

Courthouse
Emmetsburg, Iowa
July 2nd, 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: 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 Graettinger, seconded by Wirtz to approve the agenda for July 2nd, 2019. Motion Carried.

Motion by Faulstick, seconded by Solberg to approve the minutes for June 27th, 2019. Motion Carried.

Motion by Graettinger, seconded by Faulstick to approve the Veteran Affairs' monthly report for July 1st, 2019. Motion Carried.

TJ Thayer, General Services, met with the Board to give an update on General Services for the month of June. TJ introduced Lisa Black who will be the new staff person for General Services.

Aletha King, Zoning, met with the Board. Present: Jay Moore, Derek Hansen. The Zoning Board recommended approval of the conditional use permit and master matrix for Landrace LLC in Section 27 of Highland Township with the request to plant trees. The site meets the Good Neighbor Policy.

Motion by Solberg, seconded by Wirtz to approve the conditional use permit and master matrix score of 470 for Landrace LLC in Section 27 of Highland Township. Ayes: Graettinger, Wirtz, Solberg Merrill. Nays: Faulstick. Motion Carried. The Board of Supervisors strongly suggests the recommendation of the Zoning Board that trees be planted at the site.

No one was present for public comment.

Walter Davis-Oeth, County Engineer, met with the Board. Walter gave an update on the roads and presented 2 utility permits for approval. Walter presented 25-year certificates for Art Mueller and Al Grange.

Motion by Solberg, seconded by Wirtz to approve an overhead electric line permit application for Iowa Lakes Electric Cooperative in Section 9, of West Bend Township. Motion Carried.

Motion by Graettinger, seconded by Faulstick to approve an underground utility permit application for Iowa Lakes Electric Cooperative in Sections 10 and 11 in Ellington Township. Motion Carried.

Walter Davis-Oeth, Co. Engineer, met with the Board for an annual performance review. Walter requested closed session per Iowa Code Section 21.5 (1) (i).

Motion by Faulstick, seconded by Wirtz to go into closed session at 8:55 a.m. per Iowa Code Section 21.5 (1)(i). Ayes: Wirtz, Faulstick, Solberg, Merrill, Graettinger. Motion Carried.

The Board returned from closed session at 9:11 a.m.

Kent Malm, IRVM, met with the Board for an annual performance review. Kent requested closed session per Iowa Code Section 21.5 (1) (i).

Motion by Solberg, seconded by Faulstick to go into closed session at 9:16 a.m. per Iowa Code Section 21.5 (1)(i). Ayes: Wirtz, Faulstick, Solberg, Merrill, Graettinger. Motion Carried.

The Board returned from closed session at 9:27 a.m.

The Board discussed a drainage issue on Drainage District 61 Lateral A Tile.
Present: Deb & Terry Meyer; Dean Gunderson, Jeff Berkland, Kent Malm.

Deb & Terry Meyer informed the Board of Kory Hagen digging on their property without their permission and breaking the county tile and private tile. They submitted a claim to the Board for crop damages for \$2,576. Jeff Berkland explained why they started digging and the locations. King Excavating completed the repairs and fixed the broken tile.

Motion by Graettinger, seconded by Solberg to approve crop damages to Terry & Debra Meyer for \$2,576 on Drainage District 61 Lateral A Tile. Motion Carried.

Don Etlar, Bolton & Menk, met with the Board. Don presented a proposed Drainage District Wetlands Mitigation Policy Resolution.

Motion by Graettinger, seconded by Faulstick to introduce and approve the following Resolution 7-2-2019. Ayes: Wirtz, Graettinger, Solberg, Faulstick, Merrill. Nays: none. Resolution Passed.

Resolution No. 07-02-2019

Policy Regarding the Mitigation of Converted Farmed Wetlands in Benefited Areas of Drainage District Improvement Projects in Palo Alto County

WHEREAS the Board of Supervisors is charged under the law to conduct studies and to consider at public hearing, together with the owners of the benefited lands, the adoption of drainage improvements by and for drainage districts in the county.

