

Courthouse
Emmetsburg, Iowa
March 3rd, 2020, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Roger Faulstick, Chair; Craig Merrill, Ron Graettinger, Keith Wirtz, Linus Solberg. Present: Peter Hart, County Attorney.

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

Motion by Graettinger, seconded by Merrill to approve the agenda for March 3rd, 2020, with the addition to approve hire at Ayrshire shed. Motion Carried.

Motion by Solberg, seconded by Graettinger to approve the minutes for February 25th, 2020. Motion Carried.

Motion by Merrill, seconded by Wirtz to approve the Veteran Affairs monthly report for March 2nd, 2020. Motion Carried.

Aimee Devereaux, Environmental Health, met with the Board for an annual performance review. Aimee requested closed session per Iowa Code Section 21.5(1) (i).

Motion by Wirtz, seconded by Merrill to go into closed session at 8:05 a.m. per Iowa Code Section 21.5 (1)(i). Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Motion Carried.

The Board exited closed session at 8:18 a.m.

Aimee Devereaux presented the Environmental Health report and update. The septic grant applications will be considered at the board meeting next week.

No one was present for public comment.

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

Motion by Graettinger, seconded by Merrill to go into closed session at 8:30 a.m. per Iowa Code Section 21.5 (1)(i). Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Motion Carried.

The Board exited closed session at 8:56 a.m.

Walter Davis-Oeth, County Engineer, met with the Board.

Motion by Wirtz seconded by Graettinger to approve a utility application for City of West Bend in Section 13, West Bend Township. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve a semi-trailer bottom dump for \$29,663 from Manac. Motion Carried.

Motion by Graettinger, seconded by Solberg to introduce and approve the following Resolution 3-3-2020(A) Weight Embargoes—Specific Roads. Ayes: Merrill, Graettinger, Wirtz, Solberg, Merrill. Resolution Passed.

WEIGHT EMBARGO - SPECIFIC ROADS RESOLUTION 3-3-2020(A)

WHEREAS: The Palo Alto County Board of Supervisors recognizes the severity of the past winter and its effect on certain paved roads during the period of thawing this spring, and

WHEREAS: Sections 321.236(8), 321.255, 321.471, and 321.473 of the Code of Iowa provide the authority for local authorities to impose restrictions as to the weight of vehicles to be operated on any highway under their jurisdiction and Section 321.463 establishes the penalty for violating said restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Palo Alto County, Iowa that the roads listed below shall be eligible to have the following weight restrictions implemented by the erection of such signs as are necessary to advise the traveling public of these limits, in accordance with Section 321.472:

6-Ton Axle Limit (Gross Load = Number of Axles X 6 Tons)

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Engineer may grant permits of exemption upon showing evidence of severe economic hardship or in emergency situations.

It is intended that these weight restrictions shall remain in effect for a period of three weeks or less, but may not exceed 90 days. The weight restrictions shall be enacted when the weight embargo signs are placed and rescinded by the removal of signs by the proper authority.

Complete Listing of Roads to be embargoed:

No.	Road name/number	From	To
1	Highway B14	480 Ave	500 Ave
2	Highway B19	530 Ave (Hwy N60)	580 Ave (Kossuth Co. Line)
3	Highway B20	530 Ave (Hwy N60)	580 Ave (Kossuth Co. Line)
4	Highway B53	340 Ave (Hwy N18)	380 Ave (Hwy N28)
5	Highway N60	390 St (US Hwy 18)	Rodman Corp. Limits
6	Highway B63	340 Ave (Clay Co.	380 Ave (Hwy N28)
7	Highway B63	380 Ave (Hwy N28)	460 Ave (IA Hwy 4)
8	Highway B63	525 Ave	West Bend Corp. Limits
9	Highway N28	360 St (US Hwy 18)	420 St (Hwy B53)
10	Highway N40	280 St (Hwy B14)	360 St (Emmetsburg Corp. Limits)
11	North Huron Road	340 St	360 St (Emmetsburg Corp. Limits)

Passed and Approved this 3rd day of March, 2020.

Palo Alto County, Iowa

BOARD OF SUPERVISORS

Chairman: /s/Roger Faulstick Member : /s/L J Solberg

Member : /s/ Keith Wirtz

Member : /s/Craig Merrill

Member : /s/Ron Graettinger

I, Carmen Moser, Auditor in and for Palo Alto County, Iowa, do certify the above to be a true and exact copy of a resolution passed and approved by the Board of Supervisors of Palo Alto County, Iowa at its meeting on the 3rd day of March, 2020.

