

Courthouse
Emmetsburg, Iowa
September 15, 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; Julie Nelson.

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 Graettinger, seconded by Merrill to approve the agenda for September 15th, 2020. Motion Carried.

Motion by Solberg, seconded by Wirtz to approve the minutes for September 8th, 2020. Motion Carried.

Aletha King, Zoning, met with the Board to present conditional use permits and a subdivision plat of Overland Addition in Section 19 of Highland Township.

Present by conference call: Dustin Girres, Josh Harris, Mark Hobart, Joe Schany (newspaper), Erin Hudson, Chris Petersen, Kathy Martin, Christopher Knudson, Wayne Knudson, Ken Wunsch.

Motion by Wirtz, seconded by Graettinger to approve a conditional use permit and master matrix for Dustin Girres in Section 2 of West Bend Township. Motion Carried. This site meets the Good Neighbor Policy with waivers signed by three neighbors.

Aletha updated the Board on the conditional use permit for Josh Harris in Section 23 of Highland Township. The Zoning Board approved the permit with stipulation for approval of DNR. The site meets the Good Neighbor Policy with a waiver signed by Brad Duhn. Kathy Martin addressed concerns in the master matrix and errors in the paperwork and requested a 30-day extension. Wayne Knudson described details of a ministry retreat project in the area.

Motion by Graettinger, seconded by Solberg to delay consideration of the conditional use permit & mater matrix for Josh Harris for 15 days for DNR site visit. Motion Carried.

Motion by Graettinger, seconded by Wirtz to approve the Overland Addition in Section 19 of Highland Addition. Motion Carried.

No one was present for public comment.

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

Motion by Solberg, seconded by Wirtz to approve the purchase of two pickup trucks. Motion Carried.

Motion by Solberg, seconded by Merrill to approve a utility permit for Emmetsburg Municipal Utilities in Section 31 of Freedom Township. Motion Carried.

Walter presented quotes for Archaeological Proposals for Silver Lake Byway and quotes for right of way acquisition proposals for Silver Lake byway. The Board discussed the proposals with the Engineer.

Motion by Merrill, seconded by Solberg to proceed with right of way acquisition pending determination of archeological study. Motion Carried.

The Board held a conference call with Emmet County Supervisors to discuss sharing an Environmental Health Position. Present by conference call: Emmet County Supervisors Roger Hash, Jeff Quastad, Todd Glasnapp, John Pluth, Tim Schumacher; Amy Sathhoff, Emmet County Auditor; Kathy Preston, Emmet County Public Health.

The Board members shared ideas on the Environmental Health position. The Board decided to advertise as a full-time position to see what pool of applicants is received.

The Board held a conference call with Bob Goodwin, Attorney, for Drainage District No. 180 Low Main Tile.

Motion by Graettinger, seconded by Merrill to go into Closed Session at 9:27 a.m. pursuant to Iowa Code Section 21.5(1) (c) for Drainage District 180. Motion Carried.

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

The Board exited closed session at 10:04 a.m.

The Board held a conference call with Pocahontas County Supervisors to approve bid plans & specifications for Drainage District Jt. 63 Branch Main Tile and set a bid letting date. Present on conference call: Jeff Ives, Chair, Clarence Siepker, Ed Dewey, Brent Aden, Louis Stauter; Kelly Jepsen, Pocahontas County Auditor.

Motion by Louis Stater, seconded by Linus Solberg to appoint Jeff Ives as Chair and Kelly Jepsen as Secretary of the Joint conference call. Motion Carried.

Motion by Merrill, seconded by Clarence Siepker to approve the bid plans and specifications for Jt 63 Branch Main tile. Motion Carried.

Motion by Louis Stauter, seconded by Keith Wirtz to set the bid letting date for October 6th, 2020, at 10:00 a.m. in the Palo Alto County Courthouse Boardroom. Motion Carried.

Motion by Louis Stauter, seconded by Craig Merrill to adjourn the joint conference call. Motion Carried.

Brady Evans, MidAmerican Energy, met with the Board to give an update on the windmill project. Brady stated that the delivery of wind turbines has been pushed back to September 21st.

Rick Hopper, Jacobson-Westergard & Assoc. met with the Board to set the bid letting date for the West Fork Des Moines river stabilization project.

Motion by Solberg, seconded by Wirtz to set the bid letting date for the West Ford Des Moines river stabilization project for October 6th, 2020, at 9:00 a.m. in the Courthouse Boardroom. Motion Carried.

