

Courthouse
Emmetsburg, Iowa
August 1, 2023, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Ronald Graettinger, Chair; Keith Wirtz, Roger Faulstick, Craig Merrill, Linus Solberg. Present: Diane Weiland, Reporter/Democrat; Peter Hart, County Attorney; Carla Larson, Delray Bredehoeft, Jim & Sharon Neighbors. On conference call: Joan Mersch, Julie Goebel, Dan Fehr, Jill Williamson, Collin Klingbeil. Present: Grant Terry, Summit Carbon Solutions; Richard Dove, Summit Carbon Solutions; Sean Bell, Steelhead; James Fehr, Mike Wirtz, Kayla Hagen, EMA; John Hansen, Rick Weidner.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Faulstick, Wirtz, Solberg, Merrill, Graettinger. Nays: None. Abstentions: None.

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

Motion by Faulstick, 2nd by Merrill to approve the agenda for August 1, 2023. Motion Carried.

Motion by Wirtz, 2nd by Faulstick to approve the minutes for July 25, 2023. Motion Carried.

Collin Klingbeil, Jacobson-Westergard, met with the Board by conference call. Collin reviewed the changes to the 12-20-2022 pipeline crossing drainage districts resolution. The Board discussed the fee for pipelines crossing drainage districts. The Board discussed how a contractor of landowner choice would get paid. The consensus was that the county inspection services, and drainage will be billed through the county. Summit Carbon Solutions will pay the contractor and inspector directly. Summit Carbon Solutions will pay the landowners' choice of drainage contractor for repairs.

Motion by Merrill, 2nd by Wirtz to reconsider the Resolution 12/20/2022 for Construction of a Pipeline, Electric Transmission Line, Communication Line, Underground Service Line across or beneath county drainage district infrastructure and/or private drainage infrastructure.
Ayes: All. Motion Carried.

Changes to the Palo Alto County Drainage Resolution:

- Applicable only to pipelines
- Fee of \$9,000 per crossing
- 8 ft requirement changes
 - In order to protect Drainage District infrastructure and Private Drainage Infrastructure in the County, there shall be a minimum requirement depth of eight (8) feet from the existing ground surface to the top of the line, except that in connection with Private Drainage Infrastructure, if there is an easement or agreement that specifies a lesser depth requirement, that lesser depth requirement may be followed as it applies to the Private Drainage Infrastructure.
- new paragraphs
 - Applicant shall make all reasonable efforts to protect Drainage District Infrastructure from any soil, silt or debris entering the Drainage District Infrastructure. If the Applicant causes soil, silt or debris to enter the Drainage District Infrastructure, the Applicant agrees that the Board may seek injunctive or other appropriate relief against it. Applicant agrees that it shall be subject to fines as determined by the Board and liable to the Board for any and all expenses of seeking such relief, including reasonable attorneys' fees, in the event the Board is required to seek such relief pursuant to this Paragraph.

- A landowner will be permitted to have a local drainage contractor do all tile repair on his or her land. The bill for all the repair work done by the local contractor shall be paid by the Applicant within 30 days of each billing. If the landowner chooses not to use a local contractor, the Applicant shall be responsible for all tile repairs according to the requirements set forth in this easement and with approval of the Drainage Engineers, in a timeframe that is approved by the Board.
- An Applicant shall not apply for an Easement to cross any Drainage District Infrastructure in the County until the Iowa Utilities Board has issued a final decision and order approving the Applicant's permit, including an approved route and the approval of the use of eminent domain, and until any and all judicial review and appeals of the final decision and order are exhausted, unless the Iowa Utilities Board rules that the applicant may proceed with the permit pending the appeal process.

Motion by Faulstick, 2nd by Wirtz to introduce and approve Resolution 8-1-2023, as amended, Resolution by the Palo Alto County Board of Supervisors on construction of a pipeline, or other similar installation over, across, or beneath county drainage district infrastructure and/or any private drainage infrastructure. Ayes: Faulstick, Wirtz, Graettinger. Nays: Solberg, Merrill. Motion carried.

Carla Larson was present for public comment and asked for a map of Lost Island wind project. Carla presented a new proposed wind turbine siting map (second plan).

Julie Goebel was present for public comment by conference call and stated that PHMSA regulations are not out regarding carbon pipelines, she also filed with the Board comments made by Dan Harvey, Gruver Fire Chief.

Jim Neighbors was present for public comment and questioned SF6 in the switch gears of wind turbines.

John Hansen, Midwest Consultants, met with the Board. John gave an update on the construction of the public safety center.

Motion by Faulstick, 2nd by Merrill to approve change order #1-6 with Sande Construction for complete west entrance enclosure for \$85,000. Motion Carried.

Motion by Merrill, 2nd by Wirtz to approve change order #1-5 with Sande Construction removal & replacement of additional sidewalks for \$19,364. Motion Carried.

Motion by Faulstick, 2nd by Merrill to approve change order #2-2 for Noah Detention Construction for camera microphone & equipment for interview room recordings and additional workstation in squad room for \$10,483. Motion Carried.

Motion by Wirtz, 2nd by Merrill to approve Hansen Quality Concrete contract for replacement of east half of courthouse parking lot for \$64,565. Motion Carried.

Motion by Merrill, 2nd by Wirtz to approve the project cost recap for August 2023. Motion Carried.

Robin Jamison, County Treasurer, met with the Board. Robin explained and presented a delinquent tax ordinance proposal for Palo Alto County.

Motion by Wirtz, 2nd by Faulstick to set the date for the first reading of the Ordinance on August 15, 2023, at 8:05 a.m. and the second reading of the ordinance on August 22, 2023, at 8:05 a.m. and third reading of the ordinance on August 29, 2023. Motion Carried.

RESOLUTION NO. 8-1-2023

Palo Alto County Board of Supervisors

APPROVAL OF WAIVER OF PALO ALTO COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

- Section 1. The Palo Alto County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Clear Creek Layers LLC has been issued a draft permit for the construction of a confined animal feeding operation building at 5737 440th Street, West Bend in unincorporated Palo Alto County.
- Section 2. The Palo Alto County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on 7-25-2023.
- Section 3. The Palo Alto County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.
- Section 4. The Palo Alto County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.
- Section 5. The Palo Alto County Board of Supervisors authorizes the Board Chairperson to notify the Iowa DNR of this waiver.
- Section 6. This resolution shall take effect immediately.

Motion by Solberg, 2nd by Wirtz to introduce and approve Resolution No. 8-1-2023 (A).

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

Resolution Passed.

Motion by Faulstick, 2nd by Wirtz to approve letter of support for Northwest Iowa Regional Housing Trust Fund. Motion Carried.

Committee Reports: Roger: transfer station update; Keith: wetland projects, juvenile justice; Linus: 350th Street.

Motion by Solberg, 2nd by Wirtz to adjourn. Motion Carried.

Ronald Graettinger, Chairman

Carmen Moser, County Auditor