ATTEST: /s/Carmen Moser, Palo Alto County Auditor

Motion By: Ron Graettinger Second By: Linus Solberg

Motion by Wirtz, seconded by Merrill to introduce and approve the following Resolution 3-3-2020(B) to award contract to Graves Construction for Contract ID 74-CO74-105, for \$569,573.02. Ayes: Merrill, Graettinger, Wirtz, Solberg, Merrill. Resolution Passed.

RESOLUTION TO AWARD CONTRACT:

Iowa DOT Contract ID: 74-C074-105

Palo Alto County Resolution No. 3-3-2020(B)

WHEREAS, A Competitive Highway Bridge Program (CHBP) made funds available for specific Iowa County bridges to be replaced by “bundling” or “tying” the specific projects; and

WHEREAS, Palo Alto County Bridge Replacement Project BRS-CHBP-C074(105)--GB-74 and Kossuth County Bridge Replacement Project BRS-CHBP-C055(177)--GB-55 were identified as specific projects to be bundled; and

WHEREAS, Palo Alto County and Kossuth County have executed a 28E Agreement that provides each County’s responsibilities for the Bridge Replacement Projects; and

WHEREAS, Kossuth County is the Contracting Authority and is responsible for the Contract Administration according to the aforementioned 28E Agreement; and

WHEREAS, Iowa DOT Contract ID: 74-C074-105 contains Palo Alto County Bridge Replacement Project BRS-CHBP-C074(105)--GB-74 and Kossuth County Bridge Replacement Project BRS-CHBP-C055(177)--GB-55; and

WHEREAS, the Palo Alto County Board of Supervisors, hereafter referred to as “the Board”, believes Bridge Replacement Project BRS-CHBP-C074(105)--GB-74, hereafter referred to as “the project” is in the best interest of Palo Alto County, Iowa, and the residents thereof. The project is defined as a bridge replacement located on the North line of Section 25, Booth Township; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Palo Alto County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Graves Construction Company, Inc. in the amount of \$1,228,635.65 and awards the associated contract to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Palo Alto County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Douglas A. Miller, the County Engineer for Kossuth County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

March 3, 2020

Dated at Emmetsburg, Iowa

/s/Roger Faulstick, Chairperson
Palo Alto County Board of Supervisors

ATTEST:

/s/Carmen Moser

Palo Alto County Auditor

Motion by Graettinger, seconded by Merrill to award contract for FM-CO74(107)—55-74 for N28 repair to Black Top Services for \$1,165,823.19. Motion Carried.

Motion by Wirtz, seconded by Merrill to introduce and approve Resolution 3-3-2020 (C) authorization to execute contracts for FM-CO74(107)—55-74. Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Resolution Passed.

RESOLUTION 3-3-2020(C)

WHEREAS, the Board of Supervisors, hereafter referred to as “the Board”, believes the B63 HMA Overlay, hereafter referred to as “the project” is in the best interest of *Palo Alto, Iowa, and the residents thereof. The project is defined as HMA resurfacing on B63, from Clay County Line East 4 miles to N28; and*

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Palo Alto County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Blacktop Service Co. & Subsidiary in the amount of \$1,165,823.19 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Palo Alto County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Walter Davis-Oeth, the County Engineer for Palo Alto County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Dated at Palo Alto, Iowa, this 3rd day of March, 2020.

Board of Supervisors of Palo Alto, Iowa

/s/Roger Faulstick

/s/L J Solberg

/s/Ron Graettinger

/s/Keith Wirtz

/s/Craig Merrill

ATTEST:

By /s/Carmen Moser, County Auditor

Motion by Merrill, seconded by Solberg to approve hiring Nathan Meyer as full-time operator at the Ayrshire shed at \$18.50 per hour effective March 4, 2020. Motion Carried.

The Board held a public hearing on the maximum levy proposed. No one was present for the hearing.

Motion by Graettinger, seconded by Merrill to introduce and approve the following Resolution 3-3-2020. Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Resolution Passed.

**Approval of FY 21 Maximum Property Tax Dollars
Resolution No. 3-3-2020**

WHEREAS, the Palo Alto County Board of Supervisors have considered the proposed FY 21 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county web site and/or social media accounts if applicable.

