

Approved Emmet County Board of Supervisor Minutes
April 28, 2026 at 08:30 a.m.
Regular Meeting
Board Room, Courthouse

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

Media: Mike Tidemann, Ed Funston

Emmet County Employees present: Walter Davis-Oeth

Chairperson Hansen, called the meeting to order. All in attendance recited the Pledge of Allegiance. Motion by Pluth, second by Schumacher to approve the board meeting minutes from 4.21.2026, also approving them for publication. All ayes. Motion carried. Motion to approve agenda by Glasnapp, second by Quastad. All Ayes, motion carried.

Committee updates: Hansen-ECNCI; Hansen and Quastad-ECCOG; Hansen, Pluth, Quastad attended April 21 Planning and Zoning Meeting

DRAINAGE-Quastad brought a B and W Weed Spraying Bill for DD40 Branch 8 to split between DD Upper 40 and DD Lower 40.

Public forum: Auditor Goebel stated the first day for absentee voting is May 13th and that will be the first day the West Administrative Building will be open to the public. The Auditor's Office will be moving offices over the next 1 ½ weeks to the West Admin Building.

Motion to appoint Allison Fisher as Emmet County Weed Commissioner by Schumacher, second by Pluth. All ayes. Motion carried. Weed commissioner wage of \$6000 per year paid over six months will be divided equally between Allison Fisher and Dan Burton (weed inspector), starting with May 2026 payroll.

Tammy Stine's zoning stipend was to stop March 2026. Motion to continue the zoning stipend for Tammy Stine by Glasnapp, second by Quastad. All ayes. Motion carried.

Quastad, Hansen and Pluth attended the Planning and Zoning Committee Meeting on April 21st. They shared what was discussed and decided at the Planning and Zoning meeting in regards to the need to repeal Ordinance No. 2023-01 (An Ordinance Amending Various Sections of the 2013 Emmet County Zoning Ordinance for the Purpose of Regulating and Restricting the Use of Land for the Transport of Hazardous Liquid Through a Hazardous Liquid Pipeline). Quastad recapped the decision that the district court made: there is not local control to adopt this type of ordinance at the county level. Motion to move forward with the proposition of the repeal by Quastad, second by Pluth. Roll call vote: Schumacher-aye; Glasnapp-aye; Pluth-aye; Quastad-aye; Hansen-aye. Motion adopted.

Motion to adopt Resolution 26-16 Fixing the Date for a Public Hearing May 12 at 9:00 a.m. by Quastad, second by Schumacher. Roll call vote: Schumacher-aye; Glasnapp-aye; Pluth-aye; Quastad-aye; Hansen-aye. Resolution adopted.

RESOLUTION 26-16 FIXING THE DATE FOR A PUBLIC HEARING ON THE PROPOSITION TO REPEAL ORDINANCE NO. 2023-01 (AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE 2013 EMMET COUNTY ZONING ORDINANCE FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE), AND PROVIDING FOR THE PUBLICATION OF NOTICE THEREOF.

WHEREAS, on March 7, 2023, the Emmet County Board of Supervisors enacted Emmet County Ordinance No. 2023-01, An Ordinance Amending Various Sections of the 2013 Emmet County Zoning Ordinance for the Purpose of Regulating and Restricting the Use of Land for the Transport of Hazardous Liquid through a Hazardous Liquid Pipeline; and

WHEREAS, various other Iowa counties enacted their own ordinances regulating hazardous liquid pipelines in or around this same time, including Shelby County, Iowa, and Story County, Iowa; and

WHEREAS, a company endeavoring to install a hazardous liquid pipeline within Emmet County challenged Emmet County's Ordinance No. 2023-01 in U.S. District Court for the Northern District of Iowa, by filing a lawsuit against the County, the Board of Supervisors, and the Supervisors in their official capacities; and

WHEREAS, at the time, ordinances enacted by Shelby County, Iowa, and Story County, Iowa, were already being challenged on similar grounds in separate legal actions brought before the U.S. District Court for the Southern District of Iowa; and

WHEREAS, the case against Emmet County in federal court for the Northern District of Iowa was stayed (paused) pending the outcome of the similar cases pending in federal court for the Southern District of Iowa; and

WHEREAS, the U.S. District Court for the Southern District of Iowa heard the two cases challenging Shelby and Story Counties' ordinances together and found the ordinances were both preempted by either federal law, state law, or both; and

WHEREAS, Shelby County and Story County both sought further review of the District Court's decisions before the United States Court of Appeals for the 8th Circuit; and

WHEREAS, a three-judge panel of the Eighth Circuit Court of Appeals upheld the District Court's finding of federal preemption, but for different reasoning, in *Couser, et al. v. Shelby County, et al.*, Nos. 23-3758 & 23-3760 (June 5, 2025); and

WHEREAS, all appellate options have now been exhausted by Shelby County and Story County; and

WHEREAS, Emmet County's Ordinance No. 2023-01 contains provisions similar or substantially similar to the ordinances held to be preempted in the federal court's ruling; and

WHEREAS, the County recognizes the decision is likely dispositive as to any outstanding questions on the validity and legality of its own Ordinance No. 2023-01, and, as a result and in the interests of good governance, now wishes to repeal Ordinance No. 2023-01; and

WHEREAS, on April 21, 2026, the Planning and Zoning Commission met and held a public hearing on the proposal to repeal Ordinance No. 2023-01; and

WHEREAS, on the Planning and Zoning Commission has reviewed and recommended approval of the proposed repeal of Ordinance No. 2023-01; and

WHEREAS, Iowa Code chapter 335 requires notice of the time and place of a public hearing on the proposal to repeal the County's Ordinance No. 2023-01, a zoning ordinance, to be published as provided in section 331.305.

