

Courthouse
Emmetsburg, Iowa
March 29, 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; Diane Wieland, Reporter-Democrat; Kip Fehr; 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 Merrill to approve the agenda for March 29, 2022. Motion Carried.

Motion by Faulstick, 2nd by Merrill to approve the minutes for March 22, 2022. Motion Carried.

Walter Davis-Oeth, County Engineer, met with the Board by conference call. Walter presented a private land burning agreement.

Motion by Solberg, 2nd by Graettinger to approve the private land burning agreement with US Fish & Wildlife in Lost Island Township. Motion carried.

MINUTES PRELIMINARY STATEMENT	APPROVING OFFICIAL
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Emmetsburg, Iowa

March 29, 2022

The Board of Supervisors of Palo Alto County, Iowa, met on March 29, 2022, at 8:15 a.m., at Courthouse Boardroom, Emmetsburg, Iowa.

The meeting was called to order by the Chairperson and the roll being called, the following named Supervisors were present and absent:

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

Absent: none.

It was reported that a preliminary official statement had been prepared in connection with the sale of the County's \$9,725,000 General Obligation County Purpose Bonds, Series 2022A and \$700,000 Taxable General Obligation County Purpose Bonds, Series 2022B, and it was now necessary to set the date for the sale of those bonds, to make provision for the approval of the preliminary official statement and to authorize its use by Piper Sandler & Co.

Supervisor Ron Graettinger introduced the resolution next hereinafter set out, related to setting a date for sale of bonds and approving preliminary official statement, and moved that the resolution be adopted; seconded by Supervisor Linus Solberg. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Faulstick, Solberg, Merrill, Graettinger, Wirtz

Nays: None.

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

RESOLUTION NO. 3-29-2022

Resolution authorizing the use of a preliminary official statement in connection with the sale of General Obligation Bonds

WHEREAS, the Board of Supervisors (the “Board”) of Palo Alto County, Iowa (the “County”) heretofore proposed to enter into a General Obligation Urban Renewal Loan Agreement (the “Urban Renewal Loan Agreement”) and to issue general obligation bonds thereunder in a principal amount not to exceed \$4,800,000 pursuant to the provisions of Subsection 331.441(2)(b)(14), Section 331.402, Section 331.442, and Chapter 403 of the Code of Iowa, for the purpose of paying the cost, to that extent, of undertaking the Palo Alto County Road and Bridge Improvement Projects, an urban renewal program in the Palo Alto County Industrial Park Urban Renewal Area approved by action of the Board of Supervisors on April 27, 2021, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 1, 2022, no petition had been filed with the County asking that the question of entering into the Urban Renewal Loan Agreement be submitted to the registered voters of the County; and

WHEREAS, the County has also heretofore proposed to enter into a loan agreement (the “Public Safety Loan Agreement”) and to issue general obligation bonds thereunder in a principal amount not to exceed \$5,625,000, pursuant to the provisions of Section 331.442 of the Code of Iowa, for the purpose of paying the cost, to that extent, of constructing, furnishing, and equipping a County public safety building and jail, and the County has held a successful election on said proposal on March 2, 2021; and

WHEREAS, the Board intends to combine its authority to enter into the Urban Renewal Loan Agreement and the Public Safety Loan Agreement into a common Loan Agreement and to then divide its borrowing authority under the Loan Agreement into two credit facilities - a Tax-Exempt Series 2022A Loan Agreement (the “2022A Loan Agreement”) and a Taxable Series 2022B Loan Agreement (the “2022B Loan Agreement”); and

WHEREAS, the County shall issue General Obligation County Purpose Bonds, Series 2022A (the “Series 2022A Bonds”) in evidence of its obligation under the 2022A Loan Agreement; and

WHEREAS, the County shall issue Taxable General Obligation County Purpose Bonds, Series 2022B Bonds (the “Series 2022B Bonds”) in evidence of its obligations under the 2022B Loan Agreement (collectively hereinafter, the Series 2022A Bonds and the Series 2022B Bonds shall be referred to as the “Bonds”); and

WHEREAS, a Preliminary Official Statement (the “P.O.S.”) has been prepared by Dorsey & Whitney LLP (the “Disclosure Counsel”) as bond and disclosure counsel to the County to facilitate the sale of the Bonds in evidence of the obligations of the County under the 2022A Loan Agreement and the 2022B Loan Agreement, and it is now necessary to make provision for the approval of the P.O.S. and to authorize its use by Piper Sandler & Co. (the “Underwriter”) as the underwriter of the issuance of the Bonds;

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

Section 1. The Board of Supervisors hereby combines the Urban Renewal Loan Agreement and the Public Safety Loan Agreement into the Loan Agreement. Furthermore the Board hereby determines to divide its authority to enter into the Loan Agreement into two credit facilities - the 2022A Loan Agreement and the 2022B Loan Agreement.

Section 2. The Board hereby determines to enter into the 2022A Loan Agreement in the future, and to issue the Series 2022A Bonds at such time, in evidence

thereof. The Board further declares that this resolution constitutes the “additional action” required by Section 331.443 of the Code of Iowa.

Section 3. The Board hereby determines to enter into the 2022B Loan Agreement in the future, and to issue the Series 2021B Bonds at such time, in evidence thereof. The Board further declares that this resolution constitutes the “additional action” required by Section 331.443 of the Code of Iowa.

Section 4. The County Auditor is hereby authorized to take such action as shall be deemed necessary and appropriate, with the assistance of Disclosure Counsel and the Underwriter, to prepare the P.O.S. describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved.

