

Courthouse  
Emmetsburg Iowa  
January 3, 2023, 8:00 a.m.

The Palo Alto County Board of Supervisors met on January 3, 2023, the first working day of the Calendar Year to approve all resolutions and appointments for the 2023 year. Supervisors present: Roger Faulstick, Ronald Graettinger, Craig Merrill, Linus Solberg, Keith Wirtz.

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, called the meeting to order and led the Pledge of Allegiance.

Motion by Graettinger, 2nd by Merrill to approve agenda for January 3, 2023, with cancellation of discussion with Tim Whipple. Motion Carried.

Motion by Faulstick, 2nd by Merrill to approve minutes for December 27, 2022. Motion Carried.

Motion by Solberg, 2nd by Merrill to nominate Ron Graettinger as Chair and Craig Merrill as Chair Pro-Tem for the calendar year 2023. Motion Carried.

Motion by Solberg, 2nd by Merrill to approve the Veteran Affairs claims allowed report for December 2022, & the quarterly report ending December 31, 2022. Motion Carried.

Walter Davis-Oeth, County Engineer, met with the Board and presented Resolutions for calendar year 2023.

Motion by Solberg, 2<sup>nd</sup> by Wirtz to introduce and approve the following Resolution. Ayes: Faulstick, Solberg, Merrill, Graettinger, Wirtz. Nays: none. Resolution passed.

**RESOLUTION NO. 1-3-2023 (A)**  
**RIGHT OF WAY ASSURANCE STATEMENT**  
**2023**

County of Palo Alto

To comply with the provisions of the 1970 Uniform Relocation Assistance and Land Acquisition Policies Act, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the Board of Supervisors of Palo Alto furnishes the following:

Assurances to the Iowa Department of Transportation.

1. It is the policy of the Palo Alto County to acquire right of way in accord with Title III of said 1970 Act, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and applicable state laws.
2. It is the policy of the Palo Alto County to provide relocation assistance benefits in accord with Title II of said 1970 Act, as amended by Title IV, and applicable state laws.
3. The above named county will contact the Iowa Department of Transportation for assistance as needed to assure compliance with applicable laws which are summarized in the instructions entitled "Uniform Manual, Real Property Acquisition and Relocation Assistance."

1-3-2023  
Date Approved

/s/Ronald Graettinger  
Chairperson, Board of Supervisors

Motion by Faulstick, 2<sup>nd</sup> by Merrill to introduce and approve the following Resolution. Ayes: Faulstick, Solberg, Merrill, Graettinger, Wirtz. Nays: none. Resolution passed.

**RESOLUTION NO. 1-3-2023 (B)**

**AUTHORIZATION FOR THE COUNTY ENGINEER TO CLOSE ANY SECONDARY ROAD FOR THE PURPOSE OF ROUTINE MAINTENANCE PROCEDURES OR CONSTRUCTION DURING 2023**

**WHEREAS:** The Palo Alto County Board of Supervisors is concerned about Tort Liability involved during construction and maintenance of the Secondary Road System, and

**WHEREAS:** The Board is further interested in accommodations for the traveling public, adjacent landowners, and all related users during construction maintenance operations

**NOW THEREFORE, BE IT RESOLVED,** the Palo Alto County Board of Supervisors, on this 3<sup>rd</sup> day of January 2023, the Palo Alto County Engineer is hereby authorized to temporarily close sections of roadways in Palo Alto County's road system when necessary because of construction, maintenance, or natural disaster.

**PALO ALTO COUNTY**

**Board of Supervisors**

/s/Ronald Graettinger

/s/Craig Merrill

/s/ Linus Solberg

/s/Keith Wirtz

/s/Craig Merrill

**Recommended:**/s/Walter Davis-Oeth, Palo Alto County Engineer

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

Motion by Solberg, 2<sup>nd</sup> by Wirtz to introduce and approve the following Resolution. Ayes: Faulstick, Solberg, Merrill, Graettinger, Wirtz. Nays: none. Resolution passed.

