

Unapproved Minutes Emmet County Board of Supervisor Minutes
October 12, 2021 at 9:00 a.m.
Regular Meeting
Board Room, Courthouse

Present: Jeff Quastad, Chair
Tim Schumacher, Vice-Chair
John Pluth
Todd Glasnapp
Lisa K. Hansen

Absent:

Meeting ID: 850 7159 1138

Passcode: 376213

One tap mobile

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Quastad, Chair, called the meeting to order. All in attendance recited the Pledge of Allegiance. Motion by Pluth, second by Hansen to approve the minutes from September 28, 2021 and the Joint meeting on October 5, 2021, also approving them for publication. All ayes, motion carried.

During public forum, Emmet County Auditor, Amy M. Sathoff reported that Early Voting will begin tomorrow for the November 2, 2021 Combined City/School Election. Voters may cast their vote Monday thru Friday from 8:00 am to 4:30 pm in the Auditor's Office.

Quastad reported that there is a HAZMAT meeting tomorrow in Mason City.

Glasnapp reported on yesterday's Safety Meeting.

Mike Jensen and Richard McKean joined the meeting to discuss the Department of Natural Resources (DNR) plans for Swan Lake. Supervisor Quastad shared that the DNR will be getting Emmet County a letter stating that the DNR will be performing a survey of the drainage ditch before and after the project and that the DNR will fix the ditch if the project affects the Drainage Ditch.

Jensen shared that the landowners are fine with how the lake is currently and shared pictures of the lake.

No Public Meeting has been set at this time and no letter from the DNR has been received to date.

Jensen believes that the DNR owes Emmet County an Environmental Impact Study on the project and does not feel the DNR should proceed with the project.

Emmet County Engineer, Walter Davis-Oeth joined the meeting and reported that he had a productive meeting with the Union Pacific (UP) railroad and is waiting to see what comes from the meeting. The UP did say that they planned to repair the Christensen Crossing yet this year.

The reason inactive crossings can't be covered is that they would have to be abandoned first. The UP is not willing to abandon inactive rails or crossings at this time.

Supervisor Schumacher called Kossuth Supervisor Stecker to listen to the Bid Letting on the Tri84 project. Palo Alto and Kossuth County Supervisors were on the call along with Bolton & Menk. It is Bolton & Menk's recommendation to accept the low bid from Reutzel Excavating in the amount of \$124,379.00. Motion by Supervisor Stecker (Kossuth), second by Supervisor Solberg (Palo Alto) to accept the low bid of \$124,379.00 from Reutzel Excavating. All ayes from Kossuth and Palo Alto. Emmet will acknowledge at next week's meeting.

Motion by Schumacher, second by Hansen to approve the monthly claims as listed below. All ayes, motion carried.

Motion by Pluth, second by Schumacher to approve the drainage claims as presented. All ayes, motion carried.

Auditor, Amy M. Sathoff presented the Business Property Tax Credit Applications for approval. Motion by Pluth, second by Glasnapp to approve the applications as presented. All ayes, motion carried.

Motion by Glasnapp, second by Schumacher to disallow those applications as presented for the Business Property Tax Credits. All ayes, motion carried.

Emmet County Attorney, Melanie Summers Bauler joined the meeting to discuss the current Opioid Litigation and ask the Board to designate a person to vote and sign on behalf of Emmet County. Terms of the settlement are not available at this time. Motion by Schumacher, second by Hansen to appoint Summers Bauler as the authorized signatory for Emmet County. All ayes, motion carried.

Motion by Pluth, second by Glasnapp to approve the following drainage claim and pay by stamped warrant upon approval from Dickinson County:

District	Vendor	Description	Amount
ED 3	Ringsted Dispatch	Publications	\$81.47

All ayes, motion carried.

Motion by Glasnapp, second by Hansen to approve the following drainage claim and pay by stamped warrant upon approval from Dickinson County:

District	Vendor	Description	Amount
ED 3	Estherville News	Publications	\$184.14

All ayes, motion carried.

The Board discussed the ED 3 Annexation and Reclassification.

At 11:02 a.m. the Dickinson County Board of Supervisors joined the meeting telephonically via Zoom along with Rick Hopper of Jacobson Westergard and Chairman Quastad opened the Public Hearing on the Amended Annexation of Lands for Joint Drainage District ED#3. Emmet County Auditor, Amy M. Sathoff and a member of the media were present in Emmet County.

Dickinson County Board Members in attendance were William Leupold, Steve Clark, Tim Fairchild, Kim Wermersen and Jeffrey Thee. Jordan Moyer from the Dickinson County Auditor's Office along with the Dickinson County Attorney was also on the call. The Dickinson County Engineer, Dickinson County Assistant Engineer and two members of the media were also on the Zoom.

Drainage Attorney, James Hudson also joined the meeting via Zoom.

Rick Hopper of Jacobson Westergard addressed the Boards regarding their differences in opinion on the original annexation and the amended annexation reports.

Dickinson County agrees with the original Annexation and Emmet County disagrees with the original Annexation.

Drainage Attorney, James Hudson said that if no water leaves the lake than it should not be annexed but if it water does leave the lake than it should be included with the annexation.

Supervisor Pluth asked if a precedent would be set and James Hudson said there is no precedent in drainage.

Hopper's Professional opinion is that the lake should be included in the annexation and believes that there is a material benefit to the District.

The Boards discussed their differences on the annexation issue.

No written comments or complaints were received by the Dickinson or Emmet County Auditor's offices.

Motion by Pluth (Emmet), second by Fairchild (Dickinson) to close the public hearing. Ayes: All. Nays: None. Motion carried.

Motion by Pluth (Emmet), second by Glasnapp (Emmet) to exclude DD115 and the Lake from the ED#3 Annexation. Roll Call Vote: Ayes: Schumacher, Hansen, Quastad, Glasnapp and Pluth (Emmet) and Leupold, Clark (Dickinson). Nays: Fairchild, Wermersen and Thee (Dickinson). Motion carried.

At 12:01 p.m. the Joint Boards opened the Public Hearing on the Reclassification of Joint Drainage District ED#3.

No written comments or complaints were received by the Dickinson or Emmet County Auditor's offices.

Motion by Schumacher (Emmet), second by Hansen (Emmet) to close the public hearing. Roll Call Vote: Ayes: All. Nays: None. Motion carried.

Motion by Glasnapp (Emmet), second by Pluth (Emmet) to approve the Amended Reclassification of ED#3 as presented by Jacobson Westergard in the report dated August 2021 excluding the annexation of DD115 and the lake. All ayes, motion carried.

Motion by Schumacher, second by Pluth to approve the following drainage claims and pay by stamped warrants upon approval from Dickinson County:

District	Vendor	Description	Amount
ED 3	Jacobson Westergard	Professional Services	\$5,066.85
ED 3	Jacobson Westergard	Professional Services	\$ 520.00

Ayes: Glasnapp, Schumacher, Hansen and Pluth. Nays: Quastad. Motion carried.

The Board reviewed the following Manure Management Plans:

Owner	Facility	Facility ID#
Dennis Olson	Jack Creek Livestock LLC	#68438
Prestage Farms of Iowa LLC	PI 293 Finisher	#65480

Motion by Hansen, second by Schumacher to adjourn the meeting at 12:20 p.m. All ayes, motion carried.

Amy M. Sathoff
Auditor

Jeff Quastad
Chair