WHEREAS drainage district improvements may be found by the USDA to cause the conversion of farmed wetlands subject to wetland conservation rules of the federal farm program and thereby cause the owners of the converted wetlands to be subjected to heavy penalties for violations of the program rules.

WHEREAS the Board believes it is important to establish a balanced and consistent policy that supports the inclusion of mitigation for converted farmed wetlands in drainage district projects and provides that drainage districts may choose to share the costs of mitigation with the owners of the converted farmed wetlands.

WHEREAS the Board anticipates that several drainage districts will in 2015 and later consider improvements which will, if approved at public hearing, result in the conversion of farmed wetlands in the benefited areas and the Board has learned that there is no affordable converted wetland mitigation currently available, but that mitigation is also anticipated to be available in the future.

WHEREAS farm program rules allow the owners and tenants of farmed wetland converted by drainage districts to avoid program penalties and retain eligibility if they do not crop the area of the converted farmed wetland.

WHEREAS the Board believes it is important for drainage districts to continue to support mitigation of farmed wetlands converted by drainage district improvement projects when affordable mitigation is not available so that the projects may be considered for approval and, if approved, be constructed all in a timely manner.

IT IS HEREBY RESOLVED that for all proposed drainage district improvement projects in the county that will hereafter be considered for adoption at public hearing in the county and which are under the sole jurisdiction of the Board, and subject to the following conditions, the drainage district may provide, from the drainage district's funds, a mitigation offset fee or credit of up to \$7,500 per farmed wetland acre to each owner of farmed wetland that will be converted by the drainage district project, the funds then to be used toward the owners' independent pursuit of compensatory mitigation if so desired.

- Condition 1. The drainage district determines either through a jurisdictional determination of the Corps of Engineers or by the opinion of the drainage district's appointed engineer that the farmed wetland is not subject to regulation under Section 404 of the federal Clean Water Act. [Note: If a farmed wetland is subject to Clean Water Act jurisdiction then the drainage district will be directly responsible for the regulatory agency project permits and associated mitigation requirements and no mitigation offset fee or credit will be provided under this policy.]

- Condition 2. An owner of a farmed wetland that may be converted by the proposed project must timely provide to the drainage district a copy of a USDA issued or approved certified wetland determination for land in the benefited area. So that the added cost of the mitigation offset may be included in the board's considerations, this documentation must be placed on file with the county before the time that the board finalizes its decision at public hearing to approve the construction of drainage improvements in the districts. If the farmed wetland documentation is not timely provided then no mitigation offset fee or credit will be provided by the drainage district.
- Condition 3. The owner of a farmed wetland must exhaust the reasonable options available through the local or area USDA staff to minimize the size of the farmed wetland as may be available to them at or after the time of their receipt of the notice of the public hearing. If this is not done the Board reserves the option to independently assess the accuracy of the claimed farmed wetland acres and to reduce or eliminate the mitigation offset fee or credit provided for under this policy.
- Condition 4. Before credits or payments for a mitigation offset will be released to a farmed wetland owner the owner must provide a statement in writing from the USDA that the farmed wetland will be converted by the drainage district project and that continued cropping of the farmed wetland after it is converted will affect the owner's farm program eligibility. This statement is required even if the landowner is currently not a farm program participant.
- Condition 5. If a project is not completed and federal or state laws or regulations change prior to the release of the mitigation offsets provided for herein, and it has been determined that the drainage district may no longer transfer compensatory mitigation responsibilities to the farmed wetland owners in the manner provided for under this policy, then the mitigation offsets will be canceled. [Note: This will trigger a reevaluation of the mitigation needs of the project.]

The Board may alter this policy for each drainage district project as may be needed to accomplish the intent of the resolution, to account for unusual circumstances, to comply with changing laws and regulations, and to promote fairness.

The above and foregoing resolution was adopted by the Board of Superiors of Palo Alto County, Iowa, this 2nd day of July, 2019 and the vote thereon being as follows:

Ayes: Merrill, Faulstick, Solberg, Wirtz, Graettinger. Nays: None. Abstentions: None. Absent: None.

