Courthouse
Emmetsburg, Iowa
April 28, 2026, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Linus Solberg, Chair; Keith Wirtz, Ron Graettinger, Craig Merrill, Roger Faulstick. Present: Diane Weiland, Reporter/Democrat; Anne Quail, County Attorney; Jordan Morey, Auditor's Office; Randy Loomis; on conference line-Kaylee Gibson, Summit Carbon Solutions.

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

Linus Solberg, Chair, called the meeting to order and lead the Pledge of Allegiance.

Motion by Wirtz, 2nd by Merrill to approve the agenda for April 28, 2026. Motion Carried.

Motion by Graettinger, 2nd by Faulstick to approve the minutes for April 21, 2026. Motion Carried.

Motion by Merrill, 2nd by Graettinger to Ordinance No. 2026-1 repealing Ordinance No. 2024-0001 regulating transportation of hazardous liquid pipeline following court ruling.
Ayes: Wirtz, Graettinger, Merrill, Faulstick, Solberg.
Nays: none. Motion Carried.

ORDINANCE NO. 2026-1

AN ORDINANCE REPEALING PALO ALTO COUNTY ZONING ORDINANCE NO. 2024-0001 (AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE PALO ALTO COUNTY ZONING ORDINANCE DATED 08/09/1995 WITH AMENDMENTS FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE) FOLLOWING A COURT RULING FINDING SIMILAR ORDINANCES TO BE PREEMPTED BY FEDERAL LAW.

WHEREAS, on January 16, 2024, the Palo Alto County Board of Supervisors enacted Palo Alto County Ordinance No. 2024-0001, An Ordinance Amending Various Sections of the Palo Alto County Zoning Ordinance Dated 08/09/1995 with Amendments for the Purpose of Regulating and Restricting the Use of Land for the Transport of Hazardous Liquid through a Hazardous Liquid Pipeline; and

WHEREAS, various other Iowa counties enacted their own ordinances regulating hazardous liquid pipelines in or around this same time, including Shelby County, Iowa, and Story County, Iowa; and

WHEREAS, a company endeavoring to install a hazardous liquid pipeline within Palo Alto County challenged Palo Alto County's Ordinance No. 2024-0001 in U.S. District Court for the Northern District of Iowa, by filing a lawsuit against the County, the Board of Supervisors, and the Supervisors in their official capacities; and

WHEREAS, at the time, ordinances enacted by Shelby County, Iowa, and Story County, Iowa, were already being challenged on similar grounds in separate legal actions brought before the U.S. District Court for the Southern District of Iowa; and

WHEREAS, the case against Palo Alto County in federal court for the Northern District of Iowa was stayed (paused) pending the outcome of the similar cases pending in federal court for the Southern District of Iowa; and

WHEREAS, the U.S. District Court for the Southern District of Iowa heard the two cases challenging Shelby and Story Counties' ordinances together and found the ordinances were both preempted by either federal law, state law, or both; and

WHEREAS, Shelby County and Story County both sought further review of the District Court's decisions before the United States Court of Appeals for the 8th Circuit; and

WHEREAS, a three-judge panel of the Eighth Circuit Court of Appeals upheld the District Court's finding of federal preemption, but for different reasoning, in *Couser, et al. v. Shelby County., et al.*, Nos. 23-3758 & 23-3760 (June 5, 2025); and

WHEREAS, all appellate options have now been exhausted by Shelby County and Story County; and

WHEREAS, Palo Alto County's Ordinance No. 2024-0001 contains provisions similar or substantially similar to the ordinances held to be preempted in the federal court's ruling; and

WHEREAS, while Palo Alto County remains concerned with the impact of the Eighth Circuit's ruling on local power, generally, and land use, specifically, the County recognizes the decision is likely dispositive as to any outstanding questions on the validity and legality of its own Ordinance No. 2024-0001, and, as a result and in the interests of good governance, now wishes to repeal Ordinance No. 2024-0001.

NOW THEREFORE, BE IT ENACTED BY THE SUPERVISORS OF PALO ALTO COUNTY, IOWA THAT:

SECTION 1. Palo Alto County Ordinance No. 2024-0001, An Ordinance Amending Various Sections of the Palo Alto County Zoning Ordinance Dated 08/09/1995 with Amendments for the Purpose of Regulating and Restricting the Use of Land for the Transport of Hazardous Liquid through a Hazardous Liquid Pipeline, is hereby repealed in its entirety and shall no longer have any force or effect.

