

Unapproved Minutes Emmet County Board of Supervisor Minutes

August 8, 2017

Regular Meeting

Board Room, Courthouse

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

Absent:

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

No one spoke during public forum,

Tedd Gassman, State Representative and Dennis Guth, State Senator, came before the Board to discuss the matrix/letter Resolution the Board sent to the Governor and State Legislature. These men had contacted Pluth to see when they could appear before our Board. They stated that they had both received the letter, that citizens requested the Board to send, and were here to hear comments and thoughts about their concern of the matrix.

Quastad stated that, in his opinion, the matrix needs be looked at and it needs to implement positive and negatives points when scoring the matrix. Another concern for Quastad, is that you can build two smaller facilities next to one another with different ownership and not have to meet the matrix. Pluth stated that he believes producers should have to score the entire matrix.

Jeff Lausen applauded the Board for writing the letter/Resolution. He believes that something needs to be built into the master matrix with further setback requirements, talking to neighbors and giving the Board more input, control, and authority as to how things proceed. Juhl asked the question, does the State pay any attention anyway? Gassman stated to get enough people getting or thinking on the same line is quite difficult. Guth and Gassman stated that anything they get they pay attention to and take it to leadership further up the chain of command. They spend several weeks going over issues, with 100 or so different views from their people.

Alan Madden stated that the length of time the matrix has been in use, calls for some re-regulation after this many years. He also stated that there is no one to enforce it anymore; speaking of the DNR once the building is constructed. He stated that this Board has a position of responsibility with no control. It is going to take some leadership and courage and encouraged the State to look at, it is a problem. They stink, do something about it and regulate it. He believes the problem is solvable if owners are forced into it. Somewhere, this problem has to be dealt with and it is not as simple as some believe. The most noticeable problem is the smell we are dealing with.

Juhl reiterated that the DNR does not have enough people to come out and enforce the conditions on these problems. Gassman asked if the stink problem was solved, would that solve part of the problem. That would be the first step people agreed. Madden stated when you start concentrating the facilities as we have now, we have a problem. Guth believes there are some things that can be done as he has heard in other facilities. Chuck Gardner stated that these are things that cost money; they do not even consider them. Gardner stated that he can tolerate a hog house with a neighbor running it himself, but those corporations who do not even live here; I have a problem with that.

Juhl stated that she believes there cannot be 99 different set of rules. Madden stated to our Representative and Senator to give the Board three choices and then the Board would decide with what degree they want to proceed with. Daryl Madison stated that the value of individuals' property is a real concern. Jim Fischer's concern is with the ground water in this State. Gary Stepanek, stated that New Fashion Pork is buying land and pattern tiling all of this farmland and this water is using the County's drainage tiles. Madison, stated that in Minnesota some buildings being built are qualified under research. Guth stated that we have some research in Iowa also. Gardner stated that there is a tax break for some of this, which he does not understand, they are not contributing near their share, still using roads, etc.

Paul Enerson stated that back in the 30's, the Packers and Stockyards Act was applied, why is this not being enforced? A citizen asked is that law off the books. Rich Meyer, drainage attorney, said it is a federal statute. Gassman stated that he knows of no Packer that owns the land. It was then stated by an individual that some of these landowners are Packers and own or are involved with building Packing Plants.

Gardner stated that it is a powerful smell. Schumacher stated that we need some regulations on this at the State level for these counties' concerns with hog confinements. Gardner stated that septic tanks are so regulated at this time, but a hog confinement can spill and discharge their manure, which is far worse than a septic system discharge.

