

Courthouse
Emmetsburg, Iowa
September 1, 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 C. Hart, County Attorney. Present on conference call: Lynn Schultes, Co. Sheriff; Linda Koppie.

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.

Due to COVID-19 the meeting was held by conference call. The conference call bridge number and conference ID number was posted and provided at the top of the agenda that was emailed.

Motion by Wirtz, seconded by Graettinger to approve the agenda for September 1, 2020. Motion Carried.

Motion by Solberg, seconded by Merrill to approve the minutes for August 25, 2020. Motion Carried.

Lynn Schultes, County Sheriff, met with the Board by conference call and requested hiring David Allen Hatch as part time jailer. Lynn gave update on jail committee meeting set for September 21, 2020.

Motion by Graettinger, seconded by Merrill to approve hiring of David Allen Hatch as part time jailer at \$17.35 per hour effective August 21, 2020. Motion Carried.

No one was present for public comment.

Committee Reports: Ron Graettinger—DD North 15, Upper Des Moines; Craig Merrill—NW Iowa Care Connections; Keith Wirtz—Early Childhood, IDDA meeting, drainage.

Walter Davis-Oeth, County Engineer, met with the Board. Walter reviewed bridge embargo map & resolution.

Motion by Solberg, seconded by Wirtz to introduce and approve the following Resolution 9-1-2020(A). Ayes: Graettinger, Wirtz, Merrill, Solberg, Faulstick. Nays: None. Resolution Passed.

BRIDGE EMBARGO RESOLUTION # 9-1-2020(A)

WHEREAS: The Board of Supervisors is empowered under the authority of Sections 321.236(8), 321.255 and 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: The County Engineer has completed the structure inventory and appraisal of certain county bridges, in accordance with the National Bridge Inspection Standards, and has determined that these bridges are inadequate for two-lane legal loads at allowable operating stress.

NOW, THEREFORE, BE IT RESOLVED by the Palo Alto County Board of Supervisors that vehicle and load limits be established and that signs be erected advising of the permissible maximum weights thereof on the bridges listed, as follows:

Structure Number	Feature Crossed	Location	Load Limit
269030 (B46)	Stream	390th Ave. Sec. 25-94-34 (Booth Twp)	28 Tons

269050 (B48)	D.D. 84	490th St. Sec. 23-94-34 (Booth Twp)	16, 26, 27
269850 (EB19)	D.D. 5	340th St. Sec.4-96-33 (Emmetsburg Twp)	24 Tons
269860 (EB20)	D.D. 5	430th Ave. 9-96-33 (Emmetsburg Twp)	6 Tons
269990 (EB73)	D.D. 175	380 th St. 27-96-33 (Emmetsburg Twp)	28,40,40
269900 (EB155)	Stream	400th Ave. 18-96-33 (Emmetsburg Twp)	15 Tons
269995 (EB156)	D.D. 175	380th St. 27-96-33 (Emmetsburg Twp)	27, 40, 40
269100 (FV26)	Stream	400th St. 3-95-31 (Fern Valley Twp)	27, 40, 40

Structure Number	Feature Crossed	Location	Load Limit
269730 (FR19)	Stream	360th St. 16-96-32 (Freedom Twp)	10 Tons
269390 (GO47)	D.D. 175	40 th St. 7-95-33 (Great Oak Twp)	28,40,40
270151 (I63)	Stream	550th Ave. 27-97-31 (Independence Twp)	23 Tons
270160 (I65)	Stream	310th St. 20-97-31 (Independence Twp)	22 Tons
270410 (L37)	Stream	350th Ave. 20-97-34 (Lost Island Twp)	12 Tons
270391 (L156)	Stream	290 th St. 8-97-34 (Lost Island Twp)	25,39,40
269235 (N14)	D.D. 21 Lat. 1	400th St. 4-95-32 (Nevada Twp)	20 Tons
269240 (N24)	D.D. 80 Lower Main	400th St. 1-95-32 (Nevada Twp)	15, 23, 24
269270 (N45)	D.D. 81	485th Ave. 21-95-32 (Nevada Twp)	8 Tons

268861 (R9)	Jt. D.D. 63	450th St. 6-94-33 (Rush Lake Twp)	20 Tons
268901 (R31)	D.D. 98	470th St. 11-94-33 (Rush Lake Twp)	24, 39, 39
269470 (S31)	D.D. 6	400th St. 4-95-34 (Silver Lake Twp)	16 Tons
270250 (W7)	Stream	270th St. 5-97-33 (Walnut Twp)	27, 40, 40

Structure Number	Feature Crossed	Location	Load Limit
268670 (WB14)	D.D. 61 Open Ditch	460th St. 2-94-31 (West Bend Twp)	24 Tons
268741 (WB70)	D.D. 48	525th Ave. 30-94-31 (West Bend Twp)	27, 40, 40
268770 (WB82)	Stream	500 th St. 25-94-31 (West Bend Twp)	27,40,40
268640 (WB92)	Stream	460th St. 5-94-31 (West Bend Twp)	24 Tons

Passed and approved this 1st day of September 2020.

