

Approved Minutes Emmet County Board of Supervisor Minutes  
January 3, 2017  
Regular Meeting  
Board Room, Courthouse

Present: Tim Schumacher, Current Chair  
Bev Juhl, appointed Chair  
John Pluth, appointed Vice-Chair  
Jeff Quastad  
Roger Hash

Absent:

Current Chairman, Schumacher, called the meeting to order.

No one spoke during the public forum.

Motion was made by Quastad, seconded by Pluth, to approve the minutes from the December 20, 2016, meeting and also approve them for publication. All ayes, motion carried.

David Forsyth, Magistrate, administered the oath of office for the following newly elected official officials: Amy Sathoff, Auditor; Mike Martens, Sheriff and Roger Hash, Bev Juhl and Tim Schumacher, Supervisors.

It was moved by Schumacher, seconded by Quastad, to appoint Bev Juhl as Chairperson and John Pluth as Vice-Chair for the Emmet County Board of Supervisors for the year 2017. All ayes, motion carried.

It was asked by Juhl before acting on the following resolution, whether the Board wanted to continue to belong to the matrix. Quastad stated that if they do not continue, they have no say about any proposed confinement feeding operations. The motion was made by Quastad, seconded by Pluth, to approve the following resolution to participate in the Matrix for 2017. Roll call: Ayes: Schumacher, Hash, Quastad, Pluth & Juhl. Nays: None. Motion carried.

**Resolution #2017-01**  
**Construction Evaluation Resolution**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2017 and January 31, 2018 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF EMMET COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

Date: 1-3-2017

Date 1-3-2017 \_\_\_\_\_

It was moved by Schumacher, seconded by Hash, to approve Resolution #17-02 Naming Depositories. All ayes, motion carried.

**Resolution #2017-2**  
**Naming Depositories as per Iowa Code Section 12C**

BE IT RESOLVED, that the BOARD OF SUPERVISORS of EMMET COUNTY, IOWA, approves the following list of financial institutions to be depositories of the EMMET COUNTY funds in conformance with all applicable provisions of Iowa Code Chapter 12C.

THE EMMET COUNTY OFFICERS are hereby authorized to deposit the EMMET County funds in amounts not to exceed the maximum approved for each respective financial institution as set out below.

<b>Depository Name</b>	<b>Location</b>	<b>Maximum Balance Under this Resolution</b>
<b>Treasurer:</b>		
NorthStar Bank	Estherville	\$15,000,000.00
BankPlus	Estherville	\$ 4,000,000.00
Northwest Bank	Estherville	\$ 2,000,000.00
IPAIT	Des Moines	\$ 2,000,000.00
Bank Midwest	Armstrong	\$ 2,000,000.00
<b>Recorder:</b>		
NorthStar Bank	Estherville	\$ 70,000.00
<b>Sheriff:</b>		
Employees Credit Union	Estherville	\$ 250,000.00

Whereupon, the Chair of the Board of Supervisors declared said Resolution duly passed and adopted this 3<sup>rd</sup> day of January, 2017.

CERTIFICATION. I hereby certify that the foregoing is a true and correct copy of a resolution of the Emmet County Board of Supervisors adopted at a meeting of said public body, duly called and held on the 3<sup>rd</sup> day of January, 2017, a quorum being present, as said resolution remains of record in the minutes of said meeting, and it is now in full force and effect. Dated this 3<sup>rd</sup> day of January, 2017.

\_\_\_\_\_  
Chair  
Emmet County Board of Supervisors

Attest:  
\_\_\_\_\_  
Amy M. Sathoff, Emmet County Auditor

Walter Davis-Oeth, Emmet County Engineer, presented the following Resolutions for Board approval. It was moved by Pluth, seconded by Schumacher, to approve Resolution #17-03. Roll Call vote: Ayes: Schumacher, Hash, Quastad, Pluth & Juhl Nays: None. Motion carried.