Motion by Solberg, seconded by Wirtz to introduce and approve Resolution No. 9-15-2020 to approve Corrective Quit Claim deed.

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

Resolution 9-15-2020

RESOLUTION APPROVING CORRECTIVE QUIT CLAIM DEED

WHEREAS on Sept. 4th, 1996, the Palo Alto County Supervisors signed its quit claim deed transferring any county interest in the abandoned original West Fork of the Des Moines Riverbed property using the following description :

Any interest the County or its Conservation Commission may have in the old and abandoned original West Fork of the Des Moines Riverbed property as illustrated in the crosshatched area on the attached plat, lying North of the North bank of the present boundary of Palo Alto County Drainage Ditch D.D. #81, which property lies adjacent to the Western, Northern and Eastern fence-line across the Wetland Easement in Government Lots six (6), seven (7) , and eight (8) in Section 25, Township 95North, Range 32 West of the 5th P.M. in Palo Alto County. However, the Sept. 4th, 1996 quit claim deed inadvertently omitted mentioning the “non-contiguous portion of such abandoned riverbed located further east in Section 25, but still being North of Drainage Ditch D.D.# 81” ; and,

WHEREAS, the Palo Alto County Supervisors now 24 years' hence, intend to correct this oversight and inaccurate legal description by means of this later quit claim deed.

WHEREAS the ensuing Quit Claim Deed authorizes the Palo Alto County Supervisors to execute and thereby correct any unforeseen defects in their 1996 quit claim deed thereby perfecting its complete transfer of any remaining county interest in the abandoned original West Fork of the Des Moines Riverbed property using the following description:

All that Part of the Abandoned Riverbed owned by Palo Alto County Lying between Government Lot 1 and Government Lot 8 and Lying North of Palo Alto County Drainage Ditch #81 in Section Twenty-five (25) , Township Ninety-five (95) North, Range Thirty-two (32) , West of the 5th P.M., Palo Alto County Iowa; and,

NOW, THEREFORE, BE IT RESOLVED, that the Palo Alto County Board of Supervisors authorize the Chairperson for the Superiors and the County Auditor to execute attest and deliver the Quit Claim Deed using the corrective additional following legal description :

All that Part of the Abandoned Riverbed owned by Palo Alto County Lying between Government Lot 1 and Government Lot 8 and Lying North of Palo Alto County Drainage Ditch #81 in Section Twenty-five (25) , Township Ninety-five (95) North, Range Thirty-two (32) , West of the 5th P.M., Palo Alto County Iowa;

WHEREUPON, supervisor Linus Solberg moved the adoption of the above and foregoing resolution which motion 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
Linus Solberg 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

WHEREUPON the Chair for the board of supervisors declared the resolution duly adopted and approved this 15th day of September, 2020.

On this 15th day of September, 2020 , before me, a Notary Public in and for the State of Iowa, personally appeared Roger Faulstick, who is personally known, who, being by me duly sworn, did say that he is the (acting) 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 Roger Faulstick acknowledged the execution of the instrument to be the voluntary act and deed of Palo Alto County by it voluntarily executed.

Dated this 15th day of September , 2020.

/s/Roger Faulstick

Chairman, Palo Alto County Board of Supervisors

/s/Robin Jamison

Notary Public in and for the State of Iowa

On this 15th day of September, 2020, before me, a Notary Public in and for the State of Iowa, personally appeared Therese Geelan, Deputy County Auditor, who is personally known who, being by me duly sworn, did say that she is the Deputy Palo Alto County Auditor and that she was attesting to the foregoing instrument and that this was her voluntary act.

Dated this 15th day of September , 2020.

/s/Therese Geelan

Therese Geelan Deputy Palo Alto County Auditor

/s/Robin Jamison

Notary Public in and for the State of Iowa

/s/Therese Geelan

Attest: Therese Geelan Deputy Palo Alto County Auditor

Robin Jamison, County Treasurer, met with the Board to discuss abatement of taxes for properties in the Town of Ayrshire.

Motion by Solberg, seconded by Graettinger to abate the taxes on parcel no. 520004012160 and 520004012180 in Ayrshire for FY21. Motion Carried.

Motion by Merrill, seconded by Wirtz to abate all taxes on property at 1207 South Street in Ayrshire except for \$500 to be paid by the City of Ayrshire. Motion Carried.

Committee Reports: Graettinger and Wirtz—drainage issues.

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

Roger Faulstick, Chairman

Carmen Moser, County Auditor