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

1. That this Board shall meet in the Supervisors Room, Emmet County Courthouse, 609 1st Avenue North, Estherville, IA 51334, at 9:00 A.M., on May 12, 2026, for the purpose of hearing public comment on and for considering and voting on the passage of the proposed amendment.
2. That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meetings, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than four clear days nor more than twenty days before the date of the public meeting on the proposed amendment.
3. That the notice of the proposed action shall be in substantially the following form:

(To be published on May 6 & 7, 2026)

NOTICE OF A PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF EMMET COUNTY, STATE OF IOWA, ON THE PROPOSITION TO REPEAL ORDINANCE NO. 2023-01 (AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE 2013 EMMET COUNTY ZONING ORDINANCE FOR THE PURPOSE OF REGULATING AND RESTRICTING THE USE OF LAND FOR THE TRANSPORT OF HAZARDOUS LIQUID THROUGH A HAZARDOUS LIQUID PIPELINE), FOLLOWING A FINAL COURT ORDER FINDING SUBSTANTIALLY SIMILAR COUNTY ORDINANCES TO BE PREEMPTED BY FEDERAL LAW

PUBLIC NOTICE is hereby given that the Board of Supervisors of Emmet County, State of Iowa, will meet in the Supervisors Room, Emmet County Courthouse, 609 1st Avenue North, Estherville, IA 51334, at 9:00 A.M., on May 12, 2026, for the purpose of hearing public comment on and for considering and voting on the passage of a proposed ordinance repealing Emmet County Ordinance No. 2023-01, An Ordinance Amending Various Sections of the 2013 Emmet County Zoning Ordinance for the Purpose of Regulating and Restricting the Use of Land for the Transport of Hazardous Liquid Through a Hazardous Liquid Pipeline, following a final court ruling finding substantially similar county ordinances to be preempted by federal law.

At the above meeting the Board shall receive oral or written comments or objections from any resident or property owner of the County to the above action. After all comments and objections have been received and considered, the Board will at the meeting or at any adjournment thereof, consider and vote on the passage of the proposed repeal.

This notice is given by order of the Board of Supervisors of Emmet County, State of Iowa, as provided by chapters 335 and 331 of the Code of Iowa.

Dated this 28th day of April, 2026. PASSED AND APPROVED this 28th day of April, 2026.

Lisa Hansen, Board Chairperson

Attest: Heidi Goebel, Auditor

Planning and Zoning meeting recap by the supervisors in attendance at the P and Z meeting about the rezoning denial request from agricultural to light industrial for Eric Olson.

Motion to set the public hearing date of May 12th at 8:50 for the rezoning request from A-1 Agriculture to I-1 Light Industrial from Eric Olson by Glasnapp, second by Pluth. Motion carried.

Motion by Schumacher, second by Glasnapp to adopt Resolution 26-17 Interagency Fund and Secondary Roads Transfer for Fiscal Year 2026. Roll call vote: Schumacher-aye; Glasnapp-aye; Pluth-aye; Quastad-aye; Hansen-aye. Resolution adopted.

RESOLUTION 26-17

Interagency Fund and Secondary Roads Transfer for Fiscal Year 2026

WHEREAS, the following fiscal year 2026 transfers shall occur between Emmet County Funds as follows:

To Secondary Roads from Rural Supplemental Property Taxes: \$1,277,233

Interagency Fund Transfers:

From Non-Departmental to EMPG

From Non-Departmental to HAZMAT

For a total of \$1,375,429

NOW, THEREFORE, BE IT RESOLVED, that the transfers listed are approved by the Board.

Passed and adopted this 28th day of April, 2026. Lisa Hansen, Board Chairperson

Attest: Heidi Goebel, Auditor

Joel Christensen from Christensen Construction discussed courthouse addition landscaping and exterior lettering.

Lettering will be 8-inch Emmet County on the overhang. Landscaping layouts with Joel and use of materials. Quote for landscaping \$15,390.

County Engineer, Walter Davis-Oeth, joined the meeting to present the FY 2027 Secondary Roads Budget of for the Iowa DOT for approval. Motion by Glasnapp, second by Pluth. All ayes. Motion carried.

Motion to adopt Resolution 26-14 Emmet County Five-Year Construction Program for FY 2027 by Quastad, second by Schumacher. Roll call vote: Schumacher-aye; Glasnapp-aye; Pluth-aye; Quastad-aye; Hansen-aye. Resolution adopted.

Full text of the resolution is available in the Emmet County Auditor's Office or online at www.emmetcountya.gov.

Manure Management Plans

Owner	Facility	Site Number
UNI Swine	Gjerde Site #1	#64480
UNI Swine	Gjerde Site #2	#64478
BWT Farms	Farm 267 Origer East	#69230
New Fashion Pork	Farm 255 Morlins North	#68912
New Fashion Pork	NFP Farm 168 Solberg	#63804
New Fashion Pork	Farm 253 Sanderson	#68455
New Fashion Pork	Farm 234 Knutson	#68089
Shane Smith	SMS Swine	#67724
Shane Smith	Hypoint Swine	#70098

Motion to adjourn by Quastad, second by Glasnapp at 10:05 a.m. All ayes. Motion carried.

Lisa Hansen, Chairperson

Heidi Goebel, Auditor