Section 5. The use by the Underwriter of the P.O.S. relating to the Bonds in substantially the form as has been presented to and considered by the Board of Supervisors is hereby approved, and Disclosure Counsel and the Underwriter are hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the P.O.S. but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds, and the County Auditor is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. The P.O.S. as of its date is deemed final by the County within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Section 6. Further action with respect to the 2022A Loan Agreement and the 2022B Loan Agreement and the Bonds is hereby adjourned to the meeting of the Board of Supervisors scheduled for April 5, 2022.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 29, 2022.

/s/Keith Wirtz, Chairperson

Attest: /s/ Carmen Moser, County Auditor

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

/s/Keith Wirtz, Chairperson

Attest: /s/Carmen Moser, County Auditor

No one was present for public comment.

Rick Hopper, Jacobson-Westergard, met with the Board on Drainage District No. 162. Present: Jordan Morey, Auditor’s Office; Collin Klingbeil, Jacobson-Westergard; Kip Fehr.

Rick filed the engineer’s report for tile improvements to Drainage District No. 162. Rick recommended setting a hearing date for landowner input.

Motion by Graettinger, 2nd by Merrill to accept the Drainage District No. 162 Engineer's Report & set the hearing date for April 26, 2022 at 9:15 a.m. Motion Carried.

Collin Klingbeil, Jacobson-Westergard, met with the Board on Drainage District No. 81. Present: Jordan Morey, Auditor's Office; Rick Hopper, Jacobson-Westergard; Kip Fehr.

Collin met with the Board to discuss Drainage District 81 and give an update on annexation & reclassification. Collin discussed bank erosion and trees in channel. Collin recommends annexation of fringe areas and then use common outlet to access other districts. He stated millions of dollars will not make an impact.

RESOLUTION No. 3-29-2022(A)

Approval of FY 2022-2023 Budget and Certification of Taxes

WHEREAS, the Palo Alto County Board of Supervisors has considered the proposed FY 2022-2023 county budget and certification of taxes, and

WHEREAS, a public hearing concerning the proposed county budget was held on March 29, 2022; and the budget was published as provided by Iowa Code. No written comments were received and no one representing the public was present for the hearing.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Palo Alto County that the county budget and certificate of taxes for FY 2022-2023, as set forth in the budget summary, is hereby adopted and that the Palo Alto County Auditor is directed to file said budget and to establish accounting records in accordance with the attached schedules.

BE IT FURTHER RESOLVED that the Chairperson and the County Auditor be and are hereby authorized to sign the approved FY 2022-2023 county budget.

Signed and dated this 29th day of March, 2022.

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

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

Motion by Ron Graettinger, seconded by Craig Merrill to adopt this resolution on March 29th 2022. Ayes: Faulstick, Solberg, Merrill, Graettinger, Wirtz.
Nays: None

Resolution Passed.

Resolution of the Palo Alto County Board of Supervisors

Fund Balance Assigned and Restricted Pursuant to GASB 54

WHEREAS, the Governmental Accounting Standards Board ("GASB") has issued Statement 54 ("GASB 54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, The Palo Alto County Board of Supervisors is required to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the fiscal year 2022-2023; and

NOW THEREFORE BE IT RESOLVED THAT the Palo Alto County Board of Supervisors hereby adopts the following:

On March 29, 2022, the Palo Alto County Board of Supervisors approved:

\$75,000 Assigned for Future County Buildings and Repairs

Motion by Ron Graettinger, seconded by Linus Solberg to adopt the above Resolution.

Roll Call Vote:

Ayes: Faulstick, Solberg, Merrill, Graettinger, Wirtz

Nays: None

The above Resolution is adopted this March 29, 2022.

/s/Keith Wirtz, Chair
Palo Alto County Supervisors

Attest:
/s/Carmen Moser
Palo Alto County Auditor

Jon Rosengren, Bolton & Menk, met with the Board to file amendments to Drainage District 61 reclassification, annexation & North 61 Engineer Reports. Present: Dean Gunderson.

Jon stated there was an error found in the land of Kevin Berte and will recommend reduction in classification. Jon discussed an elevation adjustment to the lands in the north proposed district. The hearing is on April 5th at the Election Center.

Lynn Schultes, County Sheriff, met with the Board to request approval of hiring Thomas Schultes as Sheriff Deputy for the open position in his department. Present: Matt Veon, Travis Lampe, Thomas Schultes, Lynn Schultes, Ben Morey; Jordan Morey, Auditor's Office; Peter Hart, County Attorney.

Lynn presented to the Board that he follows two objectives in his daily work life, is it legal and is it in the citizens best interest. He stated that the applicant beats the qualifications needed and meets all standards in the Iowa Code. Matt Veon, Travis Lampe and Ben Morey all expressed their concerns and asked the Board to consider hiring the most qualified applicant. All the supervisors voiced their questions and concerns to Lynn and Renee.

Thomas Schultes spoke to the Board about his qualifications and how he started his career in Law Enforcement. He started on the ambulance crew while in high school and became a reserve officer after high school. He then went to Hawkeye College. He worked full time at the Emmet County Sheriff's Office while finishing his schooling. He has completed the 9-week academy.

The Board held a conference call with Renee Von Bokern, Human Resource Consultant. Renee discussed with the Board her feelings of perceived conflicts, impact on co-workers, moral on department and making exceptions to the current policy.

Motion by Solberg, seconded by Graettinger to not hire Thomas Schultes. Ayes: Faulstick, Solberg, Wirtz, Graettinger. Nay: Merrill. Motion Carried.

Committee Reports: Graettinger-Upper Des Moines; Merrill- Mental Health; Wirtz-Central Iowa Detention.

Motion by Solberg seconded by Graettinger to adjourn. Motion Carried.

Keith Wirtz, Chairman

Carmen Moser, County Auditor