**RESOLUTION NO.1-3-2023 (C)**

**BE IT RESOLVED** by the Board of Supervisors of Palo Alto County, Iowa, that

Walter Davis-Oeth, P.E., the County Engineer of Palo Alto County, Iowa, be and is hereby designated,

authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of

completion of work and final acceptance thereof in accordance with plans and specifications in connection with all

**Farm-to-Market** and **Federal or State aid** construction projects in this county.

Dated at Palo Alto County, Emmetsburg, Iowa, this 3<sup>rd</sup> of January 2023.

Board of Supervisors  
Palo Alto County, Iowa

/s/Ronald Graettinger

/s/Craig Merrill

/s/Linus Solberg

/s/Roger Faulstick

/s/Keith Wirtz

ATTEST: By /s/Carmen Moser, County Auditor

Motion by Merrill, 2<sup>nd</sup> by Faulstick to approve Title VI Non-Discrimination Agreement with Iowa DOT. Motion Carried.

Motion by Solberg, 2<sup>nd</sup> by Merrill to introduce and approve the following Resolution.

**RESOLUTION # 1-3-2023**

**A RESOLUTION ADOPTING DOCUMENTS PERTAINING TO PALO ALTO COUNTY'S COMPLIANCE WITH TITLE VI PROVISIONS OF THE CIVIL RIGHTS ACT OF 1964.**

**WHEREAS**, Palo Alto County has been a recipient of federal financial assistance from the U.S. Department of Transportation; and

**WHEREAS**, in receiving such financial assistance Palo Alto County is mandated to comply with the provisions of Title VI of the Civil Rights Act of 1964; and

**WHEREAS**, in order to continue receiving federal financial assistance from the U.S. Department of Transportation and the Iowa Department of Transportation the adoption of certain documents and establishment of certain programs is necessary.

**NOW, THEREFORE**, BE IT RESOLVED by the Board of Supervisors of Palo Alto County that:

- 1.) The Palo Alto County Auditor, Carmen Moser, is hereby designated the Title VI Coordinator for Palo Alto County Secondary Roads.
- 2.) The Palo Alto County Title VI Plan is hereby adopted and that the Chairman of the Board of Supervisors and Title VI Coordinator are authorized to sign said plan where required.
- 3.) The Standard DOT Title VI Assurances are hereby adopted and that the Chairman of the Board of Supervisors is authorized to sign said document where required.
- 4.) The Title VI Notice to the public is hereby adopted and shall be posted where other public notices are displayed in the Palo Alto County Administration Building and County Engineer's Office. Furthermore, said notice shall be placed on the County's official website.
- 5.) The Title VI Coordinator is authorized to take any other actions necessary and/or recommended by the Iowa Department of Transportation, or other designated authority to comply with the provisions of Title VI of the Civil Rights Act of 1964.

**APPROVED** this January 3, 2023.

/s/Ronald Graettinger

**Chair, Palo Alto County Board of Supervisors**

**ATTEST: /s/Carmen Moser, Auditor**

No one was present for public comment.

Motion by Faulstick, and 2<sup>nd</sup> by Merrill to introduce and approve the following Resolution:

**Resolution 1-3-2023 (D)**

BE IT RESOLVED, by the Board of Supervisors of Palo Alto County, Iowa, that they do hereby designate the following banks to be depositories and the Elected Officials named below shall deposit funds in the amount not to exceed the amounts named opposite each of said designated depositories and said Officials are hereby authorized to deposit the funds in each bank as follows:

Iowa Trust & Savings	Sue Ruppert, Recorder	\$100,000
Iowa Trust & Savings	John King, Sheriff	\$300,000

Ayes: Graettinger, Faulstick, Merrill, Wirtz, Solberg. Resolution Passed.

Motion was made by Wirtz, and 2<sup>nd</sup> by Merrill to introduce and approve the following Resolution:

**Resolution 1-3-2023 (E)**

BE IT RESOLVED, by the Board of Supervisors of Palo Alto County, Iowa, that they do designate the following banks to be depositories for the County Treasurer Funds in the amount not to exceed that amount named opposite each designated bank or depository and the County Treasurer is hereby authorized to deposit County Funds in the amounts not to exceed aggregate amounts named for said banks or depositories as follows:

Iowa State Bank	West Bend, Iowa	\$20,000,000
Iowa Trust & Savings	Emmetsburg, Iowa	\$35,000,000

Ayes: Graettinger, Faulstick, Merrill, Wirtz, Solberg. Resolution Passed.

