

Courthouse
Emmetsburg, Iowa
May 24, 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: Diane Weiland, Reporter/Democrat; Peter Hart, County Attorney; Robin Jamison, County Treasurer; Jim Neighbors, Sharon Neighbors, Carla Larson, Delray Bredehoeft, Jan Bredehoeft, John M. Sandy.

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 Solberg to approve the agenda for May 24th, 2022. Motion Carried.

Motion by Solberg, 2nd by Graettinger to approve the minutes for May 17th, 2022. Motion Carried.

Motion by Graettinger, 2nd by Faulstick to approve a cigarette permit for Lakeland EZ Stop in Ruthven. Motion Carried.

Motion by Faulstick, 2nd by Merrill to approve the amendment to the West Bend Golf & Country Club liquor license for patio area & area around outside patio. Motion Carried.

Jim Neighbors was present for public comment and questioned the number of wind turbines, where they are going to be placed and asked about the environmental studies.

Carla Larson was present for public comment and questioned the height of the proposed wind towers.

Delray Bredehoeft was present for public comment and questioned if the wind turbines are to bring economic development then it should bring people together and not divide them.

Jan Bredehoeft was present for public comment and asked that the Board to stand your ground and listen to us.

Motion Scheduling Public Hearings
A MOTION SETTING PUBLIC HEARING(S) TO CONSIDER AMENDING
THE SEPTEMBER 27TH, 2016 WIND CONVERSION SYSTEM ORDINANCE

WHEREAS, the Palo Alto County Board of Supervisors on September 29th, 2016, in the Palo Alto County Courthouse approved the enactment of the Palo Alto County Wind Energy Conversion System Ordinance with provision for a 1,500 foot setback from permanent residential structures, and provision for a limit of 550 foot in total wind turbine tower height; and,

WHEREAS, the Board of Supervisors met in regular session on October 24th, 2017, and conditionally approved the Wind Energy Conversion System Site Plan Review and Approval Application for Permit for 170 wind turbines; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg to review the operation of the MidAmerican 170 wind turbines and recommend amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance provision of 1,500 foot setback from permanent residential structures, and further recommended increasing and substituting that setback to one half mile (2,640 foot) from permanent residential structures in the September 27th, 2016, ordinance; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg, to review the operation of the MidAmerican 170 wind turbines and recommend amending

the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance provision of 550 foot total height provisions by increasing the total turbine wind turbine tower height to 600 foot in the September 27th, 2016, ordinance; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg, and reviewed the operation of the MidAmerican 170 wind turbines and recommended amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance provision of the Aircraft Detection Lighting Systems (A.D.L.S.) for the 170 existing wind turbine towers and requiring A.D.L.S. for all future wind turbines towers to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds and wildlife, and in conformity with FAA rules and regulations and in its place to substitute provision for Aircraft Detection Lighting Systems (A.D.L.S.) in the September 27th, 2016, ordinance; and,

WHEREAS, the Palo Alto County Planning and Zoning Commission met on May 9th, 2022 at 8:00 pm in open session in the Palo Alto County Courtroom in Emmetsburg, and reviewed the operation of the MidAmerican 170 wind turbines and recommended amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance by permanently restricting all future construction of any Wind Turbine Towers within the Bird Conservation Area (together with an additional 1,500 foot setback outside of and adjacent to the B.C.A.) identified by the Palo Alto County Conservation Commission within the area described as:

“Beginning at the Northwest corner of section 6-97N-33W in Walnut township at the Palo Alto and Emmet County line; then proceeding two miles south along the western boundary of sections 6 and sections 7 of Walnut township to the intersection of 290th Street and 400th Avenue; then continuing to proceed south six miles further to the intersection of 400th Avenue and 350th Street in Emmetsburg township; then west three miles along 350th Street to its intersection with 370th Avenue; then south one mile along 370th Ave. to its intersection of 360th Street (Highway 18); then west one mile along 360th Street to its intersection of 360th Avenue; then south three miles along 360th Avenue to its intersection of 360th Avenue and 390th Street; then west two miles along 390th Street to its intersection of 390th Street and 340th Avenue (which is the western boundary between Palo Alto and Clay Counties); then north twelve miles along 340th Avenue to its intersection with 400th Street; then east six miles along 400th Street to the point of beginning at the Northwest corner of section 6-97N-33W in Walnut township, Palo Alto County Iowa containing 57 square miles, more or less ; and,

WHEREAS, Iowa Code 331.305 requires publishing notice of the public hearing to amend 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, 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.

NOW THEREFORE, BE IT MOVED that following review, consideration and discussion, that the Supervisors determine to schedule and to publish the necessary hearings to accomplish these proposed amendments to the Wind Energy Conversion System site Plan Review and Approval Ordinance, and that three (3) hearings shall be scheduled for the adoption of the proposed amendment.

