

Courthouse
Emmetsburg, Iowa
April 16th, 2019, 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, Ron Graettinger. Present: David Kirk; Peter Hart, County Attorney.

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

Motion by Faulstick, seconded by Wirtz to approve the agenda for April 16th, 2019. Motion Carried.

Motion by Graettinger, seconded by Faulstick to approve the minutes for April 9th, 2019. Motion Carried.

MINUTES TO SET DATE FOR HEARING ON ENTERING INTO A
LOAN AGREEMENT

419285-13

Emmetsburg, Iowa

April 16, 2019

The Board of Supervisors of Palo Alto County, Iowa, met on April 16, 2019, at 8:15 o'clock a.m., at the Courthouse Boardroom, Emmetsburg, Iowa. The Chairperson presided and the roll was called showing the following Supervisors present and absent:

Present: Craig Merrill, Roger Faulstick, Linus Solberg, Keith Wirtz, Ron Graettinger

Absent: none_____.

Supervisor Linus Solberg introduced the resolution hereinafter next set out and moved its adoption, seconded by Supervisor Ron Graettinger; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

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

Nays: none_____.

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

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At the conclusion of the meeting and upon motion and vote, the Board adjourned.

/s/Craig Merrill
Chairperson, Board of Supervisors

Attest: /s/Carmen Moser
County Auditor

RESOLUTION NO. 4-16-2019

Resolution setting the date for a public hearing on proposal to enter into a General Obligation Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$600,000

WHEREAS, the Board of Supervisors of Palo Alto County, Iowa (the “County”), previously issued its \$5,000,000 General Obligation Urban Renewal Bonds, Series 2013, dated April 23, 2013 (the “2013 Bonds”) a portion of which currently remain outstanding, maturing on such dates and in such amounts and bearing interest at such rates as follows as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2019	\$625,000	1.00%	2022	\$625,000	1.50%
2020	\$625,000	1.10%	2023	\$625,000	1.75%
2021	\$625,000	1.30%	2024	\$625,000	2.00%

;and

WHEREAS, pursuant to the resolution (the “2013 Bond Resolution”) authorizing the issuance of the 2013 Bonds, the County reserved the right to call the 2013 Bonds maturing in the years 2020 through 2024 (the “Callable 2013 Bonds”), inclusive, for early redemption on any date on or after June 1, 2019, subject to the provisions of the 2013 Bond Resolution; and

WHEREAS, the County now proposes to enter into a General Obligation Loan Agreement (the “Loan Agreement”), pursuant to the provisions of Section 331.402 and Section 331.443 of the Code of Iowa, and to borrow money thereunder in a principal amount not to exceed \$600,000 for the purpose of paying the costs, to that extent, retiring (the “Early Redemption”) of a portion of the 2024 maturity of the Callable 2013 Bonds, and it is necessary to fix a date of meeting of the Board of Supervisors at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law; and

WHEREAS, following the public hearing, the Board intends to use the authority to enter into the Loan Agreement to repurpose certain bond proceeds from the County’s issuance of the General Obligation Urban Renewal Road Improvement Bonds, Series 2014 to carry out the Early Redemption;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Palo Alto County, Iowa, as follows:

Section 1. The Board shall meet on April 30, 2019, at the Courthouse Boardroom, Emmetsburg, Iowa, at 8:15 o’clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four (4) and not more than twenty (20) days before the date of said meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS
TO ENTER INTO A LOAN AGREEMENT AND TO BORROW
MONEY THEREUNDER IN A PRINCIPAL AMOUNT NOT TO
EXCEED \$600,000

(GENERAL OBLIGATION)

The Board of Supervisors of Palo Alto County, Iowa, will meet on April 30, 2019, at the Courthouse Boardroom, Emmetsburg, Iowa, at 8:15 o'clock a.m., for the purpose of instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$600,000 for the purpose of paying the costs, to that extent of retiring a portion of the outstanding General Obligation Urban Renewal Bonds, Series 2013.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 and Section 331.443 of the Code of Iowa and will constitute a general obligation of the County.

At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Palo Alto County, Iowa.

Carmen Moser
County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved April 16, 2019.

/s/Craig Merrill
Chairperson, Board of Supervisors

Attest: /s/Carmen Moser
County Auditor

ATTESTATION CERTIFICATE

STATE OF IOWA

SS:

PALO ALTO COUNTY

I, the undersigned, County Auditor of Palo Alto County, do hereby certify that attached hereto is a true and correct copy of the proceedings of the Board of Supervisors relating to fixing a date for a hearing on the County's proposal to take action in connection with a certain loan agreement, as referred to therein.

WITNESS MY HAND this 16th day of April, 2019.

/s/Carmen Moser
County Auditor

Committee Reports: Craig Merrill—Flood Plain Manager position; jail committee; Keith Wirtz-IDDA mtg; Roger Faulstick—drainage issues; Ron Graettinger—Compass Pointe is closing and clients have been notified.

No one was present for public comment.

Walter Davis-Oeth, County Engineer, met with the Board by telephone conference call. Walter discussed with the Board gravel road repairs and the River Road bridge.

Motion by Faulstick, seconded by Graettinger to approve hiring Bob Mehan at \$21.14 per hour as part time Operator for Secondary Roads effective April 24th, 2019. Motion Carried.

Kent Malm met with the Board to discuss tree removal on Drainage District No. 6.

