

Unapproved Minutes Emmet County Board of Supervisor Minutes

October 8, 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. All in attendance recited the Pledge of Allegiance. It was moved by Quastad, seconded by Hash, to approve the minutes from last week's meeting, also approving them for publication. All ayes, motion carried.

During public forum, Schumacher informed other Board members that he had attended a Chief Elected Officer's training for the Iowa Workforce and discussed the changes that may be coming forward. There will be another meeting on the last Thursday of this month at Storm Lake for the Iowa Workforce.

Hash stated that he had received a call from Toby Polkinghorne, Chief Operating Officer from Central Bi-Products, stating that they will no longer be picking up dead animals from hog confinements starting on November 1, 2019. Polkinghorne and Smokey Joe Stover from Central Bi-Products were at the meeting.

The Nuisance Ordinance was again discussed with the Board and Melanie Bauler, County Attorney. Several people from the public were also present. The Board talked about the exemptions in the proposed ordinance. Supervisors talked about a property in question at last week's meeting and do not want get into a neighbor's feud. Pluth said this ordinance could open up a big can of worms and cause the County many problems. Quastad stated I have no problem with the first statement in the first paragraph. Bauler stated that the complainant would have to prove that this affects his health, safety and welfare. Bauler stated we need to make a vote of whether you want to approve it or not and then move on.

Doug Hansen, an area farmer, stated he agrees with the first paragraph, but when you go past the first paragraph you get to the point of judging people and he believes you are opening up a can of worms and you as a Board are going to have a mess on your hands. Hansen asked what defines a nuisance and what defines Agriculture.

Chuck Gardner also spoke about the ordinance. He admitted and agreed that no junk should be in the right-of-way's, but feels you have bought your property and you should, within reason, be able to do what you want to do with your property.

When safety is concerned, it is viable, per Mike Rezac. He also agrees with the first paragraph of the ordinance only. Schumacher stated that many of the things that are written in this ordinance are already within the Iowa Code.

Polkinghorne stated that with the appointing of people to take the complaints, you could get into a position that they could cause harassment to a person.

Bauler stated I will revise the ordinance how you as Board want it, once you all agree.

Pluth stated without further comments, we need to entertain a motion to pass the ordinance as it is or pass it with the first paragraph only. Schumacher has suggested that maybe we should build a committee with at least two Board Members and a couple people from the County and decide what would work and what does not work. Schumacher stated that maybe by having a local nuisance ordinance; it gives us a more local approach to a problem, without going through the court system.

The Board decided that they would form a committee to review the nuisance ordinance. Quastad, along with members from the public, Chuck Gardner and Doug Hansen have volunteered to be on this committee. Pluth stated that we need to take our time with this and not hurry.

Walter Davis-Oeth, Emmet County Engineer, presented the following utility permit: from Iowa Lakes Regional Water for a 1 ½" waterline, for boring underneath road, to provide service to a cattle lot in Sections 17 and 20 of Emmet Township. It was moved by Quastad, seconded by Glasnapp, at the recommendation of the Engineer, to approve the utility permit. All ayes, motion carried.

Davis-Oeth, brought before the Board the 28E Agreement for snow plowing with the City of Dolliver at an hourly rate of \$110, the same as last year. It was moved by Schumacher, seconded by Hash, to approve this 28E Agreement with the City of Dolliver. All ayes, motion carried.

Davis-Oeth reported to the Board concerning various roads' projects. Today grinding is being done on the Nepl Hill Bridge; this will only be a one-day job. They are working on a private tile crossing on A-20, looking at a one-day closure for the road. Secondary roads will be crushing at the Adkins Pit in mid to end of October. He stated that they still have a couple of maintenance projects to do those being pipe lining on N32 and asphalt leveler plans this year.

The Board agreed to do dust control in front of the houses on the A-13 road south of Tuttle Lake, due to a complaint of dust from a concerned citizen of the county that lives on this road.

Engineer stated he was been working with J-Craft concerning the plows and the pups. He stated they might see if they can get the plows switched out to the 48" plows that they thought they were getting; the 42" plows are just too narrow. As for the pup trailers, they are still looking into that.

It was moved by Quastad, seconded by Hash, to go into closed session pursuant to Iowa Code 21.5 (j). Roll call vote was taken. Ayes: Schumacher, Hash, Quastad, Glasnapp and Pluth. Nays: none. Motion carried. Meeting moved into closed session.