Motion by Solberg, 2nd by Wirtz to reappoint Tim McCain as Palo Alto County Tax Agent for the 2023 year. Motion Carried.

Motion by Solberg, and 2nd by Faulstick to designate the combined Emmetsburg Democrat & Reporter, and the combined Graettinger Times, Ruthven ZipCode and West Bend Journal as the two Official Newspapers for the 2023 year. Motion Carried.

Motion was made by Solberg, and 2nd by Wirtz to inform Township Trustees and Clerks that while engaged in Official County Business, they shall be compensated \$15.00 per hr. plus mileage, however the minimum daily pay for attending a scheduled meeting shall be \$25.00 per meeting. Motion Carried.

Motion by Solberg, 2nd by Faulstick to reappoint Dr. Frank Veltri to the Local Health Board for a 3-year term expiring December 31, 2025. Motion Carried.

Motion by Wirtz, 2nd by Merrill to reappoint Ron Brown to the County Conservation Board for a 5-year term expiring on December 31, 2027. Motion Carried.

Motion by Merrill and Solberg by Graettinger to reappoint the following Township trustee and clerk with term ending December 31, 2025. Motion Carried.

Booth Township: Daniel Noonan, Trustee  
Penny Rubel, Clerk

Ellington Township: Richard Stafford, Trustee  
Neal Heldt, Clerk

Emmetsburg Township: Chad Fank, Trustee  
Nick Fank, Clerk

Fern Valley Township: Jay Bargman, Trustee  
Byron Anliker, Clerk

Freedom Township: Andy Soenen, Trustee  
Dan Zeigler, Clerk

Great Oak Township: Marte Elbert, Trustee  
Kyle Elbert, Trustee  
Justin Kibbie, Clerk

Highland Township: Leo Geelan, Trustee  
Paul Molitor, Clerk

Independence Township: Todd Wegener, Trustee  
Stewart Ohrtman, Clerk

Lost Island Township: Brian Westergard, Trustee  
Craig Thu, Clerk

Nevada Township: Coleen Ruddy, Trustee  
Kathryn A. Mortenson, Clerk

Rush Lake Township: Martin Bergstrom, Trustee  
Jeff Wickman, Clerk

Vernon Township: Mark Hobart, Trustee  
Ronn Naig, Clerk

Walnut Township: Willard R. Herke, Trustee  
Jerry Joyce, Clerk

Motion Carried.

Motion was made by Wirtz, 2<sup>nd</sup> by Faulstick to appoint the following persons to serve as members of the compensation commission for the eminent domain cases for the 2023 year. Motion Carried.

**BUSINESS PERSONS**

Alex Bleuer, 605 S. Broadway, West Bend Iowa	515-890-0565
John Spies 302 Lakeshore Drive, Emmetsburg, Iowa	712-852-4023
Wm. S. Brown 4577 280 <sup>th</sup> St. Graettinger, Iowa	712-859-3880
Jeff Treveer 1208 South St. Box 264, Ayrshire, Iowa	712-426-2202
Joe Noonan, 42125 360 <sup>th</sup> Ave, Ruthven, Iowa	712-298-1504
Mike Gehrt 803 Micawber St. Mallard, Iowa	712-425-3560
Kurt Bonnsetter, 111 Iowa St, Cylinder, Iowa	712-424-3961
Troy Auten, 4928 455 <sup>th</sup> Ave., Mallard	712-358-2040

**FARMERS**

Gerald Thatcher 407 4 <sup>th</sup> St. West Bend, Iowa	515-887-5959
Fred Schmidt, 4169 580 <sup>th</sup> Ave, Whittemore, Iowa	515-884-2549
Kathy Cramer 4283 440 <sup>th</sup> St. Curlew, Iowa	712-855-2874
Jerome Kuyper 5728 500 <sup>th</sup> St. West Bend, Iowa	515-887-3457
Craig Thu, 102 Ford Rd, Emmetsburg, Iowa	712-415-1072
Cory Fehr, 5727 440 <sup>th</sup> St, West Bend, Iowa	712-358-0831
Steve Licht, 4411 380 <sup>th</sup> Ave., Ayrshire	712-260-6020
Scott Kibbie, 10 N Huron St., Emmetsburg	712-298-3738

