

Courthouse
Emmetsburg, Iowa
September 3rd, 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; Russ Salton, Shelly Salton, Deb Theesfeld.

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 Graettinger to approve the agenda for September 3rd, 2019. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve the minutes for August 27th, 2019; with the addition of 2nd neighbor giving verbal approval for the conditional use permit in Section 14, of Highland Township. Motion Carried.

Carmen Moser, Auditor, presented the Annual Urban Renewal Report for FY19.

Motion by Solberg, seconded by Graettinger to approve the Annual Urban Renewal Report for FY19. Motion Carried.

No one was present for public comment.

Walter Davis-Oeth, County Engineer, met with the Board. Walter discussed with the Board the Silver Lake bypass project and potential bond funded construction projects. Walter presented a Resolution to revise the 5-year construction program.

Motion by Graettinger, seconded by Faulstick to introduce and approve the Resolution No. 9-3-2019 to revise the Palo Alto County 2020 5-year road construction program. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Resolution Passed.

Motion by Graettinger, seconded by Wirtz to approve an underground utility permit application for Alliant Energy in Independence Township in multiple sections. Motion Carried.

The Board considered Closed Session per Iowa Code Section 21.5 (1) (c) to discuss Drainage District 180 with Bob Goodwin, Attorney; Jim Hudson, Attorney; and Don Etlar & Jon Rosengren, Bolton & Menk; Peter Hart, County Attorney.

Motion by Solberg, seconded by Wirtz to go into Closed Session per Iowa Code Section 21.5 (1) (c) at 9:38 a.m. to discuss Drainage District No. 180. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Motion Carried.

The Board exited closed session at 10:22 a.m.

The Board considered a Resolution No. 9-3-2019 (A) for denial of engineer's recommendation to annex lands into Drainage District No. 180.

Motion by Graettinger, seconded by Wirtz to introduce and approve the following Resolution No. 9-3-2019 (A).
Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Resolution Passed.

RESOLUTION NO. 9-3-2019 (A)

**DENIAL OF ENGINEER'S RECOMMENDATION TO ANNEX LANDS
DRAINAGE DISTRICT NO. 180**

WHEREAS, on page 5 of the Engineer's Report for Lateral 1 Drainage Improvements Drainage District Number 180, Palo Alto County dated May 16, 2017, the engineer recommends the annexation of 62 acres into Drainage District Number 180 in a separate proceeding and hearing at a later date; and

WHEREAS, the District Court's Order dated August 23, 2019 is concerned about lands proposed to be included in Drainage District Number 180; and

WHEREAS, the Board heretofore has not considered the engineer's recommendation to annex lands into Drainage District Number 180; and

WHEREAS, the Board has now considered the engineer's recommendation to annex lands into Drainage District Number 180; and

NOW, THEREFORE, BE IT RESOLVED BY THE PALO ALTO BOARD OF SUPERVISORS ACTING AS TRUSTEES OF DRAINAGE DISTRICT NUMBER 180 that the engineer's recommendation to annex approximately 62 acres into Drainage District Number 180 is denied.

Passed, approved and adopted this 3rd day of September, 2019.

Attest By:/s/Carmen Moser, Auditor

By:/s/Craig Merrill, Chair

Motion by Graettinger, seconded by Faulstick to direct Bob Goodwin, Attorney, to file motion to Reconsider Ruling on Drainage District No. 180 in Case No. CVCV025884. Ayes: Graettinger, Wirtz, Solberg, Faulstick, Merrill. Motion Carried.

Due to pending litigation, there is no response at this time to the request made by Roger Chism.

Motion by Solberg, seconded by Wirtz to appoint Bob Goodwin, Attorney, to response to Notice of Appeal for Drainage District No. 28. Motion Carried.

Committee Reports: Solberg--DNR floodplain management meeting; Faulstick--Central Iowa Juvenile Detention Center; Merrill--NW Iowa Care Connections.

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

Craig Merrill, Chairman

Carmen Moser, County Auditor