It was moved by Schumacher, seconded by Quastad, to move the meeting out of closed session. All ayes, motion carried. The meeting moved out of closed session. No action was taken from the closed session.

Mike Martens, Emmet County Sheriff, came before the Board with the bids for a new building to be located on the Emmet County's Public Health property. Martens stated he has met with Barb Mack who is the City of Estherville's Zoning Administrator. He stated that the building will be 50' x 128'. This is the largest size that can be placed on this location. One hundred twenty-eight feet (128') is the nominal length per the builder.

Martens has gone over the proposed building with Travis Sheridan, Emergency Management Director and Kathy Preston, Public Health Nurse, and they are both on board with the proposed building. The height of the building will be 16' with a pitched roof. Quastad shared a snow piling concern.

Pluth asked if the City is on board with the metal building. The property is zoned industrial by the City. Martens will go to the Planning and Zoning meeting at the City tonight at 5:15 and with approval from them, next week, he would go before the Board of Adjustment at the City. This all depends on what happens at the Board meeting today Martens said.

Martens stated he has reached out to three contractors:
Cleary Buildings, from Humboldt; \$212,788 this does not include electrical.
Morton Buildings from Spencer for \$221,845, does not include cement or electrical
EPS from Graettinger for \$192,471, without electrical.

Martens took the low price of \$192,471 and added a few additions. He wanted 3-12' floor drains, adding an additional \$2500. Electrical for the building would cost approximately \$14,000; excavation would be \$4,000 and the Security System \$4,000 (they can tie in with public health's security system per Heartland), which would bring the price up to \$216,971.

There are also a few additional things Martens would like. He plans to infrared heat one bay, which would be approximately \$4,028, and put a water hydrant in one bay, which falls under a miscellaneous amount of \$4,000, for grand total of approximately \$224,999.00. He does not intend to continuously heat this building, but would like to have it available in this building, in case we would need it.

The Board has budgeted \$200,000 of L.O.S.S.T. (Local Option Sales and Service Tax) funds for FY 20. Any more than this amount would require a budget amendment.

Schumacher made a motion to move forward with this project using \$200,000 from L.O.S.S.T. funds, seconded by Glasnapp. All ayes, motion carried. The additional \$25,000 will be approved at next week's meeting using L.O.S.S.T. funds and amending the budget for FY20.

It was moved by Quastad, seconded by Glasnapp, to approve the EPS bid for \$192,471 for the new building to be located on the County's property, where Emmet County Public Health is located. All ayes, motion carried.

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

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

The Board received a joint claim form from Dickinson County for joint drainage district ECD#61 BR #61 (Emmet, Clay and Dickinson) for \$228.00 for September Engineering Services for drainage district #61 Branch#61 cleanout. It was moved by Quastad, seconded by Hash, to have Board Chair sign the joint claim and return to control county, Dickinson, for payment. All ayes, motion carried.

The Board also received a claim from Jacobson-Westergard for joint drainage district ED#3 (Emmet Dickinson) for \$4,999.10 for Engineering for the improvement to drainage district ED#3. Emmet County is the control County for this drainage district. It was moved by Schumacher, seconded by Glasnapp, to approve this claim and pay by stamped warrant once joint county, Dickinson has approved. All ayes, motion carried.

The Board reviewed the Manure Management Plans for:

Jack Creek Livestock LLC	Owner, Dennis Olson	Facility #68438
Jeff Ulrich	Owner, Jeff Ulrich	Facility# 57876
PI293 Finisher	Owner, Prestage Farms of Iowa LLC	Facility #65480
SLP	Owner, Scott Park	Facility # 64057
Denmark 24	Summit Pork II, LLP	Facility# 70513
Olson, Andy	Andy Olson	Facility #59781
Farm 182	Dustin Tirevold	Facility #64087

Also received from Iowa Environmental Services Manager was a page that we were missing a RUSLE2 for Jeff Ulrich's MMP Facility ID 57876 that was submitted last month.

A motion was made by Glasnapp, seconded by Quastad, to adjourn the meeting at 11:45 a.m. All ayes, motion carried.

Colleen Anderson
Clerk to Board of Supervisors

John Pluth,
Chairman