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on March 3, 2020.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Palo Alto County that the maximum property tax dollars for General County Services and Rural County Services for FY 21 shall not exceed the following:

General County Services- \$3,824,548
Rural County Services- \$2,261,211

The Maximum Property Tax dollars requested in either General County Services or Rural County Services for FY 21 represents/**does not** represent an increase of 102% from the Maximum Property Tax dollars requested for FY 21.

Roll Call Vote:

Roger Faulstick: aye

Linus Solberg: aye

Keith Wirtz: aye

Ron Graettinger: aye

Craig Merrill: aye

/s/Roger Faulstick, Chairman
Palo Alto County Board of Supervisors

/s/Carmen Moser
Palo Alto County Auditor

Motion by Wirtz, seconded by Merrill to set the budget hearing for proposed FY21 budget for March 24th, 2020 at 9:00 a.m. at the Courthouse Boardroom. Motion Carried.

Aletha King, Zoning and Solid Waste met with the Board for an annual performance review. Aletha requested closed session per Iowa Code Section 21.5 (1) (i).

Motion by Merrill, seconded by Graettinger to go into closed session at 9:22 a.m. per Iowa Code Section 21.5 (1)(i). Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Motion Carried.

The Board exited closed session at 9:34 a.m.

Kent Malm, Drainage, met with the Board to give an update on drainage tile repairs in West Bend Township.

Motion by Wirtz, seconded by Merrill to approve an estimate from Luft & Sons for Drainage District 151 for \$14,600. Motion Carried.

Motion by Wirtz, seconded by Merrill to approve estimate from Luft & Sons for Drainage District 67 for cleanout for \$12,000. Motion Carried.

Motion by Solberg, seconded by Graettinger to introduce and approve the following Resolution:

RESOLUTION FOR COUNTIES JOINING NORTHWEST IOWA CARE CONNECTIONS

RESOLUTION #:3-3-2020(Kossuth)

WHEREAS Northwest Iowa Care Connections' Governing Board has voted to accept **Kossuth County, IA** into the NWIACC Region effective July 1, 2020, and;

WHEREAS Section 5.2 of the NWIACC 28 E Agreement entitled "Decision that Require a Member Vote" states a majority of the member counties must permit any new member counties, and;

WHEREAS Section 5.3 of said Agreement, entitled "Member Voting Procedure" provides that the issue of joinder of a new member county may be presented to the counties by resolution of the Governing Board of the Region by first adopting a recommendation of the issue and then submitting it to the individual member counties, and;

WHEREAS, Section 5. 3 of said Agreement states that a separate explanation of the reasons for the recommendation shall be included, and;

WHEREAS, each member county desiring to vote upon the proposal must do so by resolution of its Board of Supervisors and return a certified copy of the resolution to the Region's Governing Board Chair stating the County's vote within 30 days of the date that the County received a copy of the proposal;

WHEREAS, any member county not voting upon the proposal within this time shall be considered to have approved the proposal;

WHEREAS, if the proposal receives approval by majority of votes, it shall be come effective ten (10) days following the date the vote is tabulated;

WHEREAS, Section 5.4 of said Agreement, entitled "Additional Member Counties" states that new membership will not become effective until the county provides a signature page to the Agreement and a resolution from its Board of Supervisors that it agrees to abide by the terms of the Agreement.

THEREFORE, BE IT RESOLVED that Palo Alto County agrees to abide by the terms of the 28 E Agreement for Northwest Iowa Care Connections states that is possesses the legal power and authority to do so, and will provide an approved signature page to said Agreement as required by the Agreement.

Passed and Approved on this 3rd day of March, 2020

/s/Roger Faulstick, Signature

Roger Faulstick, Chair Name

Palo Alto County Board of Supervisors Chairperson

Attest: /s/Carmen Moser

Carmen Moser, Palo Alto County Auditor

Palo Alto County Board of Supervisors Recording Secretary

Motion by Merrill, seconded by Solberg to introduce and approve the following Resolution:

RESOLUTION FOR COUNTIES JOINING NORTHWEST IOWA CARE CONNECTIONS

RESOLUTION #:3-3-2020(Winnebago)

WHEREAS Northwest Iowa Care Connections' Governing Board has voted to accept **Winnebago County, IA** into the NWIACC Region effective July 1, 2020, and;

WHEREAS Section 5.2 of the NWIACC 28 E Agreement entitled "Decision that Require a Member Vote" states a majority of the member counties must permit any new member counties, and;

WHEREAS Section 5.3 of said Agreement, entitled "Member Voting Procedure" provides that the issue of joinder of a new member county may be presented to the counties by resolution of the Governing Board of the Region by first adopting a recommendation of the issue and then submitting it to the individual member counties, and;

