

Approved Minutes Emmet County Board of Supervisor Minutes  
May 28, 2019 at 9:00 a.m.  
Regular Meeting  
Board Room, Courthouse

Present: John Pluth, Chair  
Jeff Quastad Vice-Chair  
Roger Hash  
Tim Schumacher  
Todd Glasnapp

Absent:

Pluth, Chair, called the meeting to order. The Board and all present recited the Pledge of Allegiance. Motion by Glasnapp, second by Hash, to approve the minutes from last week's meeting correcting the start time of the meeting to 9:30 a.m., also approving them for publication. All ayes, motion carried.

Walter Davis-Oeth, Emmet County Engineer presented Resolution #2019-12 for adoption. The Resolution is for Private Drainage Tile Crossing Road Right-of-Way Permit. Motion by Quastad, second by Glasnapp, to adopt Resolution #2019-12. Roll call vote was taken: Ayes: Schumacher, Hash, Quastad, Glasnapp, Pluth. Nays: None. Motion carried. Resolution #2019-12 reads as follows:

#### RESOLUTION #2019-12

#### EMMET COUNTY, IOWA PRIVATE DRAINAGE TILE CROSSING ROAD RIGHT-OF-WAY PERMIT

In accordance with Emmet County Board of Supervisors, application for crossing the road right-of-way of a public road with private drainage tile must be approved by Emmet County Engineer's Office.

This policy applies to only those roads to which Emmet County has complete jurisdiction. City/County roads, state line roads, and road along county lines shall require separate approval.

#### Emmet County Agrees to:

- 1). Supply materials used to cross road right-of-way, installed to Emmet County's specifications, inclusive of tile, road surfacing material, roadway backfill material. Contractor may choose to supply own materials. If so, all materials must comply with County Specifications. Payment for contractor provided materials will be based on set pricing. Prices of materials to be updated yearly and available at engineer's office.
- 2). Pay \$500 for the labor and equipment expense of private drainage tile crossing through gravel roads when trenching method is approved.
- 3). Pay \$1,000 for labor and equipment expense of private drainage tile crossings through paved roads when trenched method is approved.
- 4). At the discretion of the Engineer, County may require road right-of-way to be bored. If Engineer requires boring, landowner shall supply two quotes for work. County will pay 90% of cost of lowest quoted price. If county finds prices to be exorbitant, county reserves right to obtain additional quotes for boring or perform the work themselves. If landowner wishes to bore tile and County permits trenching method, County will only reimburse amount for trenched crossing.

#### TERMS OF AGREEMENT

- Construction shall begin no earlier than one week after submittal of application and no later than 90 days after application is processed by Engineer's Office.
- If contractor must enter onto adjoining landowner's property in order to properly connect to existing tile, prior consent must be obtained. All adjoining landowner's signatures are required for permit.
- Contractor is responsible for closing roadway and associated signing. All signs and barricades must be in accordance with MUTCD.
- No crossings will be permitted from November 15 and April 1, unless authorized by County Engineer.
- All tile is to be properly connected on both ends to existing field tile.
- Tile intakes shall not be placed in road right-of-way, unless authorized by County Engineer. If tile intakes are requested, County will reimburse for cost of installation agreed to prior to completion of work.
- Roadway shall not remain closed overnight.
- Contractor shall construct, backfill, replace road stone and other aspects of roadway to specifications supplied by Engineer's Office.
- Contractor must notify Engineer's Office 48 hours prior to construction.
- The applicant or applicant's contractor will be responsible for contacting Iowa One Call (1-800-292-8989) for utility locates.

- Applicant will be paid for expenses as agreed to by this agreement after proof of payment to contractor has been provided. If funds are not available in Emmet County Secondary Road Fund for payment of said costs, it is understood that applicant will be reimbursed at such time as funds are available in Emmet County Secondary Road Fund. Payments will be made in chronological order.
- **Applicant shall hold Emmet County, Iowa harmless for any damages resulting from the Applicant's operations. The contractor performing the work must submit, or have on file, a valid Certificate of Insurance for \$1,000,000 of liability coverage prior to approval of the permit. The Certificate of Insurance must show Emmet County, Iowa as an additional insured party.**

If any terms of agreement are violated, Emmet County will not pay for tile crossing road right-of-way. Further, County will assess cost of repairs to road right-of-way contractor.

Passed and Adopted this 28th day of May, 2019.

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Chairperson, Emmet County Board of Supervisors

Attest:

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Amy Sathoff, Emmet County Auditor

Motion by Hash, second by Glasnapp to approve the Utility Permit SCI Communications on A17, 340<sup>th</sup> Avenue, 100<sup>th</sup> Street and 360<sup>th</sup> Avenue. All ayes, motion carried.