/s/Roger Faulstick
Chairman, Board of Supervisors

ATTEST:

/s/Carmen Moser
Palo Alto County Auditor

Linus Solberg

Motion By

Keith Wirtz

Second By

Motion by Graettinger, seconded by Merrill to approve a utility permit for Iowa Lakes Reginal Water in Section 27 of Walnut Township. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve a utility permit for MidAmerican Energy in Sections 9, 10, & 16 of Silver Lake Township. Motion Carried.

Motion by Merrill, seconded by Solberg to approve a utility permit for MidAmerican Energy in Sections 27 & 28 in Highland Township. Motion Carried.

Motion by Merrill, seconded by Graettinger to approve the updated Secondary Roads safety policy. Motion Carried.

Collin Klingbeil, P.E., Bolton & Menk, met with the Board. The Board held the completion hearing for Drainage District No. 80 Lower Main Open Ditch. Present: Roger Chism, Jamie Moser, Brian Ruppert; Linda Koppie by conference call.

Collin reviewed the contract with Reutzel Excavating for the repairs on Drainage District No. 80 Lower Main. The district holds 10% retainage in the amount of \$54,376.39. Collin recommended payment for damages to Jim & Judy Crawford for \$2,927.98. Claims for damages were filed by the following: Linda Koppie and Brian Ruppert. Collin and the Board reviewed and discussed the claims for damages with the landowners.

Motion by Solberg, seconded by Graettinger to approve claims for damages to the following: Jim & Judy Crawford \$2,927.98; Linda Koppie \$950.00; Brian Ruppert \$777.93. Motion Carried.

Collin will work with Brian Ruppert to review replacement of fencing for pasture ground.

Motion by Merrill, seconded by Wirtz to approve the completion of the contract for Reutzel Excavating and to authorize the Auditor to make final payment to Reutzel Excavating for \$54,376.39 in 30 days. Motion Carried.

Linda Koppie filed the following statement as part of the public record.
“I have heard it expressed that you strive to be “fair” as a board. Let me tell you of MY experience with drainage issues.
About 2-3 years prior to DD80 our neighbors requested that 2-48” tile be put under the road draining the water from their property to ours. Against the advice of the county engineer these tiles were put in. I have to say that this type of request most likely would not have been made by the previous generation of farmers.
In addition to the 48” tile came the petition from the same neighbors for DD80. The first I knew about this I went to the farm and found Reutzel there with a bulldozer tearing out our trees. No notice that they would be starting the project was given. We watched as trees were destroyed outside of the ROW.
Shortly after that I found that Reutzel trespassed well outside of the ROW tearing up our CRP native prairie seeding. AS you have seen by the pictures he was at 133’ – again way out of the ROW.
My experience as a landowner has been anything but fair. The drainage laws as written are not fair but do benefit the upstream landowner.
It’s unfortunate that greed coupled with unfair drainage laws leads to situations that do nothing to help but only hurt the people that own land downstream.”

The Board discussed pay estimate #2 for DD 180 Lower Main tile & Lateral 1 tile to Luft & Sons. Bolton & Menk recommended payment of \$79,444.42.

Motion by Merrill, seconded by Wirtz to approve paying Luft & Sons \$79,444.42 for work on Drainage District 180 Lateral 1 Tile. Motion Carried.

Jason Bendixen, Jacobson-Westergard & Assoc. met with the Board for the Completion Hearing on Jt. 13 Outlet Waterway. The hearing was held by conference call with Pocahontas County. Present by conference call: Pocahontas County Supervisors: Jeff Ives, Clarence Siepker, Ed Dewey, Brent Aden, Louis Stauter, & Kelly Jepsen, County Auditor.

Jason reviewed the work on Jt 13 outlet waterway and recommended completion of the work by King Excavation. There were no claims for damages on file.

Motion by Solberg, seconded by Ives to approve the completion of the contract with King Excavation and to authorize the Auditor to make final payment of \$1,050.00 in 30 days. Motion Carried.

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

Roger Faulstick, Chairman

Carmen Moser, County Auditor