura Winter, Kandi Terwilleger, Jan Bredehoeft, Carla Larson, Delray Bredehoeft, Todd Bredehoeft, Bertha Mathis, Mason Hoffman, Cliff Kinnetz, Aletha King, Joe Neary, Dave Girres, Harold Christensen, Lou Clark, Josh Harris, Tim Murphy, Dean Gunderson, Gregory Christensen, Rob Patterson—Iowa DNR, Brian Garrels, Rob Allen, County Conservation; Clayton Helgeson.

Peter Hart, County Attorney, reviewed the current setbacks in the Zoning Ordinance and presented the proposed changes to be made. The Board asked Rob Allen, County Conservation Director, to provide information regarding the conservation area's in Lost Island Township & surrounding areas. Rob Patterson, Iowa DNR, has provided Vestas with the conservation recommended setbacks.

Brian Garrels spoke on concerns in the wildlife bird area and presented information to the Board on the prairie pothole guide. Bertha Mathis discussed airport concerns and private property externalities.

Peter Hart, County Attorney, presented the following Resolution 3-15-2022.

RESOLUTION NO. 3-15-2022

A RESOLUTION TO ESTABLISH THE TEMPORARY MORATORIUM ON PROCESSING FURTHER SITE PLAN REVIEW AND APPROVAL PERMITS FOR THE CONSTRUCTION AND MAINTENANCE OF WIND ENERGY CONVERSION SYSTEMS AND WIND ENERGY DEVICES IN PALO ALTO COUNTY

WHEREAS, the Palo Alto County Board of Supervisors adopted its Wind Energy Conversion System Ordinance, Ordinance No. 9-27-16, on Sept. 27th, 2016 (the “Ordinance”); and,

WHEREAS, Vestas-American Wind Technology, Inc. (Vestas) is now proposing construction of a Meteorological Tower (MET) Tower to collect information before beginning Vesta’ construction of a Wind Energy Conversion System (the “WECS Project”) in Palo Alto County. and,

WHEREAS The construction area location anticipated by Vestas is near and/or adjacent to the natural water Lost Island Lake and Palo Alto County Nature Center and Huston Park Recreational Center and various surrounding wetlands; and,

WHEREAS, Citizens of Palo Alto County attended the Board of Supervisors Meeting on March 8th, 2022 and expressed their apprehensions with the Wind Energy Devices (W.E.D.) as follows:

1. Concerns regarding the respective location of W.E.D. Project vis-à-vis Palo Alto County Lost Island Lake, Huston Park Recreational Nature Center and surrounding wetlands as well as the existing avian migratory waterfowl flight pathways and how the proposed W.E.D. construction will affect the wildlife and waterfowl on these lands; and,
2. Concerns regarding inadequate setbacks from W.E.D. and the Lost Island Lake and surrounding wetlands within targeted construction areas situated in Palo Alto County; and,
3. Requested clarification concerning how W.E.D. location decisions would avoid Avian Migratory Flight Pathways through the Lost Island Lake waters and surrounding wetland areas of Palo Alto County; and,

4. Input from local Conservation Commission staff regarding setback distances from Lost Island Lake, wetlands and the Huston Park recreational area; and,
5. The Supervisors seek to increase the total height of the Turbine Blade circumference and Wind Energy Device Tower (W.E.D.) to a combined maximum 600 feet; and,
6. The Supervisors seek to increase the 1,500 foot setback distance from W.E.D.'s and Permanent Residential Dwellings to One half Mile (2,640 feet); and,
7. The Supervisors will entertain discussion on increased setback distance from W.E.D. and Lost Island Lake and surrounding wetlands to either one mile, two miles or three miles distance; and,
8. The Supervisors seek to implement Aircraft Detection Lighting Systems (A.D.L.S.) to reduce the impact of continuous flashing nighttime lighting on residents, communities and migratory birds and

WHEREAS, the Palo Alto County Board of Supervisors hereby FINDS that the above concerns accompanying installation of any WECS Project may negatively affect the County's wildlife and migratory waterfowl flight pathways; and,

WHEREAS, the Palo Alto County Board of Supervisors hereby FINDS that the above concerns accompanying installation of WECS may negatively and public infrastructure, including roads and drainage facilities and aerial agricultural spraying operations; and,

WHEREAS, the Palo Alto County Board of Supervisors believes that the above concerns merit additional study to develop feedback and real-time solutions; and,

NOW THEREFORE, BE IT RESOLVED by the Palo Alto County Board of Supervisors following review, consideration and discussion have determined that a temporary moratorium on further development of wind energy conversion systems should be utilized to allow the Board of supervisors time in which to further study and resolve the concerns expressed at the March 8th, 2022 Supervisors Meeting.

NOW, THEREFORE, BE IT FURTHER RESOLVED the Palo Alto County Board of Supervisors hereby adopts and issues its moratorium of three (3) months duration beginning March 15th, 2022 and continuing through June 15th, 2022. That 90 day period will permit the County Board of Supervisors to satisfactorily address the above identified concerns.

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 adjudged invalid or unconstitutional.

ADOPTION

Supervisor Ron Graettinger therefore moves for the approval and passing of the resolution.

Supervisor Roger Faulstick seconded the motion to adopt the resolution.

THE RECORDED VOICE VOTE WAS MADE:

Keith Wirtz aye
Ron Graettinger aye
Roger Faulstick aye
Craig Merrill aye
Linus Solberg aye

Passed and approved this 15th day of March, 2022.

MOTION CARRIED RESOLUTION ADOPTED.

/s/Keith Wirtz, Chairperson, Palo Alto County Board of Supervisors

Attest:

/s/Carmen Moser
Palo Alto County Auditor

Committee Reports: Graettinger—Upper Des Moines; Merrill—Economic Development; Wirtz—IDDA.

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

Keith Wirtz, Chairman

Carmen Moser, County Auditor