

Courthouse
Emmetsburg, Iowa
September 13, 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: DelRay Bredehoeft, Jan Bredehoeft, Bri Erskine, Sean Bell, Channon Madwdsley, Matt Dornbier, Nancy Erickson, Jim Neighbors, Ray Grandstaff, Adam Gellert, Mason Hoffman, Laura Winter, Bo Barker, Peter Hart- County Attorney; Diane Weiland- The 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.

Keith Wirtz, Chair, lead the Pledge of Allegiance.

Motion by Faulstick, 2nd by Solberg to approve the agenda for September 13, 2022. Motion Carried.

Motion by Graettinger, 2nd by Solberg to approve the minutes for September 6, 2022. Motion Carried.

Motion by Merrill 2nd by Graettinger to approve the Recorder's Monthly report for August 2022. Motion Carried.

John Hansen, Midwest Construction Consultants, met with the Board to give an update on the construction of the Public Safety Center. John reviewed the project cost recap, requested approval of the change order #2 and discussed contingencies. Approval was granted.

Motion by Faulstick, seconded by Merrill to approve change order #2 in amount of \$21,380.58 for the Public Safety Building project. Motion Carried.

Motion by Graettinger, seconded by Solberg to approve monthly project cost recap for \$428,009.99. Motion Carried.

Motion by Merrill, seconded by Graettinger to approve Utility Safety & Design Inc for \$58,925 with EMU paying ½ of the bill, up to \$30,000 for relocation for the 2 inch natural gas line. Motion Carried.

Motion by Solberg, seconded by Faulstick to approve King Excavation quote for \$12,000 to replace retainage wall, sidewalk removal/replacement and tree removal for ISU Extension building. Motion Carried.

Matt Dornbier & Channon Mawdsley were present for public comment to discuss adopting setbacks in an ordinance similar to Kossuth County for the CO2 Pipeline. Ray Grandstaff has concerns of Jt 60 Main Open Ditch drainage. Jan Bredehoeft has concerns for township fires.

Walter Davis-Oeth, County Engineer, met with the Board for the following items. Walter stated the Fairville paving project is complete, will finish shoulder and seeding work.

Motion by Solberg, 2nd by Merrill to approve a utility permit for West Bend Municipal Utilities in Section 26 of Fern Valley Township. Motion Carried.

Motion by Merrill, 2nd by Solberg to approve a utility permit for River Valley Telecommunications Coop in Section 14 of Lost Island Township. Motion Carried.

Motion by Solberg, 2nd by Faulstick to approve a utility permit for City of Emmetsburg in Section 19 of Freedom Township. Motion Carried.

Motion by Solberg, 2nd by Graettinger to approve the agreement for water service with the City of Graettinger at the county shed. Motion Carried.

Aletha King, Zoning, met with the Board. Planning & Zoning met on Monday evening to discuss two met towers tabled from August 29th, 2022. Zoning Board had a tied vote, motion failed.

Peter Hart, County Attorney, presented a resolution to the Board for consideration of permitting two meteorological towers in Great Oak and Walnut Townships.

Kim Kibbie, City of Emmetsburg, was present and stated that Matt Ferrier, City Airport Engineer, does not have an objection for placement of the two meteorological towers.

Motion by Graettinger, 2nd by Faulstick to introduce and approve the following:

RESOLUTION NO. 9-13-2022

**A RESOLUTION PERMITTING TWO METEOROLOGICAL
MAST TOWERS IN GREAT OAK AND WALNUT
TOWNSHIPS IN PALO ALTO COUNTY**

WHEREAS, on August 29th, 2022 the Palo Alto County Planning and Zoning Commission met in open session at the Palo Alto County Courthouse in Emmetsburg and considered the Lost Island Wind LLC request for two Meteorological Mast Towers measuring 197 feet in height; one located in the NE ¼ of the SE ¼ of Section 19 Great Oak Township and the other located in the NW ¼ of the NE ¼ of Section 20 of Walnut Township, both in Palo Alto County; and,

WHEREAS, both these two Meteorological Mast Towers are outside the 57 square mile Bird Conservation Area set aside by the Palo Alto County Board of Supervisors; and,

WHEREAS, both these two Meteorological Mast Towers are outside the “Emmetsburg Airport Runway Protection Area”; and,

WHEREAS, the Board of Supervisors, after due consideration and discussion, is willing to grant Lost Island Wind LLC , permission to construct two Meteorological Mast Towers on the following conditions, that:

- (1) Lost Island Wind LLC understands and agrees that it undertakes this activity at its own risk, recognizing that an application permit for a WECS in the County may or may not be approved by the Board of Supervisors in their sole discretion;
- (2) Lost Island Wind LLC understands and agrees that permission to construct the two Meteorological Mast Towers does not signal in any way whether, to what extent, or under what circumstances the Board of Supervisors may or may not ultimately approve an application from Lost Island Wind LLC for development, construction, and maintenance of WECS; and,
- (3) Lost Island Wind LLC shall, by way of its acceptance of this resolution indicate that it understands and agrees that it will not, at any time now or in the future, utilize the Board’s granting of this Meteorological Mast Towers construction permit to argue, under any theory, legal or equitable, that the Met Mast Tower construction permission creates some vested right in Lost Island Wind LLC to develop a WECS in the County.
- (4) Lost Island Wind LLC understands that the approval of the Meteorological Mast Towers construction permit does not constitute the “start” of the WECS application process. That application process begins by written submission of the standards, conditions and application, Site Plan Review and Approval for the

Construction and maintenance of Wind Energy Conversion (WECS) and Individual Wind Energy Devices (WEDs) within Palo Alto County.\

(5) Lost Island Wind LLC's acceptance of this resolution indicates that it understands and agrees that it will not, at any time now or in the future, utilize the Board's granting of this Meteorological Mast Towers construction permit to argue, under any theory, legal or equitable, that the construction permission creates any vested right in Lost Island Wind LLC to develop a WECS in the County.

NOW THEREFORE, the Palo Alto County Board of Supervisors, following review, consideration, and discussion, RESOLVES that Lost Island Wind LLC shall be granted a permission to construct the two Meteorological Mast Towers in Great Oak Township and in Walnut Townships as proposed in their Meteorological Mast Towers Construction Permit dated August 10th, 2022.

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 granting a permission of construction of two Meteorological Mast Towers for the Lost Island Wind LLC.

Supervisor Roger Faulstick seconded the motion to adopt the resolution.

THE RECORDED VOICE VOTE WAS MADE:

Linus Solberg _nay_

Keith Wirtz _aye_

Ron Graettinger _aye_

Roger Faulstick _aye_

Craig Merrill _aye_

Passed and approved this 13th day of September, 2022

MOTION CARRIED RESOLUTION ADOPTED

/s/Keith Wirtz

Chairman, Palo Alto County Board of Supervisors

Attest:

/s/Carmen Moser

Palo Alto County Auditor

Collin Klingbeil, Jacobson-Westergard, met with the Board to discuss the draft Resolution for pipeline to cross drainage districts. Present: Jordan Morey, Auditor's Office

Kristina Paradise, Synder & Associates, met with the Board for discussion and information on county inspection services. Kristina updated the Board on Iowa Utilities Board filings. Kristina recommended requiring training for EMS & specialized equipment for consideration in the county ordinance.

Committee Reports: Faulstick-Virgin Lake/Jt 60.

Motion by Solberg, seconded by Graettinger to approve the claims and drainage claims for September 13, 2022. Motion Carried.

General Basic Fund

Algona Glass Company	Buildings	75.00
Bauer Plumbing & Heating Inc.	Buildings	3915.00
Biddle Electric	Buildings	701.38