NOW, THEREFORE, BE IT FURTHER MOVED that the Palo Alto County Board of Supervisors hereby sets the first of three public hearings to consider amending the September 27th, 2016, Wind Energy Conversion System Site Plan Review and Approval Ordinance with the above listed modifications.

The first of three hearings will be held June 8th, 2022 at the Emmetsburg VFW at 6:30 pm;

The second of three hearings will be held on June 15th, 2022 at the Emmetsburg VFW at 6:30 pm;

The third of three hearings will be held on June 22nd, 2022 at the Emmetsburg VFW at 6:30 pm.

The Palo Alto County Auditor shall cause a copy of this motion to be placed of record with the official newspapers of general circulation in compliance with Iowa Code 331.305, at least once, not less than four (4) days or more than twenty (20) days before the date of the request for hearing on the amendment of the Wind Energy Conversion System Site Plan Review and Approval Ordinance.

Supervisor Linus Solberg therefore moves and Supervisor Ron Graettinger seconds the motion to schedule three hearing(s) as follows:

The first of three hearings will be held June 8th, 2022 at the Emmetsburg VFW at 6:30 pm;

The second of three hearings will be held on June 15th, 2022 at the Emmetsburg VFW at 6:30 pm;

The third of three hearings will be held on June 22nd, 2022 at the Emmetsburg VFW at 6:30 pm,

to consider amendments to the September 27th, 2016 Wind Energy Conversion System Site plan Review and Approval Ordinance at 3205 Main Street, Emmetsburg, Iowa 50536, the Emmetsburg V.F.W. hall.

THE RECORDED VOICE VOTE WAS MADE:

Keith Wirtz _aye_____

Ron Graettinger _aye_____

Roger Faulstick _aye_____

Craig Merrill _aye_____

Linus Solberg __aye_____

Motion passed and the three hearings on the proposed amendments, scheduled this 24th day of May, 2022.

MOTION CARRIED.

/s/Keith Wirtz, Chairperson,

Palo Alto County Board of Supervisors

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

Bruce Nelson, Trails Committee, met with the Board to give an update on the bike trail. Bruce discussed the road crossings on gravel roads and has talked with Walter Davis-Oeth, County Engineer. Bruce requested pit run gravel from the Board.

John Sandy, District Court Judge, met with the Board to introduce himself and gave an update on the restructuring of the State Judicial Branch.

Robin Jamison, County Treasurer, met with the Board to discuss county tax sale certificates. Robin will research the properties and discuss with the Board next week.

Motion by Solberg, seconded by Graettinger to approve the claims and drainage claims for May 24th, 2022. Motion Carried.

General Basic Fund

Amazon Capital Services	Stationery/Forms/Gen Ofc	29.72
American Glass Co	Buildings	150.00
Bolton & Menk, Inc.	Misc Expense	4602.00
Bomgaars	Park Maintenance & Suppli	366.95
BUSINESS FORMS & SYSTEMS CO.	Stationery/Forms/Gen Ofc	439.10
Canon	Photocopy & Dup. Serv.	166.00
Central Ia Juv Detention Ctr	Crisis Stab Comm Based Se	923.26
Cerro Gordo County Treasurer	Medical & Health Services	150.00
Terry Chamberlain	Misc Expense	320.00
Clay County Sheriff	Inmate Housing-out of cou	6000.00
Counsel Office & Document	Stationery/Forms/Gen Ofc	83.51
Creative Stitches	Conservation Board	87.75