ATTEST:

/s/Carmen Moser, County Auditor

/s/Craig Merrill, Chairperson

Palo Alto County Board of Supervisors

Don presented a contract with Luft & Son for clean out of Drainage District 180 Lateral A open ditch for \$14,000 for long stick contract.

Motion by Graettinger, seconded by Wirtz to approve a contract with Luft and Son for \$14,000 for the clean out of Drainage District 180 Lateral A open ditch. Motion Carried.

Committee Reports: Keith Wirtz: Season's; Roger—Drainage issue; The Board called Bob Goodwin, Attorney for DD 180 Lateral 1 Tile to get a status on the lawsuit. Bob stated that we are waiting for a ruling from the judge.

In accordance with Section 349.18, Code of Iowa, the following wages were paid to full time and part time employees of Palo Alto County for Fiscal Year ending June 30, 2019.

Dominic J Allen	3616.75
Robert P. Allen	45744.00
Kristin N Amato	741.65
Nathan M Andersen	37061.79
Gary N Anderson	25.00
Kaitlin J Anderson	37500.00
Byron L Anliker	70.00
Donald E Banwart	20.00

John A Banwart	45.00
Marlene K Banwart	180.00
Dennis R Barber	20.00
Jay L Bargman	45.00
Mary K Barrick	59546.88
Martin J Bergstrom	20.00
Curtis D Berkland	25.00
Daniel A Berven	51247.60
Joey D. Boevers	20.00
David A Bolte	45.00
Donald P. Bruch	45.00
Dawn M Buettner	42111.52
Terry L Chamberlain	250.00
Renee M Chism	11446.68
Gordon C Christensen	19761.89
Kevin R Christensen	43128.12
Patrick J Corley	50977.88
Joy A Currans	11920.70
Philip M Currans	270.00
Todd R. Ditch	37200.00
Christina R Doidge Clausen	600.00
Margaret A. Drost	44116.80
Galen I Dykstra	6711.95
Martin J Elbert	20.00
Carl N Fank	20.00
Roger V Faulstick	27379.92
Emma M Feldhacker	5415.63
Michael L Flaherty	45930.86
Paul F Forry	44266.80
Lindsay N. Frambach	40149.84
Kay Frerk	44266.80
Thomas W Fuchs	45721.39
Thomas J Gambell	20.00
William N Gappa	46141.55
Gary L. Garrelts	20.00
Derek R Gebel	2760.00
Leo F Geelan	50.00
Therese M Geelan	44266.80
David P Geerdes	51747.52
Christine R Gerdes	1736.50
Douglas A Girres	44672.45
Michael J Girres	3342.00
Staci L Girres	5925.25
Daniel M. Glaser	250.00
Ronald D Graettinger	27479.92
Alan D Grange	48182.67
Robert M Gress	20.00
Elizabeth M. Grose	270.00
Kyle K Hagen	4438.66
Melissa H. Hall	43458.70
Troy M. Hall	45237.80
Andrew M Hampson	45579.33
Amanda S Hansen	31166.52
Daniel L Harr	6175.50
Cheryl L Harris	9622.99
Peter C Hart	81233.92
Mike J Hartman	49409.00
Neal M Heldt	25.00
Alex L Hoffman	3411.13
Jeff L Hoffman	44397.49
Kala F Hoffman	6472.75
Teresa G. Holdefer	30700.58
Michelle A Howing	6339.92
George A Hubbell	38387.48
Stephanie L Hudson	44266.80