**Resolution #2017-03**

BE IT RESOLVED by the Board of Supervisors of Emmet County, Iowa, that Walter E. Davis-Oeth, the County Engineer of Emmet County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications in connection with all Farm-to-Market and federal or state aid construction projects in this county.

Dated Estherville, Iowa, this 3<sup>rd</sup> day of January, 2017.

Board of Supervisors, Emmet County, Iowa

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
Amy M. Sathoff, Emmet County, Auditor  
(SEAL)

Moved by Quastad, seconded by Schumacher, to approve Resolution #17-04. Roll call: Ayes: Schumacher, Hash, Quastad, Pluth & Juhl. Nays: None. Motion carried.

**RESOLUTION # 2017-04**

A RESOLUTION ADOPTING DOCUMENTS PERTAINING TO EMMET COUNTY'S COMPLIANCE WITH TITLE VI PROVISIONS OF THE CIVIL RIGHTS ACT OF 1964.

WHEREAS, Emmet County has been a recipient of federal financial assistance from the U.S. Department of Transportation; and

WHEREAS, in receiving such financial assistance Emmet County is mandated to comply with the provisions of Title VI of the Civil Rights Act of 1964; and

WHEREAS, in order to continue receiving federal financial assistance from the U.S. Department of Transportation and the Iowa Department of Transportation the adoption of certain documents and establishment of certain programs is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Emmet County that:

- 1.) The Emmet County Engineer, Walter Davis-Oeth, is hereby designated the Title VI Coordinator for Emmet County Secondary Roads.
- 2.) The Emmet County Title VI Plan is hereby adopted and that the Chairman of the Board of Supervisors and Title VI Coordinator are authorized to sign said plan where required.
- 3.) The Standard DOT Title VI Assurances are hereby adopted and that the Chairman of the Board of Supervisors is authorized to sign said document where required.
- 4.) The Title VI Notice to the public is hereby adopted and shall be posted where other public notices are displayed in the Emmet County Administration Building and County Engineer's Office. Furthermore, said notice shall be placed on the County's official website.
- 5.) The Title VI Coordinator is authorized to take any other actions necessary and/or recommended by the Iowa Department of Transportation, or other designated authority to comply with the provisions of Title VI of the Civil Rights Act of 1964.

APPROVED this January 3, 2017.

ATTEST:

\_\_\_\_\_  
Bev Juhl, Chair  
Emmet County Board of Supervisors

\_\_\_\_\_  
Amy M. Sathoff, Emmet County Auditor

Pluth thanked the Engineer and road crews for the sanding of roads this morning in Emmet County due to the icy conditions. Davis-Oeth stated that secondary road crews are still out on rounds sanding & also working with blades on breaking up of ice on the gravel roads. Davis-Oeth stated that his upcoming 28E Agreement is coming due between Palo Alto and Emmet County's sharing agreement and he would like to make a couple of changes, which he will discuss with the Board at a later time.

Supervisor Pluth wanted to note to the Board and others and express thanks to the Armstrong Benefitted Fire District, who recently donated a used pickup to Emmet County Secondary Roads. This pickup will replace the truck that was recently wrecked. The entire Board expressed their gratitude to the Fire District.

The Board made appointments and reappointments to various committees. Motion was made by Schumacher, seconded by Pluth to approve the appointments to the committees as follows. All ayes, motion.

AREA REGIONAL TRANSIT AUTHORITY (RIDES)  
CENTERS AGAINST ASSULT & SEXUAL ABUSE (CASSA)  
CENTRAL IA JUVENILE DETENTION CENTER  
COMMUNITY HOUSING INITIATIVE  
COMPAS POINTE  
COUNTY BOARD OF HEALTH  
December 31 Terms (3 Year Terms)

Tim Schumacher  
Bev Juhl, Roger Hash, Alternate  
Jeff Quastad, Roger Hash, Alternate  
Roger Hash  
Bev Juhl & Roger Hash  
Gene Haukoos 12/31/2018  
Lela Kruse 12/31/2017  
Dr. Keith Probst 12/31/2019  
Mary Tirevold 12/31/2018  
Diane Wilson 12/31/2017  
David Enerson, Estherville- 2018  
Curt Larson, Estherville- 2020  
Greg Matheson, Ringsted- 2019  
Phyllis McKean, Armstrong- 2021  
Kim Swanson, Dolliver- 2022  
Dr Anthony Cook- 12/31/2018

