

Approved Minutes Emmet County Board of Supervisors

November 14, 2018

Regular Meeting 2:00 p.m.

Board Room, Courthouse

Present: Bev Juhl, Chair
Jeff Quastad
Roger Hash

Absent: Tim Schumacher
John Pluth, Vice-Chair

Juhl, Chair, called the meeting to order with Schumacher and Pluth absent.

Amy M. Sathoff, Emmet County Auditor & Commissioner of Elections, presented the Post-Election Audit Report & County Auditor Election Certification to the Board. Sathoff stated that this is a new step implemented by the Secretary of State's Office and Iowa Election Laws, to insure the security and accuracy of each County's election equipment. This new law became effective for the General Election of 2018. The Secretary of State's office randomly chose a precinct from each county the day after the election. Emmet County's precinct to be audited was the absentee precinct. The Auditor could either choose ½ of the total absentee ballots or an amount up to 2,000. Sathoff choose to do ½ of the ballots. They only had to audit the Governor's race. They ran ½ of the total absentees through the voting equipment and then hand counted 622 ballots. The audit report for the absentee precinct came out perfect. The Board reviewed the audit report and election certification.

At 2:20 p.m., the Board canvassed the General Election results held on November 6, 2018. It was moved by Quastad, seconded by Hash, to approve the results as recorded by the official election media and as listed in the canvass book. All ayes, motion carried.

The Board drew names for the vacant township offices. The offices on the General Election Ballot for Emmet County that were vacant were:

<u>Iowa Lake Township Trustee</u>	name selected was Bryon Nelsen
<u>Armstrong Grove Township Clerk</u>	name selected was Jennifer (Jenny) Welbig
<u>Emmet Township Trustee</u>	name selected was Mark Guge

each of these names selected received write-in votes for these positions. The Board sent letters to each of the above individuals to see if they would consider accepting the position and gave them the date of December 3, 2018, to accept or decline the position.

Emmet County's winners from the General Election were:

Board of Supervisors:	John Pluth and Jeff Quastad
Treasurer	Brenda Moore
Recorder	Diann Quastad Minion
County Attorney	Melanie Summers Bauler
Soil & Water Conservation Dist. Comm.	Arden Kinnander and Don Valen
Soil & Water Conservation Dist Comm. /To Fill Vacancy	Joan Eveleth
Co. Agricultural Extension Council Member	Crystal Clabaugh, Nancy Rosburg, Todd Eisenbacher Greig Deim and Beth Wycoff

Vickie K. Jurrens, Emmet County Treasurer and Brenda Moore Treasurer Elect, came before the Board to ask for permission to hire two additional persons for the Treasurer's Office. Jurrens is retiring December 31, 2018 and Moore was elected in the recent General Election to take over as Treasurer. She will start her new position on January 2, 2019. They are asking for a replacement for Moore to possibly cross-train before Moore takes over as Treasurer and also asking for permission to hire a replacement for the driver examiner, Joel Jurrens will be retiring as of January 2. This driver examiner job has been averaging 6-8 hours a month, right now doing two afternoons a week. Emmet County Treasurer's Office D.O.T station does not do any CDL's or motorcycle drives. It was moved by Hash, seconded by Quastad to approve the Treasurer's request of hiring two replacements in the Treasurer's office. All ayes, motion carried.

Roy Gage came before the Board to discuss odor issues. Some members of the community have formed a group called the Emmet County Citizens Advocacy Group, Inc., Vice-President, Randy Colsrud, and another member Mark Mitchell were present. Gage took the floor, stating that he first looked into this 10 years ago and read up on everything. There are 8 or 9 standards in the zoning book. One is the obnoxious odor issues. He went on to read that standard from the zoning book copy that he had. When Gage read that rule, he stated to the Board that the rule sounds so right and applies to our issue. I have never gotten an explanation of why that rule is not being applied. Gage went on to say can someone tell me the action that is being taken or what rule the County is enforcing against Central Bi-Products.

Melanie Summers-Bauler, Emmet County Attorney elect said I have not read the copy of the suit that was filed. Current County Attorney, Doug Hansen is out of the office today, so I cannot answer that question, because I have not read the entire suit. Gage then asked why is the obnoxious odor rule not enforced. I would like to hear officially, what prevents the County from enforcing that rule.

Summers-Bauler stated she would have to discuss it further with Hansen. Gage has heard that the zoning rule does not apply to them (Central Bi-Products) because of the conditional use permit that they have. Gage says he has talked with an Attorney for an opinion and he stated this Attorney told him that just, because they have a conditional use permit that does not allow them to not comply with this zoning standard. Gage then asked who wrote the conditional use permit. Juhl stated that she is not quite sure who wrote it, but Larry Sundall was the zoning administrator at that time.

Summers-Bauler stated that settlements are always confidential and we cannot comment on this. Gage stated that as you work out this agreement the Board needs to have control of it. We do not want another summer like this past summer. You are negotiating for all of us now. Gage asked would the Board put out a comment period, so the community can look at this and inspect it before a vote is taken on the settlement. Summer-Bauler, stated the public would not be able to vote on the settlement or look at it before voted on. Summers-Bauler again reiterated that you have to trust your Board and that the public will not see any kind of settlement before it is voted on or settled.

Colsrud asked questions about the conditional use permit. Summers-Bauler stated that they did have a public hearing on the original conditional use permit.

Mike Tidemann has contacted the DNR. The meeting in 2006 when Larry Sundall, was zoning administrator, Tidemann was asking aren't these odors against the grain of the conditional use permit.

Juhl stated to Gage that maybe when Attorney Doug Hansen comes back, that maybe you could meet with the Board again. Summers-Bauler stated that Hansen will inform her of the rest of the specifics of this situation of the litigation.

The Board reviewed the Manure Management Plans (MMP) for Owner, Jeff Anderson, Facility J.A.N.S. Farms Inc Site #1, Facility ID #60020. Board also reviewed the First Supplement to Construction Permit CP-A2018-182, Facility ID #70491 Jack Creek 17 site, owner Summit Pork II LLPM received from the DNR.

It was moved by Quastad, seconded by Hash, to adjourn the meeting at 3:10 p.m. All ayes, motion carried.

Colleen Anderson, Assistant to the Auditor

Bev Juhl, Chair