

Courthouse  
Emmetsburg, Iowa  
February 20, 2024, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Craig Merrill, Chair; Roger Faulstick, Linus Solberg, Keith Wirtz, Ronald Graettinger. Present: Diane Weiland, Reporter/Democrat; Delray & Jan Bredehoeft, Jim & Sharon Neighbors; Ed & Sue Kelly; John King, Sheriff; Aletha King; Carla Larson, Laura Winter.

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

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

Motion by Graettinger, 2nd by Solberg to approve the agenda for February 20, 2024. Motion Carried.

Motion by Graettinger, 2nd by Faulstick to approve the minutes for February 13&15, 2024. Motion Carried.

Mark Sherinian, Attorney, was present by conference call and explained the process of appointment for the County Attorney. Notice of Appointment was republished to give the proper notice under Iowa Code Section 331.305.

Motion by Solberg, 2<sup>nd</sup> by Graettinger to introduce and approve resolution to appoint Anne Quail as County Attorney who will immediately assume all duties and responsibilities of the Palo Alto County Attorney as defined in Iowa Code Section 331.756. Attorney Quail will hold the position as a part-time county officer, as permitted under Iowa Code Section 331.752, so that she may continue to participate in private practice cases. The annual salary of the County Attorney is set at \$100,998.  
Ayes: Merrill, Graettinger, Solberg, Wirtz, Faulstick. Nays: none.  
Resolution passed.

Anne Quail was sworn in as County Attorney and took the Oath of Office. Anne Quail clarified she will be working a minimum of 40 hours a week and assume all duties & responsibilities of the County Attorney.

The Board considered a 28E Agreement for Clay County Attorney to assist Palo Alto County Attorney with the backlog of cases.

Motion by Solberg, 2<sup>nd</sup> by Faulstick to introduce and approve the 28E Agreement with Clay County Attorney to assist Palo Alto County Attorney with the backlog of cases. Ayes: Faulstick, Wirtz, Solberg, Graettinger, Merrill. Resolution passed.

## **RESOLUTION NO. 2-20-2024**

### **A RESOLUTION APPROVING ENGAGEMENT OF ATTORNEYS TO ADVISE THE COUNTY REGARDING WIND ENERGY CONSERVATION SYSTEM ORDINANCES AND SOLAR ENERGY PROJECT ORDINANCES IN PALO ALTO COUNTY.**

WHEREAS, the County has identified the need to retain a law firm to provide legal services regarding its wind and solar ordinance matters and believes it is in the best interests of the County to engage outside legal counsel to advise in these and related matters; and

WHEREAS, the Palo Alto County Board of Supervisors has received the proposed fee agreement from the Hanigan Law Group, PLC, dated February 7, 2024, and feels that it is in the best interest of the County to engage this law firm to advise in these and related matter; and

WHEREAS, Attorney Bill Hanigan participated in the board's meeting on Tuesday, February 13<sup>th</sup>, 2024, to discuss the prospective engagement of the Hanigan Law Group, PLC and the terms outlined therein, during which Board members asked their related questions, which Mr. Hanigan answered.

NOW THEREFORE, BE IT RESOLVED that the Palo Alto County Board of Supervisors, following review, consideration, and discussion, finds that Hanigan Law Group, PLC should be engaged pursuant to the engagement letter, dated February 7, 2024 and an appropriate representative of the County is authorized to execute said agreement and behalf of Palo Alto County and deliver to the Hanigan Law Group, PLC.

Motion by Faulstick, 2<sup>nd</sup> by Solberg to introduce and approve Resolution No. 2-20-2024 approving engagement of attorneys to advise the county regarding wind energy conservation system ordinances and solar energy project ordinances in Palo Alto County.

Ayes: Faulstick, Wirtz, Solberg, Graettinger, Merrill. Nays: none.  
Resolution Passed.

Ed Kelly was present for public comment. Ed advised the Board he is filing a personal lawsuit against the Board of Supervisors, Carmen Moser, and John King.

Delray Bredehoeft asked when Vesta's will make an application. Carla Larson asked if the Board would get a map of the proposed turbines. Carla stated that our attorney has filed against the FAA. Laura Winter asked the Board to consider who lives in the county.

Walter Davis-Oeth, County Engineer, met with the Board. Walter presented the 4 quotes for pavement markings.

Motion by Wirtz, 2<sup>nd</sup> by Graettinger to approve the pavement marking quote with Vogel Traffic Services for \$87,402. Motion Carried.

Committee Reports: Roger: NW Iowa Planning & Development; RIDES; Palo Alto Co. Connections Coalition.

Motion by Solberg, 2<sup>nd</sup> by Wirtz to adjourn at 9:05 a.m. Motion Carried.

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Craig Merrill, Chairman

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Carmen Moser, County Auditor