SECTION 2: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

SECTION 3: SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a while or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4: EFFECTIVE DATE. This Ordinance No. 2026-1 repealing Ordinance 2024-0001, as adopted, shall be in effect from and after its final passage, approval, and publication as provided by law.

First Reading Passed: 4-28-2026

Second Reading Passed: Waived

Third Reading Passed: Waived

Passed and adopted this 28 day of April, 2026.

/s/Linus Solberg, Chairperson
ATTEST: /s/Carmen Moser, County Auditor or Designee

Motion by Graettinger, 2nd by Wirtz to waive the second and third readings of Ordinance No. 2026-1. Motion Carried.

Kayla Hagen, Emergency Management, met with the Board. Kayla presented the ICAP Memorandum of Understanding.

Motion by Faulstick, 2nd by Merrill to approve the ICAP Memorandum of Understanding regarding county titled vehicles for EMA. Motion Carried.

Committee Reports: Roger—tuckpointing project.

No one was present for public comment.

Walter Davis-Oeth, County Engineer, met with the Board. Walter presented the Iowa DOT F27 budget.

Motion by Wirtz, 2nd by Merrill to approve the Iowa DOT FY27 budget for Secondary Roads. Motion Carried.

Motion by Graettinger, 2nd by Merrill to introduce and approve Resolution No. 4-28-2026 (A) Iowa DOT 5-year construction program for FY 2027.
Ayes: Wirtz, Graettinger, Merrill, Faulstick, Solberg.
Nays: none. Resolution Passed.

John Torbert, Iowa Drainage District Association, met with the Board to provide an Annual Update.

Motion by Graettinger, 2nd by Wirtz to appoint Collin Klingbeil, PE, Jacobson-Westergard, and Bill Brown and Nick Leuer as Appraisers for right-of-way acquisition to Drainage District No. 62. Motion Carried.

Motion by Faulstick, 2nd by Merrill to approve a septic grant application for Ronald Barber. Motion Carried.

Motion by Merrill, 2nd by Wirtz to approve the Cost Advisor Services Plan for FY27. Motion Carried.

Aletha King, Zoning, met with the Board.

Motion by Merrill, 2nd by Faulstick to introduce and approve Resolution No. 4-28-2026 for waiver of permit in Section 26, Vernon Township. Ayes: Wirtz, Graettinger, Merrill, Faulstick, Solberg.
Nays: none. Resolution Passed.

Motion by Wirtz, 2nd by Graettinger to approve the master matrix for MTM Pork LLC, in Section 11 of Ellington Township. Motion Carried.

Motion by Graettinger, 2nd by Wirtz to approve the county claims and drainage claims for April 28, 2026. Motion Carried.

General Basic Fund

Accurate Controls, Inc.	Buildings	14489.32
Amazon Capital Services	Stationery/Forms/Gen Ofc	90.38
Autry Reporting	Legal/Ct-Related Ser/Tran	85.00
Canon	Office & Data Processing	245.64
Central Iowa Distributing Inc	Custodial Supplies	628.00
Deitering Bros Inc	Minor MV Parts & Access	60.44
Dept. of Inspections, Appeals,	Equipment/Elevator	175.00
E.M.U.	utilities	2523.11
Emmetsburg Publishing Co.	Official Pub & Legal Noti	15.10
GALLS, LLC	Wearing Apparel & Uniform	728.46
Growmark FS	Chemicals & Gases-Herb.	2686.11