Motion by Glasnapp, second by Schumacher to approve the Utility Permit for Iowa Lakes Electric Cooperative near 580<sup>th</sup> Avenue in Section 24 of Denmark Township. All ayes, motion carried.

Motion by Schumacher, second by Hash to approve the Utility Permit for Iowa Lakes Electric Cooperative on 540<sup>th</sup> Avenue of Section 8 of Armstrong Grove. All ayes, motion carried.

Davis-Oeth discussed current equipment issues and potential replacement of some equipment.

Mike Martens presented Resolution #2019-13 relating to the MART (Multi Agency Response Team) 28E Agreement. Motion by Glasnapp, second by Schumacher, to adopt Resolution #2019-13. Roll call vote was taken: Ayes: Schumacher, Hash, Quastad, Glasnapp, Pluth. Nays: None. Motion carried. Resolution #2019-13 reads as follows:

**Resolution #2019-13**

RESOLUTION APPROVING ADOPTION OF Chapter 28E AGREEMENT FOR Multi-Agency Response Team M.A.R.T.)

WHEREAS the Elected Sheriff's serving in Palo Alto County, in Kossuth County and in Emmet County within those three counties resolve to enter into the Chapter 28E Agreement; and,

WHEREAS the respective Boards of Supervisors serving in Palo Alto County, in Kossuth County and in Emmet County resolve to enter into the Chapter 28E Agreement for the purpose of establishing a working mechanism to provide mutual aid assistance by a highly trained and equipped unit to resolve high risk law enforcement operations; and,

WHEREAS The Respective City Mayors of the participating municipalities including: Algona, West Bend, and Emmetsburg and the appointed Chiefs of Police in those cities, within the State of Iowa, resolve to enter into the Chapter 28E with the same stated purpose; and,

WHEREAS this unit shall be referred to as the Multi Agency Response Team, ("MART") Agreement under Iowa Code Chapter 28E; and,

WHEREAS, Emmet County Board of Supervisors desire to approve and adopt the 28E MART Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Emmet County Board of Supervisors authorize the Chairperson for the Supervisors and the County Auditor to execute, attest and deliver the M.A.R.T. 28E Agreement and authorize it to be recorded with the County Recorder's Office and the Iowa Secretary of State.

WHEREUPON, Supervisor Glasnapp moved the adoption of the above and foregoing resolution which was seconded by Supervisor Schumacher.

Upon a roll call vote, the supervisors voted as follows:

Schumacher voted:     Aye  
Hash voted:            Aye

Quastad voted: Aye  
Glasnapp voted: Aye  
Pluth voted: Aye

WHEREUPON the Chair for the Board of Supervisors declared, the resolution duly adopted and approved this 28th day of May 2019.

On this 28th day of May 2019, before me, a Notary Public in and for the State of Iowa, personally appeared John Pluth, who is personally known, who, being by me duly sworn, did say that he is the Chairperson of the Emmet County Board of Supervisors executing the foregoing instrument; that the instrument was signed on behalf of Emmet County by authority of its Board of Supervisors; that John Pluth acknowledged the execution of the instrument to be the voluntary act and deed of Emmet County by it voluntarily executed.

Dated this 28<sup>th</sup> day of May 2019.

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John Pluth, Board Chairperson

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Notary Public in and for the State of Iowa

On this 28<sup>th</sup> day of May 2019, before me, a Notary Public in and for the State of Iowa, personally appeared Amy M. Sathoff, who is personally known who, being by me duly sworn, did say that (s)he is the Emmet County Auditor and that (s)he was attesting to the foregoing instrument and that this was her voluntary act.

Dated this 28th day of May 2019.

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Amy M. Sathoff, Emmet County Auditor

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Notary Public in and for the State of Iowa

Sheriff Martens shared storage issues that his department is facing. He also discussed Sheriff Sale and forfeiture procedures.

Motion by Schumacher, second by Glasnapp to approve joint drainage claim for Joint Drainage Ditch ECD#61 Branch 147 for cleanout in the amount of \$170.00, payable to Sam Wedeking Excavating, Inc. All ayes, motion carried. Quastad requested that we ask Dickinson County to attach work orders to the joint claims. The bill will be sent back to control county, Dickinson, for payment.

The Supervisors discussed various meetings they will be attending or have recently attended.

Auditor Amy M. Sathoff shared with the Board that ECD 61 notices are going to out today to Emmet County Landowners today and the notice will be in the Estherville News on Thursday.

Motion by Hash, second by Schumacher to adjourn the meeting at 10:30 a.m. All ayes, motion carried.

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Amy M. Sathoff  
Emmet County Auditor & Commissioner of Elections

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John Pluth,  
Chairman