COUNTY CONSERVATION BOARD

Emmet County Board of Supervisors' Chair  
Mike Martens, Emmet Co Sheriff;  
Cynthia Kelly, Emmet Co Clerk of Court;  
Doug Hansen, Emmet Co Attorney;  
Amy Sathoff, Emmet Co Auditor;  
David Lester, Third Judicial District Judge  
Bev Juhl, Tim Schumacher, Alternate  
Richard Meyer  
John Pluth & Roger Hash  
Mike Martens & Terry Reekers, Alternates

COUNTY SOCIAL SERVICES  
DRAINAGE ATTORNEY  
E-911

E.A.P.G. BOARD (Estherville Area Partnership for Growth)  
 EMA BOARD  
 EMERGENCY MANAGEMENT COORDINATOR  
 EMMET COUNTY COUNCIL OF GOVERNMENTS

EMMET COUNTY SAFETY COMMITTEE  
 ENGINEER  
 ENVIRONMENTAL HEALTH SPECIALIST  
 FIRE DISTRICT, ARMSTRONG  
 January 1 Terms (3 Years)

FIRE DISTRICT, RINGSTED

GENERAL ASSISTANCE DIRECTOR  
 HISTORIC PRESERVATION  
 December 31 Terms (3-year Terms)

IOWA STATE DRAINAGE DISTRICT ASSOCIATION  
 KINSHIP BOARD  
 KOSSUTH CLUSTER DECAT BOARD  
 (Emmet, Kossuth, Palo Alto Counties)  
 NCRERC (HAZMAT)NIACOG (North Iowa Council of  
 Governments)  
 NORTH CENTRAL IOWA EARLY CHILDHOOD BOARD  
 (Emmet, Kossuth, Palo Alto & Winnebago Counties)  
 NORTHWEST IOWA HOUSING (3 YEAR TERMS)  
 NORTHWEST IOWA PLANNING & DEVELOPMENT  
 COMMISSION  
 NORTHWEST IA REGIONAL HOUSING TRUST FUND  
 R.S.V.P.  
 REGIONAL WORKFORCE INVESTMENT BOARD  
 SAFETY DIRECTOR

SEASONS CENTER  
 SHIELD BOARD (SAFETY MEETINGS)  
 THIRD JUDICIAL DISTRICT BOARD  
 UPPER DES MOINES OPPORTUNITY  
 VETERAN'S AFFAIRS DIRECTOR  
 WEED COMMISSIONER  
 WESTERN IOWA TOURISM REGION  
 ZONING DIRECTOR

Bev Juhl, Ron Smith  
 John Pluth, Roger Hash, Alternate  
 Terry Reekers  
 Jeff Quastad, Tim Schumacher, Roger Hash,  
 Alternate  
 John Pluth  
 Walter Davis-Oeth  
 Aimee Devereaux  
 Roger Tirevold 1/1/2020  
 Gary Tonderum 1/1/2019  
 Jerry Steinberger 1/1/2018  
 Alan Meyer 7/1/2019  
 Dennis Nelsen 7/1/2018  
 Linn Ries 7/1/2017  
 Deb Tietje  
 Mary Gray- 12/31/2018  
 David Kaltved- 12/31/2017  
 Paul Peterson- 12/31/2019  
 Jeff Quastad; John Pluth, Alternate  
 Tim Schumacher  
 John Pluth

Jeff Quastad, Terry Reekers, Alternate  
 Jeff Quastad & Roger Hash

John Pluth (appt 1-6-15) 01/01/2018

Tim Schumacher  
 Roger Hash & Dorothy Christensen  
 Jeff Quastad, Roger Hash, Alternate  
 Tim Schumacher  
 Northwest Iowa Planning & Development  
 Commission  
 Jeff Quastad, Tim Schumacher, Alternate  
 John Pluth  
 Tim Schumacher  
 John Pluth  
 Deb Tietje  
 Roxanne Christensen  
 Lexie Ruter  
 Dar Lewis