At 9:30 a.m., the Board held a public meeting with landowners from drainage district #40 concerning possible reclassification of the drainage ditch #40. Rick Hopper, Engineer, and Derek Behrens, Engineering Technician/Field Assistant, from Jacobson &

Westergard and Rich Meyer, Drainage Attorney, plus numerous landowners were present for the public meeting. Hopper started the meeting explaining reclassification to those present. This public meeting was called in a response to a Petition to reclassify the district by a landowner that was then presented to the Board. The Petition did not ask for any repairs. Hopper went on to say that some of these drainage ditches were established in the 1900's and are still following those original assessments assigned. By reclassifying the district, it is a reevaluation of benefits in each part of the district. He stated that in the Drainage Code, the laws on reclassification are explicit. He went on to explain that in a reclassification, you appoint three Commissioners. Those being, a Civil Engineer, and two landowners in the County that do not own land in the drainage district. In the early days, he stated that people were hammered hard that lived and owned land that lied near the open ditch. He stated that the character and the use of land has really changed over the years and some districts are over 100 years old now.

Hopper stated that we use soil types as our basic starting point. He stated that the average cost of reclassification would be around \$2 per acre with a maximum of \$3 per acre. By reclassifying, it breaks out the laterals. Then, if work is done on these laterals, it would be separated out and only those that own land around the lateral would pay for the work done, not the entire district. Pluth stated that some of these laterals in the original classifications were not separated out and Hopper agreed. Hopper again stated that once tile gets away from the main ditch, only those who are in that area would pay.

Hopper told those in attendance, think of all the pattern tiling that has been done on the land and the tiling of the side hills. He said reclassification would level the costs across the district. He stated that the Code is just basic and every Engineer does reclassification a little differently.

Meyer spoke of the new technology being used today, that being LIDAR technology. It shows elevations throughout the entire county and the calculation software determines the watershed. It was done around 10 years ago with laser readings of the land and is now available to Surveyors and Engineers. Behrens stated that with the new technology, it reduces the human error and will not miss lands now.

The reclassification costs would be assessed on the new reclassification schedule. Hopper stated that there could be possible annexation of other lands if these lands fall within the watershed of the district they are reclassifying. Madden asked if districts adjoining 40 that may be affected by this reclassification, if it would be to their benefit to reclassify those now? Hopper stated that yes it would be more economical. Shumacher then asked the question of where it would end, going from one district to another. Hopper stated it ends where the watershed stops and that is usually not very far. He stated that the reclassification would be done during the winter months.

Quastad asked for a show of hand in favor of the reclassification and a show of hands against the reclassification. Most were in favor of the reclassification. As stated above, the average cost will be \$2-3 acre, some may pay \$1 and some may pay \$4-5 per acre. Drainage Attorney, Meyer, will compile a Resolution to reclassify the district and possibly present to the Board at next week's meeting for approval.

It was moved by Pluth, seconded by Schumacher, to approve the claims for the County as listed in the claims register. All ayes, motion carried.

It was moved by Schumacher, seconded by Quastad, to approve the drainage claims as listed. All ayes, motion carried.

The Board reviewed and Chair signed the joint drainage claim for ECD#61 for \$69,947.93 for payment #6 for Cory Juergens Construction LLC and another claim for \$8,488.80 to Jacobson-Westergard & Associates for services. It was moved by Pluth, seconded by Quastad, to sign the joint assessment and return to control County, Dickinson, for payment. All ayes, motion carried.

The Board reviewed the Manure Management Plans (MMP) Nutrient Management Plan for Andrew Gerhardt, operation name Gerhardt Armstrong, located in the NE ¼ of the NE ¼ of S-16,T-100, R-31 of Iowa Lake Township; Mark Neppel, Facility name Neppel Finisher in the SE ¼ of the SE ¼ of S-11,T-99, R-32 of Swan Lake Township; Mark Neppel, E-Hawk One Finisher in the SE ¼ of the SW ¼ of S-12-99-32 of Swan Lake Township; Roger Tirevold, Facility name, Roger Tirevold Site 1, Facility ID#61252 at 1050 560<sup>th</sup> Ave, Armstrong, IA; and Roger Tirevold, Facility name Roger Tirevold, Site 2, Facility ID# 59016 at 1197 560<sup>th</sup> Ave, Armstrong, IA.

A motion was made by Quastad, seconded by Hash, to adjourn the meeting at 10:55 a.m. All ayes, motion carried.

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Colleen Anderson, Assistant to the Auditor

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Bev Juhl, Chair