Guardian RFID	Equipment	5.00
Hinders,Updegraff&FranklinPLC	Consultants	853.50
IA Lakes Electric Coop	Electric Light & Power	1034.00
Iowa Lakes Regional Water	Water & Sewer	280.80
IA Office of State Medical Exm	Medical & Health Services	2062.00
KRISTAT AUTO PARTS LLC	Minor MV Parts & Access	44.06
Loffler Companies - 131511	Office & Data Processing	212.72
Mallard Gun Shop	Safety Items	64.00
MEDIACOM LLC	Contract Carriers	266.94
MidAmerican Energy	electricity	2192.04
Northwest Communications	Telecommunications Serv.-	249.90
PALO ALTO CO. IRVM	Agric/Hort. Services	2000.00
Palo Alto Co Sheriff	Legal/Ct-Related Ser/Tran	718.35
Parallel Ag	Operating/Construction Eq	710.87
Phoenix Supply	Household & Institutional	232.50
Professional Office Services	Postage & Mailing	423.08
QS LAWN AND SPRINKLER	Buildings	310.00
Quill Corporation	Stationery/Forms/Gen Ofc	377.94
Rooney's Auto & Custom Exhaust	Tires & Tubes	155.15
Rouse Tire and Repair, LLC	Tires & Tubes	304.00
Solutions Inc, Harris Local Go	services	2718.98
Spencer Office Supplies JCL So	Office Equip & Furniture	1778.55
Susan Frye Court Reporting	Legal/Ct-Related Ser/Tran	89.00
Swanson Hardware	Fuels	261.31
VISA	Office Equip & Furniture	1249.68
Visual Edge IT Veit LLC	Contract Carriers	796.83
Windstream	phone	961.45
General Supplemental Fund		
ELECTION SYSTEMS & SOFTWARE	Stationery/Forms/Gen Ofc	5932.26
E.M.U.	utilities	321.75
MidAmerican Energy	electricity	34.88
Jail Special Revenue Fund		
MEDIACOM LLC	Protection/Security Serv.	263.10
Opioid Settlement Special Rev		
Palo Alto Co Health System	Other Treatment, Prev, Ot	382.00
Rural Services Basic Fund		
Dakota Fluid Power Branch 10	Equipment	1982.50
IA Lakes Electric Coop	Electric Light & Power	482.00
Northwest Communications	Telecommunications Serv.-	95.90
Palo Alto Co Sec Road	Fuels	280.69
Shamrock Recycling, Inc	Sanitation & Disposal Ser	2520.87
Secondary Road Fund		
Alliant Energy	Engineering Services	217.06
Amazon Capital Services	Engineering Services	256.23
Ascentek, Inc	Engineering Services	541.36
Bomgaars	Engineering Services	64.98
Carroll Construction Supply Ac	Engineering Services	518.29
Central Iowa Distributing Inc	Engineering Services	905.00
Cintas	Engineering Services	123.24
Emmetsburg Ford	Engineering Services	6.48
E.M.U.	Engineering Services	673.98
Fleet Pride Truck & Trailer	Engineering Services	241.98
Forge & Build	Engineering Services	73.67
Graettinger Hardware	Engineering Services	143.03
Melissa Hall	Engineering Services	156.63
Harris Sanitation	Engineering Services	60.00

IA Lakes Electric Coop	Engineering Services	294.56
Interstate Batteries	Engineering Services	427.90
KRISTAT AUTO PARTS LLC	Engineering Services	1091.44
Matheson Tri Gas Inc	Engineering Services	11.60
MEDIACOM LLC	Engineering Services	58.42
Menards	Engineering Services	213.87
MidAmerican Energy	Engineering Services	910.32
MSC INDUSTRIAL SUPPLY CO	Engineering Services	134.49
Murphy Tractor & Equipment	Engineering Services	6248.75
New Century FS	Engineering Services	31865.41
NUSS TRUCK & EQUIPMENT	Engineering Services	976.93
Rouse Tire and Repair, LLC	Engineering Services	50.00
Seth Christensen	Engineering Services	40.15
Stratford Gravel, Inc.	Engineering Services	448274.80
Swanson Hardware	Engineering Services	65.97
Titan Machinery	Engineering Services	1872.15
Truck Center Companies	Engineering Services	606.46
Visual Edge IT Veit LLC	Engineering Services	589.11
City of West Bend	Engineering Services	301.00
West Bend Journal	Engineering Services	104.26
West Bend Red Power	Engineering Services	169.75
Ziegler Inc	Engineering Services	4160.01
E911 Surcharge Fund		
Ayrshire Farmers Mut Telephone	Engineering Services	317.98
Century Link	Engineering Services	33.95
Kayla Hagen	Education/Training/Hotel	598.99
IA Lakes Comm College	Education/Training/Hotel	125.00
MARIE JENSEN	Education/Training/Hotel	63.60
Northwest Communications	Engineering Services	317.98
Windstream	phone	160.88
WINDSTREAM IA Comm Inc	phone	161.51
Drainage Claims		
Mack, Hansen, Gadd, Armstrong&DD 15N Main-Attny Fee		350.00
Mack, Hansen, Gadd, Armstrong&DD 176-Attny Fees		75.00
Mack, Hansen, Gadd, Armstrong&DD 21E-Attny Fees		50.00
Mack, Hansen, Gadd, Armstrong&DD 61 Main-Attny Fee		1200.00
Mack, Hansen, Gadd, Armstrong&DD 80 Low Main-Attny		1350.00

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

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Linus Solberg, Chairman Carmen Moser, Auditor