Brew Oil LLC	Cash Allowances	45.00
Canon	Photocopy & Dup. Serv.	166.00
Terry Chamberlain	Bus	186.20
Christina Clausen	Bus	186.20
Counsel Office & Document	Contract Carriers	552.00
Joy Currans	Wages-Temp, Pt. Time Empl	365.50
Margaret Drost	Wages-Temp, Pt. Time Empl	161.50
Elderbridge Agency on Aging	Contrib to Other Gov & Or	3750.00
Emmet Co Public Health	Engineering Services	3194.00
Emmetsburg Ford	Minor MV Parts & Access	209.41
E.M.U.	utilities	293.16
Emmetsburg Publishing Co.	Official Pub & Legal Noti	775.07
Fareway	Custodial Supplies	49.87
Graettinger Times	Board Proceedings	764.67
Vincent H. Heller	Bus	75.00
Ronald Hersom	Bus	333.00
Stephanie Hudson	Legal & Ct-Related Servic	20.71
IA State Bar Association	Dues & Memberships	260.00
IMWCA	Workmens' Comp Insurance	3306.10
Robin Jamison	Employee Mileage & Subs.	910.45
Aletha King	Educational/Training Serv	518.30
Mail Services, LLC	Postage & Mailing	339.28
Matt's Cleaning Service	Salary-Regular Employees	500.00
McMahon, Stowater, Lynch & Lad	Legal & Ct-Related Servic	363.00
MEDIACOM LLC	Telecommunications Serv.-	859.48
Carmen Moser	Employee Mileage & Subs.	393.79
Northwest Communications	Telecommunications Serv.-	1058.45
Office Elements	Stationery/Forms/Gen Ofc	51.00
Palo Alto Co Fair Assn	Contrib to Other Gov & Or	3727.74
Palo Alto Co Sec Road	Fuels	3186.07
Palo Alto County Public Health	Other	37500.00
Picrays Welding & Fab.	Buildings	46.00
PITNEY BOWES GLOBAL FINANCIAL	Postage & Mailing	1080.90
Pocahontas County Auditor	Employee Mileage & Subs.	75.90
The Print Shop	Stationery/Forms/Gen Ofc	657.82
Regional Trans.Authority	Contrib to Other Gov & Or	1800.00
RESERVE ACCOUNT	Postage & Mailing	5000.00
Ricoh USA, Inc.	Office & Data Processing	11.62
River Valley Telecommunication	Electric Light & Power	5328.46
Susan Ruppert	Employee Mileage & Subs.	192.14
Richard Sample	Bus	186.20
Schumacher Elevator Company	Fixed Plant Equipment	654.42
HOWARD SMITH	Bus	975.60
Solutions, Harris Local Gov	services	5865.33
Spencer Office Supplies	Stationery/Forms/Gen Ofc	65.45
Stanard & Associates, Inc.	Educational/Training Serv	46.00
STATE HYGIENIC LABORATORY	Engineering Services	335.00
SUNSET LAW ENFORCEMENT	Safety Items	1750.00
Swanson Hardware	Custodial Supplies	78.44
Swift Air	Buildings	920.00
Upper Des Moines Opp.Inc.	Contrib to Other Gov & Or	9975.00
Verizon	phone service	320.34
VISA	Postage & Mailing	2822.40
West Bend Ford	Minor MV Parts & Access	151.67
Windstream	phone	1244.51
<u>General Supplemental Fund</u>		
ELECTION SYSTEMS & SOFTWARE	Stationery/Forms/Gen Ofc	39.95
E.M.U.	utilities	69.11
IA Secretary of State	Data Processing Services	1114.23
PELZER LAW FIRM JENNIFER BENNE	Legal & Ct-Related Servic	198.00
Fred Blake Perkins	Legal & Ct-Related Servic	139.00
River Valley Telecommunication	Misc Expense	6718.81
Storey Kenworthy/Matt Parrott	Stationery/Forms/Gen Ofc	654.22
<u>American Rescue Plan Act 2021</u>		
Microfilm Imaging Systems, Inc	Misc Expense	25.00
Sande Construction & Supply Co	Misc Expense	75500.00
<u>Rural Services Basic Fund</u>		
Emmetsburg Library	Contrib to Other Gov & Or	2865.99
Graettinger Library	Contrib to Other Gov & Or	1218.05
IMWCA	Workmens' Comp Insurance	6139.90
Aletha King	Employee Mileage & Subs.	102.85
KRISTAT AUTO PARTS LLC	Safety & Protect.Supplies	133.35
Mallard Library	Contrib to Other Gov & Or	1003.10
Northwest Communications	Telecommunications Serv.-	84.95
Overhead Door Sales	Miscellaneous Repair	557.29
Palo Alto Co Sec Road	Fuels	1095.35
Pro Cooperative	Fertilizer & Seed	9459.35
Randy's Repair	Motor Vehicle Equipment	218.60
Ruthven Library	Contrib to Other Gov & Or	1003.10
Swanson Hardware	Safety & Protect.Supplies	54.91
West Bend Library	Contrib to Other Gov & Or	1074.75
Windstream	phone	65.97
WOODFORD EQUIPMENT	Minor Equip & Hand Tools	153.79
<u>Secondary Road Fund</u>		
Alliant Energy	Engineering Services	112.14
Amazon Capital Services	Engineering Services	38.46
Arnold Motor Supply ATT: Sue	Engineering Services	123.08
Ayrshire Farmers Mut Telephone	Engineering Services	41.24
Bomgaars	Engineering Services	361.98
Calhoun-Burns & Assoc. Inc.	Engineering Services	12821.60
Cintas	Engineering Services	80.58
City of Cylinder	Engineering Services	55.00