WHEREAS, Section 5. 3 of said Agreement states that a separate explanation of the reasons for the recommendation shall be included, and;

WHEREAS, each member county desiring to vote upon the proposal must do so by resolution of its Board of Supervisors and return a certified copy of the resolution to the Region's Governing Board Chair stating the County's vote within 30 days of the date that the County received a copy of the proposal;

WHEREAS, any member county not voting upon the proposal within this time shall be considered to have approved the proposal;

WHEREAS, if the proposal receives approval by majority of votes, it shall be come effective ten (10) days following the date the vote is tabulated;

WHEREAS, Section 5.4 of said Agreement, entitled "Additional Member Counties" states that new membership will not become effective until the county provides a signature page to the Agreement and a resolution from its Board of Supervisors that it agrees to abide by the terms of the Agreement.

THEREFORE, BE IT RESOLVED that Palo Alto County agrees to abide by the terms of the 28 E Agreement for Northwest Iowa Care Connections states that is possesses the legal power and authority to do so, and will provide an approved signature page to said Agreement as required by the Agreement.

Passed and Approved on this 3rd day of March, 2020.

/s/Roger Faulstick, Signature

Roger Faulstick, Chair Name

Palo Alto County Board of Supervisors Chairperson

Attest: /s/Carmen Moser

Carmen Moser, Palo Alto County Auditor

Palo Alto County Board of Supervisors Recording Secretary

Motion by Wirtz, seconded by Graettinger to introduce and approve the following Resolution:

RESOLUTION FOR COUNTIES JOINING NORTHWEST IOWA CARE CONNECTIONS

RESOLUTION #:3-3-2020(Worth)

WHEREAS Northwest Iowa Care Connections' Governing Board has voted to accept **Worth County, IA** into the NWIACC Region effective July 1, 2020, and;

WHEREAS Section 5.2 of the NWIACC 28 E Agreement entitled “Decision that Require a Member Vote” states a majority of the member counties must permit any new member counties, and;

WHEREAS Section 5.3 of said Agreement, entitled “Member Voting Procedure” provides that the issue of joinder of a new member county may be presented to the counties by resolution of the Governing Board of the Region by first adopting a recommendation of the issue and then submitting it to the individual member counties, and;

WHEREAS, Section 5. 3 of said Agreement states that a separate explanation of the reasons for the recommendation shall be included, and;

WHEREAS, each member county desiring to vote upon the proposal must do so by resolution of its Board of Supervisors and return a certified copy of the resolution to the Region’s Governing Board Chair stating the County’s vote within 30 days of the date that the County received a copy of the proposal;

WHEREAS, any member county not voting upon the proposal within this time shall be considered to have approved the proposal;

WHEREAS, if the proposal receives approval by majority of votes, it shall be come effective ten (10) days following the date the vote is tabulated;

WHEREAS, Section 5.4 of said Agreement, entitled “Additional Member Counties” states that new membership will not become effective until the county provides a signature page to the Agreement and a resolution from its Board of Supervisors that it agrees to abide by the terms of the Agreement.

THEREFORE, BE IT RESOLVED that Palo Alto County agrees to abide by the terms of the 28 E Agreement for Northwest Iowa Care Connections states that is possesses the legal power and authority to do so, and will provide an approved signature page to said Agreement as required by the Agreement.

Passed and Approved on this 3rd day of March, 2020.

/s/Roger Faulstick, Signature

Roger Faulstick, Chair Name

Palo Alto County Board of Supervisors Chairperson

Attest: /s/Carmen Moser

Carmen Moser, Palo Alto County Auditor

Palo Alto Board of Supervisors Recording Secretary

The Board held a conference call with Sheila Tipton, Attorney, to discuss a solar ordinance in closed session per Iowa Code Section 21.5 (1) (C).

Motion by Solberg, seconded by Graettinger to go into closed session at 10:00 a.m. per Iowa Code Section 21.5 (1)(C). Ayes: Merrill, Graettinger, Wirtz, Solberg, Faulstick. Motion Carried.

The Board exited closed session at 10:30 a.m.

Committee Reports: Craig Merrill—NW IA Care Connections; Ron Graettinger—Upper Des Moines.

Motion by Wirtz, seconded by Graettinger to adjourn. Motion Carried.

Roger Faulstick, Chairman

Carmen Moser, County Auditor