Moved by Quastad, seconded by Pluth, to appoint the following persons to the Committee to Assess Damages as required by Section 6B.4 Code of Iowa. All ayes, motion carried. The Committee's members are as follows:

Owners-Operators Agricultural Real Estate

Craig White	3651 150 <sup>th</sup> St	Estherville IA 51334
Dennis Smith	2140 370 <sup>th</sup> Ave	Estherville IA 51334
Jeff Felkey	5391 190 <sup>th</sup> St	Armstrong IA 50514
Glenn E. Olson	5035 210 <sup>th</sup> St	Ringsted IA 50578
Tim Oleson	1831 510 <sup>th</sup> Ave	Armstrong IA 50514
Dave Enerson	1811 445 <sup>th</sup> Ave	Estherville IA 51334
Tom Sunde	1120 430 <sup>th</sup> Ave	Estherville IA 51334

Licensed Real Estate Salesperson or Real Estate Brokers

Bill Leonard	521 Valley Dr	Estherville IA 51334
Tammy Fredericksen	3580 130 <sup>th</sup> St	Estherville IA 51334
Edith Clarcken	303 Central Ave	Estherville IA 51334
Larry Kelly	120 N 15 <sup>th</sup> St	Estherville IA 51334
Nancy Petersen	221 Central Ave	Estherville IA 51334
Mark Howell	220 Central Ave	Estherville IA 51334
Ron Wilson	104 Golf Course Dr	Armstrong IA 50514

Persons having knowledge of property in the County

Dale Johanson	18 N Larch St	Ringsted IA	50578
Richard Hanson	4407 210 <sup>th</sup> St	Estherville IA	51334
Mark C. Olson	2248 450 <sup>th</sup> Ave	Wallingford IA	51365
Laurel Hash	7 Grandview Dr	Estherville IA	51334
Richard McKean	5116 190 <sup>th</sup> St	Armstrong IA	50514
Holle Smith	2140 370 <sup>th</sup> Ave	Estherville IA	51334
David Rezac	1480 560 <sup>th</sup> Ave	Armstrong IA	50514

Owners of City Property

Bob Rooney	705 4 <sup>th</sup> Ave	Armstrong IA	50514
Gordon Forsyth	15 Westwood Ct	Estherville IA	51334
Rudolf Abel	1027 1 <sup>st</sup> Ave N	Estherville IA	51334
George Shadle	320 N 7 <sup>th</sup> St	Estherville IA	51334
Don Mustard	102 2 <sup>nd</sup> St	Gruver IA	51334
Scott Taylor	302 Little John Rd	Estherville IA	51334
Darryl Anderson	112 Walnut St	Ringsted IA	50578

It was moved by Quastad, seconded by Schumacher, to designate the Estherville News and the Armstrong Journal as the official newspapers for 2017. All ayes, motion carried.

The motion was made by Pluth, seconded by Hash to leave the mileage reimbursement rate at the current rate of .45 per mile. All ayes, motion carried.

The motion was made by Schumacher, seconded by Quastad, to approve the following dates in 2017 that claims will be presented to the Emmet County Board of Supervisors for approval for payment. All claims should be in the Auditor's office one week before these dates to be considered for payment. All ayes, motion carried.

January	10	February	14	March	14	April	11
May	9	June	13 & 27	July	11	August	8
September	12	October	10	November	14	December	12

Lisa Rosburg, Drainage Clerk, presented to the Board a joint drainage assessment for EPA #21 Outlet Main. There is a deficit of \$2,067.61 in this drainage fund. Emmet County has 57% of this assessment or \$1,178.54 and Palo Alto County has 43% of the assessment, or \$889.07. It was moved by Pluth, seconded by Schumacher to approve and forward to Palo Alto County the joint drainage assessment. All ayes, motion carried.

