

Unapproved Minutes Emmet County Board of Supervisor Minutes

February 27, 2018

Regular Meeting

Board Room, Courthouse

Present: Bev Juhl, Chair
Jeff Quastad
Roger Hash
Tim Schumacher

Absent: John Pluth, Vice-Chair

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

During public forum, Quastad discussed with other Board members a conflict of the Juvenile Detention and Seasons Center meetings, which both will be on the 4th Friday of each month.

At 9:10 a.m., the Joint Boards of Emmet, Clay & Dickinson Counties met telephonically to close the completion hearing, which was continued from February 27, 2018, for drainage district ECD #61. A roll call for attendance was taken:

Clay County: Barry Anderson, Burlin Matthews & Dan Skelton Absent: Joe Skow & Randy Swanson

Emmet County: Bev Juhl, Tim Schumacher, Roger Hash & Jeff Quastad Absent: John Pluth

Dickinson County: William Leupold, Mardi Allen, Tim Fairchild, Paul Johnson & Pam Jordan

Dickinson County: Gross Boots, Secretary to the Board of Supervisors

Emmet County: Colleen Anderson, Secretary to the Board of Supervisors

A letter from Jim Hudson addressing the issue of closing the continuation hearing was read by Boots Gross, Secretary to the Board of Supervisors at Dickinson County.

There was much discussion on closing the hearing and paying the money owing to Cory Juergens, that was recently withheld due to a damage claim from Iowa Lakes Regional Water. In addition, major discussion was held concerning land abutting DNR property between the outlet and end of the drainage district. It was stated that we want to make sure that from the end of drainage district that the tile is cleaned out properly. Code states that a drainage district cannot be ponded; it has to be allowed to drain well, whether it be public or private property. Supervisor Allen asked if a second petition to continue that project from individuals involved would be needed. A concern is there is no drainage district to petition to, since land does not lie within any drainage district. His thought was maybe we need Jim Hudson's response to this also. His concern was if we close the continued hearing, where does the power come from to see that the DNR would work with the drainage on this issue, making sure this issue is not dropped. Skelton stated there are drainage laws in the State stating that you cannot back up water to your neighbors. Fairchild stated maybe we could sign another petition to specify this issue and our Attorneys could work with this, thus closing this continued meeting. He also stated that Rick Hopper, Engineer, had stated back at a previous meeting, that he would review this situation and has a good relationship with the DNR and thought that this would not be a problem.

One Supervisor stated that the petition for the current project is finished for restoration and he suggested getting a new petition to improve the area in question. It was suggested to ask James Hudson about the law concerning this. It was asked of all three joint counties if they were in agreement that a new petition be signed and then look at whatever legal standard we have to for this situation to be done correctly. It was also stated that Attorney Hudson and Engineer Hopper and someone representing the DNR should have been on the telephonic conference call today. Quastad stated that the drainage district has a right to its outlet, taking it back to its level of improvement that was last done, if it ever was. It will take legal expertise to do this. It was also suggested that the Chairpersons from each County get a hold of Attorney Hudson to get answers to this situation. Quastad also asked the question of didn't they survey that part in question and how much silt was in it. No one had that information available for Quastad.

Schumacher and Juhl both asked the question of why should counties withhold and retain funds from a contractor. If Hudson's letter states we have no liability, why are we withholding funds from Cory Juergens for the damage claim against him from Iowa Lakes Regional Water? It is between those two parties. Other Supervisors agreed. A motion was made by Anderson, seconded by Schumacher, to pay the withheld amount of \$15,984.41 to contractor, Cory Juergens Construction LLC. Roll call vote was taken: Ayes: Anderson, Matthews, Skelton, Leupold, Allen, Fairchild, Johnson, Jordan, Juhl, Schumacher, Hash & Quastad. Nays: None. All ayes, motion carried.

It was moved by Anderson, seconded by Skelton, to continue the continuation hearing to March 13, 2018 at 9:00 a.m. Roll call vote was taken: Ayes: Anderson, Skelton, Hash, Leupold, Allen, Fairchild, Jordon Nays: Matthews, Juhl, Quastad, Schumacher, Johnson Motion carried. Leupold will make sure that we get some answers on this from Attorney Hudson and have him included on the call on March 13, 2018. It was suggested having Rick Hopper, Engineer, on the telephonic conference also.

In addition, Joint Boards telephonically agreed to pay two bills for the joint drainage district ECD#61 (Emmet, Clay & Dickinson). The bills are as follows:

KVK Ag Inc.	for Larry Smith Farm Sec 27	1,419.12
KVK Ag Inc.	for Keith Van Kleek Farm Sect 27	1,698.14

for a total of \$3,117.26. It was moved by Anderson, seconded by Quastad to approve payment of the above two bills. Board Chair Juhl signed the bills and they will be forwarded for payment to control County Dickinson. Roll call vote was taken: Ayes: Anderson, Skelton, Leupold, Allen, Fairchild, Johnson, Jordan, Juhl, Schumacher, Hash & Quastad. Nays: none. All ayes, motion carried.

It was moved by Hash, seconded by Schumacher, to approve the liquor license application, pending dram shop insurance, for Estherville Golf LLC. All ayes, motion carried.

The Gruver Fire Department came before the Board to request funds from the County's LOSST (Local Option Sales & Services Tax) fund. Present for Gruver were the Center Township Clerk, John Klingbeil and Trustee, Ron Klingbeil; for Ellsworth Township, Clerk, Don Valen and Trustees, Darryl Madison & Larry Anderson. Representing the City of Gruver was Clerk, Mary Ann Hoffmeyer and City Council member, Bob Gommels, They presented the Board with a list of requested items totaling \$10,645.00 to equip their new fire truck bought in 2017. Gruver fire department covers five townships and two cities. The fire department is run by the City and all money to operate is okayed from the Clerks and Trustees of the Townships. Their current levy is 50 cents per \$1,000. This fire department covers 145 square miles of fire district, 2nd largest area in the State of Iowa. Gruver's Fire Chief is Dan Harvey. Schumacher stated to those representing Gruver Fire Department, that the Board appreciates everything you do and is supportive of your request. It was moved by Quastad, seconded by Schumacher, to grant their request amounting to \$10,645 from the County's LOSST fund. All ayes, motion carried.

Barb Bohm, Emmet County Assessor and Zoning Administrator, came before the Board to request the reappointment of Larry Kelly to the Emmet County Zoning Board of Adjustment for a 5-year term, ending on March 15, 2023. It was moved by Hash, seconded by Schumacher to approve the reappointment. All ayes, motion carried.

John Torbert, representing Iowa Drainage District Association, gave his annual report. He stated with new Administration, a different approach is being taken. At the Federal level, they are currently in the middle of backing the current rule/law out and bringing it back to where we were concerning the EPA regulations. He stated that if we do new rules/laws they would not have a negative effect on our drainage as the current rules/laws are. He stated that the Des Moines Waterworks lawsuit that was settled last March had a very positive outcome for our drainage tiles. Torbet thanked the Board for their time and arranging their schedule around him.

A motion was made by Quastad, seconded by Hash, to adjourn the meeting at 11:04 a.m. All ayes, motion carried.

Colleen Anderson, Assistant to the Auditor

Bev Juhl, Chair