William M Hunefeld	44876.88
Daniel J Jackson	57260.61
Randall R Jacobs	25.00
Robin A Jamison	58818.96
Jodi S Jergens	44266.80
Blake R Jesse	7355.88
Bruce V Johnson	20.00
Robby A Johnson	44096.24
Nicholas M Josephson	1995.00
Donald T Joyce	22236.26
Donald T. Joyce	7637.95
Pat M Joynt	46987.09
Gary M Kauffman	20.00
Tiffani R. Keller	47207.33
Justin P Kibbie	20.00
Aletha M King	3040.00
Johnathon D King	70492.33
Aimee R Kramer-Devereaux	1577.19
Brody A Krieg	2384.50
Ronald D Kropf	25.00
Tyson J Kruse	2384.50
Travis R Lampe	58966.12
Donald C Larsen	8636.25
Nathaniel E Larson	1880.25
David C Laudner	32499.96
Bryan A. Long	46261.16
David C. Loomis	20.00
Robert E Mahan	14243.24
Kent D. Malm	40198.00
Kevin M Malm	32249.94
Steven L Malm	143.20
Gary L Manwarren	46321.23
Jana J Mathisen	70.00
Timothy S McCarthy	15973.00
Jan R McCombs	690.00
Irene L McCoy Danielson	14705.60
Morgan J McGrauth	714.00
Brian L Mehan	44817.80
Craig D. Merrill	27379.92
Duane E Meyer	50.00
Jennifer L Meyer	4092.00
Paul A Molitor	75.00
Robin K Moore	16909.39
Benjamin H Morey	59681.99
David H Morey	25.00
Jordan J Morey	33628.94
Kathryn A Mortenson	44266.80
Kathryn A Mortenson	50.00
Carmen L Moser	58818.96
Arthur E Mueller Jr	48984.37
Carter D Murray	1680.44
Tony A Murray	3444.46
Lois A Naig	61879.92
Ronn A Naig	20.00
Tim D Naig	25.00
Joseph F Neary	42562.82
David R Neilson	47409.17
Seth C Nelson	68397.80
Gillian M Nolan	2691.00
Daniel G Noonan	45.00
Stewart W Ohrtman	50.00
Adam J. Osborn	45.00
Lena M Peters	49404.75
Alex T Peterson	4447.63
Michael J Reding	20.00

Darrel E Reed	45.00
Sheryl A Rehm Chamberlain	3492.49
Brady M Rosacker	2478.25
Debora A Rouse	38857.51
Melanie K Rouse	44266.80
Taylor J Rouse	792.00
Brad S Rubel	45.00
Penelope A Rubel	132.50
Coleen R Ruddy	25.00
Susan E Ruppert	58818.96
Richard H Sample	600.00
Blake C Schany	1937.75
James R Schoning	50.00
Justin L. Schultes	595.44
Lynn J Schultes	79560.96
Brandon T Schutz	1752.00
MacKenzie J Siefken	1981.23
Megan A. Sikora	28400.72
Michael J Sikora	20.00
Jessica A. Sinning	3427.98
Andrew J Soenen	45.00
April J Soenen	20.00
Chase N Soenen	44207.23
Robert J Soenen	3588.00
Robert J Soenen	20.00
Ronald L Soenen	5927.64
Linus J. Solberg	27379.92
Richard L. Stafford	25.00
Allen J Stangl	45.00
Morgan R Stearns	270.25
Mark T Steier	25.00
James L Stillman	20.00
Jeffrey W Stillman	45.00
Jeanelle A Stokes	12990.30
Andrew M Stolley	54194.91
Melanie S Summers Bauler	34041.00
Timothy J Terveer	45839.51
Michael S. Thatcher	20.00
Janis M Thompson	20.00
Jordan T Thompson	4418.50
Todd W Thompson	38317.87
Robin R Thomsen	44266.80
Craig N Thu	50.00
Christopher J. Towell	82207.84
Brett M Triggs	1564.00
Mike P. Vaughan	44571.90
Matthew J. Veon	62687.94
Jane M Wentzel	8466.00
Steven W Westfall	47239.78
Jeff A. Wickman	45.00
Jeremy J Wickman	14987.00
Jeremy J Wickman	25659.48
LaDonna R Wildeman	44266.80
Justin D Williams	55096.08
Brooke E Williamson	14987.53
Keith B Wirtz	27529.92
Wyatt L Wirtz	44976.20
Angela M. Wise	37001.24
Daniel F Zeigler	70.00

Motion by Solberg, seconded by Faulstick to adjourn the meeting at. Motion Carried.

Craig Merrill, Chair

Carmen Moser, Auditor