D. D. 119	Engineering Services	8953.00
Deitering Bros Inc	Engineering Services	3022.78
Diamond Mowers, Inc.	Engineering Services	631.96
Dixon Construction	Engineering Services	24531.30
Don's Truck Sales Inc	Engineering Services	668.36
Emmetsburg Ford	Engineering Services	58.75
Emmetsburg Publishing Co.	Engineering Services	114.75
Fareway	Engineering Services	20.90
Fleet Pride Truck & Trailer	Engineering Services	247.32
Graettinger Mun. Utilities Gra	Engineering Services	268.69
Heritage Crystal Clean, LLC	Engineering Services	457.70
IA Great Lakes Doors, Inc.	Engineering Services	182.00
Iowa Lakes Regional Water	Engineering Services	174.59
Interstate Batteries	Engineering Services	278.90
Jack's OK Tire	Engineering Services	4300.96
Jacobson-Westergard&Assoc, Inc.	Engineering Services	1615.00
KRISTAT AUTO PARTS LLC	Engineering Services	151.28
City of Mallard	Engineering Services	84.44
Metal Culverts Inc.	Engineering Services	28165.00
MidAmerican Energy	Engineering Services	514.45
Northern Safety Co., Inc.	Engineering Services	163.63
Nuss Truck & Equipment	Engineering Services	87.34
Northwest Communications	Engineering Services	41.53
Palo Alto Co Health System	Engineering Services	30.00
River Valley Telecommunication	Engineering Services	306.15
Rooney's Auto & Custom Exhaust	Engineering Services	191.89
Ruthven Coop Oil Co	Engineering Services	24083.33
City of Ruthven	Engineering Services	200.65
SLASH POINT	Engineering Services	449.25
Spencer Red Power	Engineering Services	238.23
Swanson Hardware	Engineering Services	653.68
SynTech Systems	Engineering Services	142.00
Verizon	Engineering Services	314.60
Wessels Oil Company	Engineering Services	38.00
West Bend Journal	Engineering Services	57.60
City of West Bend	Engineering Services	96.75
Justin Williams	Engineering Services	26.52
Windstream	Engineering Services	537.40
Ziegler Inc	Engineering Services	5797.94
<u>Road Cap. Proj. Sec Roads</u>		
Croell Inc	Roads	2298726.31
<u>Jail Capital Projects</u>		
A-1 Mobile Storage Service, LLC	Buildings	2020.00
Boji Portable Toilets DBA Koen	Buildings	140.00
Chosen Valley Testing Inc	Buildings	1380.00
Jacobson-Westergard&Assoc, Inc.	Buildings	1940.90
K & W Electric, Inc.	Buildings	110.00
MIDWEST CONSTRUCTION CONSULTAN	Buildings	33095.88
Midwestern Mechanical, INC	Buildings	18460.88
Midwestern Mechanical of Iowa,	Buildings	197758.84
Noah Detention Construction	Buildings	5298.63
Northern Rolloff	Buildings	664.44
Sande Construction & Supply Co	Buildings	463110.72
Rick A. Weidner, AIA	Buildings	3565.00
Winger Contracting Company Win	Buildings	83444.20
<u>Emergency Mgmt Agency</u>		
Fareway	Stationery/Forms/Gen Ofc	19.45
Palo Alto Co Sec Road	Parts	90.60
Swanson Hardware	Stationery/Forms/Gen Ofc	7.69
Traffic Safety Warehouse	Educational/Training Serv	440.60
<u>E911 Surcharge Fund</u>		
Ayrshire Farmers Mut Telephone	Engineering Services	158.99
MEDIACOM LLC	Engineering Services	189.97
Northwest Communications	Engineering Services	158.99
River Valley Telecommunication	Engineering Services	645.98
Verizon	phone service	3.66
Windstream	phone	358.05
WINDSTREAM IA Comm Inc	phone	161.51
<u>Drainage Claims</u>		
Certified Testing Services, Inc	DD180 Lat 1 testing	2072.00
Rick M & Julie A Elbert	DD119 crop damages	8338.32
Emmetsburg Publishing Co.	DD119 pub exp Completion	40.18
Hancock Concrete Products	DD180 Lat1 Tile materials	22927.09
Jacobson-Westergard&Assoc, Inc	.DD119 eng exp	4970.75
Jacobson-Westergard&Assoc, Inc.	DD162 eng exp	3114.70
Jacobson-Westergard&Assoc, Inc	.DD81 eng exp	5130.00
Dale H & Jean T Reed	DD119 crop damages	66.60
Reutzel Excavating Inc	DD162 repair Pay#1 extens	48427.65
Sacred Heart Catholic Churc	DD119 crop damages	4201.46
Douglas & Patricia Shirk	DD119 crop damages	199.80

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

Keith Wirtz, Chairman

Carmen Moser, County Auditor