E.M.U.	utilities	108.64
Emmetsburg Publishing Co.	Official Pub & Legal Noti	29.36
Iowa's Co. Conservation System	Dues & Memberships	1500.00
IA Lakes Electric Coop	Electric Light & Power	387.00
Iowa Lakes Regional Water	Water & Sewer	279.82
IA Law Enforcement Academy	Educational/Training Serv	250.00
Robin Jamison	Employee Mileage & Subs.	554.59
K.C. Nielsen Ltd	Minor MV Parts & Access	543.59
Kossuth Co Jail	Inmate Housing-out of cou	2700.00
KRISTAT AUTO PARTS LLC	Minor MV Parts & Access	192.38
Lentz Funeral Homes	Funeral Services	2200.00
Loffler Companies - 131511	Photocopy & Dup. Serv.	178.49
Lost Island Ruthven Betterment	Official Pub & Legal Noti	140.00
Malloy Reporting Service	Legal & Ct-Related Servic	256.75
Martin-Mattice Fun. Home	Funeral Services	4400.00
MEDIACOM LLC	Telecommunications Serv.-	217.51
MidAmerican Energy	electricity	986.59
Jordan Morey	Employee Mileage & Subs.	141.90
NSG,LLC Norgaard Sand & Gravel	Park Maintenance & Suppli	1139.19
North Iowa Lumber & Design,Inc	Buildings	100.63
Northwest Communications	Data Processing	284.90
NW Iowa Planning & Development	Dues & Memberships	1198.50
Palo Alto Co Sec Road	Fuels	611.90
Quill Corporation	Custodial Supplies	661.41
Ruthven Coop Oil Co	Fuels	2059.98
SARGENT ELECTRIC	Buildings	209.00
Spencer Office Supplies	Stationery/Forms/Gen Ofc	56.68
SUNSET LAW ENFORCEMENT	Safety Items	804.40
Swanson Hardware	Minor Equip & Hand Tools	88.34
Thomson Reuters West Payment C	Legal Research Service	668.00
Thrifty White Pharmacy	Acute & Emergency Treat.	51.25
Willow Tree	Buildings	166.99
Windstream	phone	254.37
WOODFORD EQUIPMENT	Minor MV Parts & Access	407.56
Youth Shelter Care of	Crisis Stab Comm Based Se	520.38
<u>General Supplemental Fund</u>		
MidAmerican Energy	electricity	33.76
RESERVE ACCOUNT	Postage & Mailing	2500.00
<u>American Rescue Plan Act 2021</u>		
SLASH POINT	Misc Expense	269.99
<u>Rural Services Basic Fund</u>		
IA Lakes Electric Coop	Electric Light & Power	401.00
Northwest Communications	Telecommunications Serv.-	84.95
Palo Alto Co Sec Road	Fuels	66.49
The Retrofit Companies, Inc.	Sanitation & Disposal Ser	885.00
Shamrock Recycling, Inc	Sanitation & Disposal Ser	2583.56
City of Spencer	Sanitation & Disposal Ser	13526.31
Swanson Hardware	Custodial Supplies	66.90
<u>Secondary Road Fund</u>		
Alliant Energy	Engineering Services	15.15
Amazon Capital Services	Engineering Services	98.33
Arnold Motor Supply ATT: Sue	Engineering Services	25.78
Daniel A Berven	Engineering Services	250.00
Bomgaars	Engineering Services	32.29
Cintas	Engineering Services	110.58
E.M.U.	Engineering Services	720.79
Emmetsburg Publishing Co.	Engineering Services	306.00
Fleet Pride Truck & Trailer	Engineering Services	102.96
Douglas Girres	Engineering Services	250.00
Graettinger Times	Engineering Services	115.20
Mike Hartman	Engineering Services	250.00
Heritage Crystal Clean, LLC	Engineering Services	456.19
Christopher Hurlburt	Engineering Services	27.25
IA Lakes Electric Coop	Engineering Services	26.36
IOWA WORKFORCE DEVELOPMENT ATT	Engineering Services	3188.12
MidAmerican Energy	Engineering Services	1371.98
Art Mueller, Jr.	Engineering Services	250.00
Murphy Tractor & Equipment	Engineering Services	1162.84
NEW Cooperative, Inc.	Engineering Services	615.82
Newman Traffic Signs	Engineering Services	75.46
North Central International Fo	Engineering Services	32.32
Northern Safety Co., Inc.	Engineering Services	151.30
Palo Alto Co Auditor	Engineering Services	49.68
Palo Alto Co Health System	Engineering Services	151.00
Piccrays Welding & Fab.	Engineering Services	806.00
Rick's Home Repair	Engineering Services	306.00
Ruthven Coop Oil Co	Engineering Services	42339.27
Ruthven Zipcode	Engineering Services	78.60
Staples Credit Plan	Engineering Services	17.08
Swanson Hardware	Engineering Services	92.42
Titan Machinery	Engineering Services	2824.59
Chris Towell	Engineering Services	250.00
Unity Point Clinic- Occ Med	Engineering Services	168.00
Wessels Oil Company	Engineering Services	2025.00
West Bend Journal	Engineering Services	78.60
Justin Williams	Engineering Services	719.70
Wyatt Wirtz	Engineering Services	250.00
Ziegler Inc	Engineering Services	261.72

Road Cap. Proj. Sec Roads

Croell Inc Roads 499935.43

E911 Surcharge Fund

Mainstay Systems of Iowa LLC Miscellaneous Repair 23.70
Windstream phone 80.44

Drainage Claims

Bolton & Menk, Inc. DD180 Lat 1 eng exp 4629.50
Bolton & Menk, Inc. DD61 Main eng exp 3790.00
Bolton & Menk, Inc. DD61 N eng exp 5398.00
King Excavation DD105 repair 4215.00
Darren A. Stearns DDJt 60 MainOpen beaver 100.00

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

Keith Wirtz, Chairman

Carmen Moser, County Auditor