**CITY AND TOWNSHIP PROPERTY OWNERS**

Chad Clausen, 4957 490 <sup>th</sup> Ave, Mallard, Iowa	712-298-2359
Mike Flaherty, 410 N Maple Ave, Graettinger, Iowa	712-859-3578
Matt Greene, 3765 380 <sup>th</sup> Ave, Ruthven, Iowa	712-837-4843
David Morey, 4812 510 <sup>th</sup> Ave, Mallard, Iowa	712-425-3234
David Neilson 104 South Elder Ave. Graettinger, Iowa	712-859-3860
Rich Stillman, 34789 Cy-Hawk Ave, Emmetsburg	712-260-6838

**REALTORS**

Judy Johnson 3586 450 <sup>th</sup> Ave. Emmetsburg, Iowa	712-852-4921
Mike Wentzel, 804 King St. Emmetsburg, Iowa	712-852-2294
Norlyn Stowell 2 North Madison St. Emmetsburg, Iowa	712-852-3604
Roger Wagner 3856 440 <sup>th</sup> Ave. Emmetsburg, Iowa	712-852-4257
Brian Jackson 212 North Wallace St. Emmetsburg, Iowa	712-852-3211
Jay Bargman, 5579 430 <sup>th</sup> St, West Bend, Iowa	515-887-5579
Chuck Sikora, 1006 Gowrie St., Ruthven	712-260-2788

Motion by Solberg, 2<sup>nd</sup> by Merrill to appoint the following supervisors to various committees and boards as follows for the year 2023. Motion Carried.

<u>Committee/Board</u>	<u>Appointment</u>	<u>Alternate</u>
Ag Committee	Ron Graettinger	Linus Solberg
Care Connections of Northern Iowa	Craig Merrill	Linus Solberg
Central Iowa Juvenile Detention Commission	Keith Wirtz	Craig Merrill
Courthouse Security Committee	Ron Graettinger	
DECAT Board	Ron Graettinger	Keith Wirtz
Economic Development Board	Craig Merrill	Roger Faulstick
Empowerment Board	Keith Wirtz	Ron Graettinger
Emergency Management Board	Linus Solberg	Ron Graettinger
E 911 Board	Linus Solberg	Craig Merrill
HIPAA Compliance Board	Keith Wirtz	
IDDA	Keith Wirtz	Linus Solberg
Building Committee (jail)	Linus Solberg, Roger Faulstick	
North Central Regional Emergency Response Commission	Linus Solberg	Craig Merrill
NW Iowa Regional Housing Authority	Roger Faulstick	
NW Planning & Development	Roger Faulstick	

PACGDC (gaming corporation)	Roger Faulstick	
RIDES Board	Roger Faulstick	
Solid Waste Task Force	Ron Graettinger, Linus Solberg	
Safety/Wellness Committee	Keith Wirtz	Craig Merrill
Third Judicial District Department of Correctional Services	Craig Merrill	
Upper Des Moines Opportunity Board	Ron Graettinger	Linus Solberg
Iowa Workforce Development	Roger Faulstick	
Mid Iowa Growth Partnership	Craig Merrill	
Palo Alto Co. Multidisciplinary Team	Roger Faulstick	

Committee Reports: Robin Jamison, County Treasurer—health insurance rates; Craig Merrill—Care Connection of Northern Iowa.

Motion by Solberg, 2nd by Wirtz to introduce & approve the following Construction Evaluation Resolution No. 1-3-2023 (F). Ayes: Graettinger, Faulstick, Merrill, Wirtz, Solberg. Resolution Passed.

**RESOLUTION #1-3-2023 (F)**  
**CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2023 and January 31, 2024 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PALO ALTO COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

/s/Ron Graettinger, Chair, Board of Supervisors  
ATTEST:/s/Carmen Moser, County Auditor

The Board discussed budget workshop dates and reviewed budget requests for FY24. The budget workshop date was set for January 18, 2023.

Motion by Wirtz, 2<sup>nd</sup> by Merrill to leave the North Racoon River Watershed Management Authority. Motion Carried.

Motion by Wirtz, and 2<sup>nd</sup> by Solberg to adjourn. Motion Carried.

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Ronald Graettinger, Chairman

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Carmen Moser, County Auditor