Rosburg also presented to the Board the drainage districts that are in need of being assessed due to insufficient funds. It was moved by Quastad, seconded by Pluth, to approve the following drainage assessments as listed. All ayes, motion carried.

District	Actual Deficit	Approved Assessment
EPA 21 LINE A	-3811.81	-3811.81
EPA 21 OD LINE A	-12319.49	-12319.49
EPA 21 OUTLET MAIN	-2067.61	-2067.61
EK5	-86.81	-86.81
EPA 1	-333.23	-333.23
7	-5608.09	-6600.00
24	-122.69	-122.69
26 MAIN	-10452.64	-11000.00
28	-8835.50	-9000.00
30	-4056.50	-4200.00
35 LAT 2	-12382.62	-12500.00
35 LAT 5 BR 1	-783.02	-850.00
35 LAT 9 BR 3	-1664.88	-1800.00
37 LAT 216	-11.68	-150.00
37 SUBLATERAL 10	-11611.44	-1200.00
37 SUBLATERAL 37	-5041.56	-5250.00

District	Actual Deficit	Approved Assessment
59	-900.04	-1000.00
60	-5798.73	-6300.00
68 NORTH MAIN BR 11	-800.01	-900.00
68 NORTH MAIN BR 1C	-7665.88	-8000.00
68 NORTH MAIN BR 1-C-5	-3180.00	-3300.00
68 NORTH MAIN BR 2A	-181.60	-350.00
68 SOUTH MAIN	-245.54	-400.00
69	-5348.30	-5700.00
75	-36.29	-150.00
78	-7495.68	-7700.00
81	-5717.63	-6000.00
84	-114.03	-250.00
91	-190.79	-300.00
92	-525.95	-700.00
96	-462.66	-600.00
98	-121.71	-300.00

<b>37 BRANCH 9</b>	-250.00	-350.00	<b>99</b>	-23.55	-150.00
<b>37 BRANCH 60</b>	-31.25	-150.00	<b>105</b>	-55.33	-200.00
<b>37 BRANCH 61</b>	-135.19	-300.00	<b>114</b>	-171.84	-300.00
<b>37 BRANCH 66</b>	-75.39	-200.00	<b>116</b>	-394.58	-500.00
<b>37 BRANCH 108</b>	-92.58	-200.00	<b>118</b>	-15.29	-150.00
<b>37 BRANCH 125</b>	-385.00	-500.00	<b>120</b>	-847.50	-1000.00
<b>37 BRANCH 167</b>	-11567.72	-12000.00	<b>121 MAIN DITCH</b>	-9278.20	-9500.00
<b>39</b>	-3031.59	-3300.00	<b>126</b>	-10070.00	-10500.00
<b>40</b>	-423.81	-20000.00	<b>127</b>	-254.41	-254.41
<b>46</b>	-159.17	-300.00	<b>134</b>	-366.91	-500.00
<b>55</b>	-48.59	-250.00	<b>148</b>	-202.81	-300.00
<b>56 LAT 3 BR 2</b>	-2118.91	-2300.00	<b>TOTAL</b>	<b>\$157,974.03</b>	<b>\$176,446.05</b>

It was moved by Quastad, seconded by Schumacher, to appropriate the second half of the FY 2017 budget. All ayes, motion carried.

The Board reviewed the Manure Management Plan (MMP) for:

Daybreak Foods, Inc., Oakridge Complex, located in the NW SW of Section 25, Township 99 North, Range 34 West, Estherville, Emmet County, Iowa;

J & R Inc. Site II, owner – Jay Gunderson, located in the NW NE of Section 5, Township 97, Range 31, of Independence Township in Palo Alto County;

Olson Site, owner-Eric Olson, located in the NW SW of Section 4, Township 98, Range 32, Jack Creek Township, Emmet County, Iowa.

Motion was made by Hash, seconded by Quastad, to adjourn the meeting at 11:05 a.m. All ayes, motion carried.

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Colleen Anderson, Assistant to the Auditor

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Bev Juhl, Chair