

Unapproved Minutes Emmet County Board of Supervisor Minutes

March 28, 2017

Regular Meeting

Board Room, Courthouse

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

Absent:

Juhl, Chair, called the meeting to order. Motion was made by Pluth, seconded by Quastad, to approve the minutes from last week's meeting and also approve them for publication. All ayes, motion carried.

During public forum, Juhl stated that she attended a meeting for DHS in Waterloo, concerning the subacute crisis line and they are also working on equalizing the levies within the region.

Walter Davis-Oeth presented the following Utility Permits for borings underneath roads:

- Iowa Lakes Electric Cooperative, Emmet Township, Sections 21, 27, 28
- Iowa Lakes Electric Cooperative, Swan Lake Township, Sections 10, 11
- Iowa Lakes Electric Cooperative, Jack Creek Township, Sections 5, 6

Motion was made by Quastad, seconded by Hash, to approve the three presented utility permits. All ayes, motion carried.

Walter Davis-Oath presented an Agreement between the State of Iowa, Emmet County and Union Pacific Railroad for construction and cost participation covering the installation of safety improvements at the railroad crossing on 200th Street. Emmet County's share will be 10% of the total project cost or approximately \$22,000. Motion by Schumacher, seconded by Pluth, to approve the Agreement. All ayes, motion carried.

Walter Davis-Oeth presented county wide seal coat project bids. Motion by Pluth, seconded by Hash, to approve the low bid from Blacktop Service Company in the amount of \$187,603.24. All ayes, motion carried. Location and miles are as follows: 2.5 miles on N-40; 5.94 miles on N-24; .93 miles on A-31; .54 miles on P-11 and .76 mile on P-13 to be completed in FY18.

At 9:15 a.m. the Public Hearing for the county's Weed Spraying Policy was called to order. Davis-Oeth stated that this is a redoing of the weed spraying policy and an update on the no sprays. He stated our goal is to keep this map up to date. There were numerous comments from the public. Paul Enerson spoke stating he thinks the Engineer and county have done a good job on the policy, but questioned who is going to enforce it. That same question was reiterated throughout the hearing. A letter was read by Davis-Oeth from Glen Hansen also stating we need to enforce our weed control a little bit better. Quastad stated that we haven't sprayed in front of residences for a long time and now they will unless you put up a no spray sign, which will be available at the Engineer's Office. Barb Nissen, Engineer's Office, stated that the county should probably do a mass mailing way ahead of this policy's implementation, to all landowners telling them of the changes in the policy for the no spray signage, since a lot of landowners do not subscribe or get the paper or listen to the radio, so county doesn't fall under a liability issue. It was moved by Schumacher, seconded by Pluth, to close the public hearing. All ayes, motion carried. The Engineer will present the Weed Spraying Policy Resolution at next week's Board Meeting.

Attorney copier discussion was moved to next week's meeting due to not receiving contract on time.

Discussion was held regarding a recent decision by County Social Services to reduce the mental health levy from 35.18 to 33.18 per Capita for FY2018. The Department of Management has said that we do not have to republish or hold another hearing but that the Supervisors need to approve the reduced levy. Motion by Quastad, seconded by Schumacher, to approve the reduction of \$2.00 of the mental health levy for Emmet County from 35.18 to 33.18 per capita for FY 2018. All ayes, motion carried.

Quastad stated to the Board that the Federal Court threw out the lawsuit against Des Moines Waterworks. Des Moines Waterworks have 30 days from the Judge's ruling, which was March 17, 2017 to appeal the decision.

The Board wanted noted that the Public hearing that was published to be held at 9:30 a.m. today for BWT Farms, LLLP, Farm 267 – Origer East, located in the NE NW of Section 28, Township 99, Range 33 in Center Township has been cancelled. The applicant (BWT LLP) had relocated this facility across the road and was required by DNR to obtain a new permit.

At 10:00 a.m., the Board held a public hearing on a new confinement site owned by New Fashion Pork, named NFP Farm 266 Erickson, located in Sec 34, Township 99, Range 34, in Estherville Township. There was one written comments from Kelly Nissen handed into Auditor's Office on Tuesday afternoon. Jay Moore spoke representing New Fashion Pork. He stated that this would be a single building from ween to finish operation. The Board stated that they had attended the site visit with the DNR. Members of the public stated they did not even know for sure where the site would be located, no flags, etc., are out yet. Moore stated that the site has not been surveyed yet. Chuck Gardner asked Moore if they make any effort to contact or let neighbors know. Moore stated that yes

they usually do, but aren't required to. The Kelly Nissen family stated that they were not notified at all. Bonnie Howard asked the Board of Supervisors if they as a County could request a higher matrix score from a new construction permit application. Juhl stated that we could ask, but can't enforce it. The public present were told that the matrix was established 15 years ago and it is a legislative item. The Emmet County Board members said they would like to see it reviewed. Charla Gardner asked the Board if they have written a letter to the legislature yet. The Board's answer was not yet. Supervisor Quastad took a hand vote of those in favor of the site, there were 4; opposing the site there were 15.

Mike Mart stated that this site lies in a very dangerous location at the bottom of a hill and is worried about accidents. John Skrepak asked about the use of bio-filters. Moore stated that these filters are a perfect habitat for rodents and are a high maintenance issue. Skrepak also asked the public present if they would be in opposition to the confinements if there was no smell or odor. General consensus was if there would be no smell there would not be as big as a problem with these sites. Joel Quastad stated that we used to be an Ag community, now we are an Ag corporation that looks after nobody. Dennis Quastad stated that these sites are trashing our roads at the tax payers' expense; he also asked the question if core samplings are taken at the proposed site, Bradley W. Freking, an owner of New Fashion Pork, stated that this could fall under the Alluvial Soils types determination. The question was asked if county is going to drop assessed value of our residences then around these sites due to the decline of their value due to these confinements. Juhl stated that Assessor has to follow rules for assessing land and residences. Mart asked NFP if they could put up a smaller building. It was moved by Quastad, seconded by Hash, to close the public hearing. It was moved by Quastad, seconded by Pluth, to recommend the master matrix of this confinement, noting a score of 480 points, also noting a hand vote of 15 opposed, 4 in favor of the new proposed site. The Board's letter of recommendation of the matrix will be forwarded to the DNR, along with letter of opposition.

The Board reviewed Manure Management Plans for the following: Travis Olson Finisher #1, Section 24 (SE NW) of Emmet Township, Eric Norby – Iowa Lake Site, Section 35 (NW NE) of Iowa Lake Township, Eric Norby – Miller South Site, Section 10 (NW SW) of Denmark Township, and Eric Norby – Miller North Site, Section 3 (SW SE) of Denmark Township. The Board also reviewed the Notice of Intent to Issue a Permit for the K & T Olson Swine Site 2 from the Iowa DNR.

Motion by Schumacher, seconded by Pluth, to approve pay estimate no. 1 for the ECD61 cleanout project in the amount of \$38,587.50 to Jacobson-Westergard and return signed approval to Dickinson County for payment. All ayes, motion carried.

Motion was made by Quastad, seconded by Schumacher, to adjourn the meeting at 11:00 a.m. All ayes, motion carried.

Colleen Anderson, Assistant to the Auditor

Bev Juhl, Chair