RESOLUTION 25-33

A RESOLUTION OF THE EMMET COUNTY BOARD OF SUPERVISORS ACKNOWLEDGING FULFILLMENT OF THE JACK CREEK SEDIMENT REMOVAL AGREEMENT BY THE STATE OF IOWA

WHEREAS, the Iowa Department of Natural Resources ("DNR") sent a letter to the Emmet County Board of Supervisors on August 22, 2022 regarding mitigation measures in Joint Drainage District 17 (the "District") related to the 2022 lake renovation project at West Swan Lake; and,

WHEREAS, in the letter Iowa DNR proposed to "address the removal of the sediment at its own expense," a proposal that was discussed and updated during a meeting of the Emmet County Board of Supervisors and the Iowa DNR on August 5, 2025 in Estherville, Iowa; and

WHEREAS, as part of this proposal, the Iowa DNR agreed with removing sediment from the Jack Creek drainage ditch; and,

WHEREAS, to assist with this sediment removal, the Iowa DNR has proposed to provide a payment of three thousand ($3000.00) to the District, with said funds to be used by the District for a future sediment removal of Jack Creek. In addition, the Iowa DNR has proposed to perform sediment removal in the portion of the District from the West Swan Lake dam to 190th Street, including check dams and silt curtain; and,

WHEREAS, the Emmet County Board of Supervisors and the District agree that this payment and sediment removal from the West Swan Lake dam to 190th Street constitute a full and final settlement of the Iowa DNR's obligation under the aforementioned agreement; and,

WHEREAS, all parties wish to formally document the fulfillment of this obligation and release the Iowa DNR from any further liability regarding this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE EMMET COUNTY BOARD OF SUPERVISORS:

The Board of Supervisors, on behalf of Emmet County and the District, formally acknowledges and accepts the $3000.00 payment from the Iowa DNR and the sediment removal of the ditch from the West Swan Lake dam to 190th Street as the complete and final fulfillment of the Iowa DNR's obligation related to the Jack Creek drainage ditch sediment removal stemming from the 2022 lake renovation project at West Swan Lake.

The Iowa DNR shall be fully and irrevocably released from any and all past, present, and future obligations, responsibilities, and liabilities associated with the maintenance and cleanout of the Jack Creek drainage ditch associated with this project.

The District shall assume full responsibility for executing the future sediment removal of Jack Creek for which these funds are designated.

This executed Resolution shall be filed with the official Drainage District records and shall serve as permanent documentation that the agreement has been satisfied.

PASSED and APPROVED this 26th day of August, 2025. Emmet County Board of Supervisors

Vote: Hansen-aye or nay

Schumacher-aye or nay

Glasnapp-aye or nay

Pluth-aye or nay

Quastad-aye or nay

Emmet County Supervisor

ATTEST Roxanne Budach

Roxanne Budach, Auditor's Assistant