Brady Evans, MidAmerican Energy Company, met with the Board to give an update on the Wind Energy Project. Tentative plans are being made as they wait for the ruling on the lawsuit. MidAmerican will be building an operations and business building in the Industrial Park, in Emmetsburg. The Board of Supervisors considered the following Resolution:

Resolution 4/16/2019 (A)

RESOLUTION WAIVING DECOMMISSIONING BOND AND APPROVING WAIVER OF ROAD USE PERFORMANCE BOND

WHEREAS, Palo Alto County Board of Supervisors on December 4th, 2018 approved the change of ownership in the construction and operation of the Palo Alto Wind Energy LLC , which is a Delaware Corporation ; and,

WHEREAS, Palo Alto Wind Energy LLC has now transferred all of its interests to the Owner/Developer, MidAmerican Energy Company , an Iowa Corporation , effective April 8th, 2019; and,

WHEREAS MidAmerican Energy Company has now assumed all the Owner/Developer obligations under the Sept. 27th, 2016 Wind Energy Conversion System Ordinance; and,

WHEREAS MidAmerican Energy Company has now assumed all the Owner/Developer obligations under the Oct. 24th, 2017 Wind Permit; and,

WHEREAS MidAmerican Energy Company has now assumed all the Owner/Developer obligations under the Oct. 24th, 2017 Decommissioning Agreement; and,

WHEREAS MidAmerican Energy Company has now assumed all the Owner/Developer obligations under the Oct. 24th, 2017 Decommissioning Agreement; and,

WHEREAS MidAmerican Energy Company continues to have an above investment grade bond rating; and,

WHEREAS MidAmerican Energy Company is a public utility regulated by the Iowa Utility Board; and,

NOW, THEREFORE, BE IT RESOLVED That the Palo Alto County Board of Supervisors hereby relieves Palo Alto Wind Energy LLC of the necessity of posting the \$5,691,655.00 Annually Renewable Site Decommissioning Bond and hereby authorizes the cancelation of said bond and further absolve any surety under that bond.

BE IT FURTHER RESOLVED That the Palo Alto County Board of Supervisors hereby waive any necessity for MidAmerican Energy Company to post the \$5,691,655.00 Annually Renewable Site Decommissioning Bond.

NOW, THEREFORE, BE IT RESOLVED That the Palo Alto County Board of Supervisors hereby authorize the Palo Alto County Engineer's Office to relieve Palo Alto Wind Energy LLC of the necessity of posting the \$300,000.00 Road Use Bond and hereby authorize the Palo Alto County Engineer's Office to cancel said bond and authorize the absolution of any surety under that bond.

BE IT FURTHER RESOLVED That the Palo Alto County Board of Supervisors hereby waive any necessity for MidAmerican Energy Company posting a Road Use Bond and hereby authorize the absolution of any surety under the existing bond.

WHEREUPON, supervisor Ron Graettinger moved the adoption of the above resolution which was seconded by supervisor Keith Wirtz.

Upon a roll call vote the supervisors voted as follows:

Craig Merrill voted :	<u> X </u> Aye,	<u> </u> Nay
Ron Graettinger voted:	<u> X </u> Aye,	<u> </u> Nay
Roger Faulstick voted:	<u> X </u> Aye,	<u> </u> Nay
Keith Wirtz voted :	<u> X </u> Aye,	<u> </u> Nay
Linus Solberg voted :	<u> </u> Aye,	<u> X </u> Nay

WHEREUPON the Chair for the board of supervisors declared the resolution duly adopted and waived the necessity of a Decommissioning Bond and authorized the cancellation of the existing Road Use Bond.

On this 16th, day of April 2019, before me, a Notary Public in and for the State of Iowa, personally appeared Craig Merrill , who is personally known, who, being by me duly sworn, did say that he is the Chairperson of the Palo Alto County Board of Supervisors executing the foregoing instrument; that the instrument was signed on behalf of Palo Alto County by authority of its Board of Supervisors; that Craig Merrill acknowledged the execution of the instrument to be the voluntary act and deed of Palo Alto County and by it voluntarily executed.
Dated this 16th day of April 2019.

/s/Craig Merrill
Chairman , Palo Alto County Board of Supervisors

/s/Peter Christopher Hart
Notary Public in and for the State of Iowa

/s/Carmen Moser
Attest: Palo Alto County Auditor

At 10:00 a.m., the Board held a conference call with Kossuth County as Trustees of Joint 1 PA&K Main Open Ditch.

Kent Rhode, Engineer with Bolton & Menk, presented the proposed report for repairs to Joint 1 PA&K Main Open Ditch. Report on file at the Auditor's Office. The engineer recommends annexation and reclassification. There is approximately 30 miles of open ditch for the cleanout. There are 50,000 acres in the watershed of Jt. 1 PA&K, but 10,000 acres are not currently being assessed.

Total Estimated Assessable Project Cost: \$2,676,000

Motion by Kyle Stecker, Kossuth Co., seconded by Roger Faulstick, Palo Alto County, to set a hearing date for June 11th, 2019, at 1:00 p.m. at the Election Building in Kossuth County for the hearing on repairs to Jt 1 PA&K Main Open Ditch. Ayes: All. Motion Carried.

Dan Ries, Season's Center, met with the Board to give an update on substance abuse and mental health. Dan discussed with the Board the closing of Compass Pointe. Season's Center is working on expanding substance abuse services and have reached out to the Compass Pointe staff. Season's requested that financial support designated to Compass Pointe for next fiscal year be transferred to Season's Center. The Board of Supervisors requested to have someone on the board representing Palo Alto County.

Motion by Solberg, seconded by Faulstick to adjourn. Motion Carried.

Craig Merrill, Chairman

Carmen Moser, County Auditor