

VILLAGE OF GOEHNER

October 8, 2019

The Village of Goehner Board of Trustees met in open and regular session on October 8, 2019, at the Goehner Fire Hall, as posted in three places in the Village. Chairperson Knisley announced the location of the OPEN MEETINGS ACT POSTER. The meeting was called to order by Chairperson Knisley at 7:30 p.m., at the Goehner Fire Hall. Upon roll call, the following board members were present: Dodson, Wagner and Knisley.

CONSENT AGENDA: Minutes of 9/3/2019; Treasurer's Report; Bills payable to date; Trustee Wagner moved to approve the consent agenda, with second by Dodson. No discussion. RCV: Aye-Trustee Dodson, Wagner and Knisley. Motion carried

DAVID BESSE: Appointment of David Besse to Village Board of Trustees. Wagner made motion to have David Besse fill the position of Trustee vacated by Jesse Meinberg, with a second by Dodson. No discussion. RCV: Aye-Trustee Dodson, Wagner and Knisley. Motion carried

DAVID AND PAT NICHOLAUS: Moved to November agenda.

EBERSPACHER FARM-CATTLE OPERATION EAST OF THE VILLAGE:

- Village Clerk reiterated the attorney's suggestion of: Having an open forum meeting of the Village residents to discuss as a Village on if we want to pursue legal litigation of having Eberspachers cease all updates and improvements on the property until the Village and Eberspachers can reach an agreement of a Special Use permit being filled out. It will be a court order that will have to come before a Judge to issue a cease of improvements and cattle being put on property until an agreement with the Village can be met.
- Chairman Knisley did mention that it will be \$5000 or more to take it to court. With no guarantee's to stop anything.
- Trustee Dodson pointed out with the Judges order to have a special use permit filled out all updates and operations out at the Cattle Farm will be in writing and the Village will have knowledge of what it going on out there because this is in the Village's one mile jurisdiction.
- Question from resident: What is the disagreement between the Eberspachers and the Village
 - Eberspachers do not believe they need a special use permit or to have the Village know what they are doing out there and that the Village has no jurisdiction. Village – zoning that changed in the early 1990's after the Turkey farm went in that with the livestock facility being put in out there that a special use permit will need to be filled out and the Village does have jurisdiction.
- With the special use permit it will have to go before the planning committee and Eberspacher will have to have in writing how many cattle will be at the facility, have engineering plans, and how he will be storing manure. Currently the Village has been given numbers verbally but nothing in writing as far as numbers or how manure will be stored.
- Village Clerk brought up that she did meet with DEQ due to a discrepancy in information that was submitted to the Trustee's by the Eberspachers lawyer. Stating in a line on DEQ form that manure will be stored inside. Checked if that was a DEQ requirement or if that is what was told to them by Eberspacher. Garrett from DEQ said that is what they were

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told that manure would be housed inside. Ever meeting we were told manure would be stored outside until it could be moved to fields. DEQ did say that if manure is housed outside they would need to inspect the facility again because the facility is in a flood plan and would need to make sure manure is stored properly and not have a potential to dissipate into a water way or ditch (which is considered a water way).

- Village resident addressed that if a special use permit is not addressed with this facility will that leave an opening for other's to be able to build facilities within the one mile jurisdiction of the Village.
- Village resident asked what the bottom line is? Take him to court or let him do what he wants. Trustee response was that Eberspacher has told us he can do what he wants and it's up to us to stop him.
- Village resident brought up this is the only time that you can regulate anything that will be going on out there if you don't regulate now then you will lose out on your opportunity.
- After a polling of the residents in attendance majority agreed to go with legal litigation to have a special use permit filled out.

Motion made by Trustee Wagner to pursue legal grounds to file an injunction until further information can be provided to the Village in the form of a special use permit, with second by Trustee Dodson. RCV: Knisley – Nay; Wagner – aye; Dodson – aye. Motion carried

ZONING INSPECTOR: Nothing

TRAFFIC: Still speeding through town.

RECYCLING: Request to contact the recycle company to come out more often to dump the recycling due to the amount of recycling being left outside of the drop boxes.

STREET/WATER/SEWER: Stutzman will be out in another month for the sewer line northeast of town. Two residents have requested water lines to be looked at going to their homes due to low water pressure.

NUISANCE PROPERTY: Certified letter to be sent to resident regarding concrete left on Village roadway.

CLERK REPORT: Clerk requested approval to go to Kearney November 5th for class on grants and funding for new water lines for the Village. Motion by Ostrander to send clerk to class, second by Wagner. No discussion. RCV: Aye-Trustee Ostrander, Dodson, Wagner and Knisley. Motion carried

Motion to adjourn at 8:41 p.m. by Trustee Knisley, seconded by Trustee Wagner.

Janice Nitz
Clerk/Treasurer