

**Drainage Ditch #8, Branch #4 Minutes  
Clay County Board of Supervisor's  
March 5, 2012**

The Clay County Board of Supervisors convened as the Board of Trustees of Drainage District #8, Branch 4 at 10:00 a.m. Members present: Supervisors Brockshus, Chalstrom, Matthews, Skow, and Swanson. Chairperson Brockshus led the meeting in the Pledge of Allegiance. Guests: Don Etler of I & S Kuehl & Payer of Algona, Iowa and Attorney Jim Hudson

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Brockshus, Chalstrom, Matthews, Skow, and Swanson. Nays: none. Abstentions: none.

Motion by Matthews, seconded by Skow to nominate Del Brockshus as Chairperson and Marjorie Pitts, County Auditor as Secretary for this meeting. Motion carried.

**10:00 a.m.** This being the time and place specified in the motion from Clay County Board of Supervisor's Meeting 3 held on January 17, 2012 for the public hearing on proposed repairs, improvements and /or establishment of nutrient removal wetland in Drainage Ditch NO. 8, Branch 4, Clay County, Iowa. The Board determined that proper notice of the public hearing was accomplished. Chairperson Brockshus introduced the Board, Attorney Hudson, and Don Etler to the public hearing attendees. Attorney Hudson began by explaining the process prior to today as well as the purpose of today's hearing. Hudson remarked that the Board of Supervisors can make a decision to accept the engineer's report presented today including the submitted engineer's report amendment. This public hearing can be continued without further notice to landowners in the district. All landowners in the district can still file an objection to the project today until the Board makes a decision. Attorney Hudson explained the objection reason of remonstrance. Remonstrance means if 50% of landowners that own 70% of the land vote to disapprove then the project will go no further. Only landowners that have filed an objection with the County Auditor can appeal to District Court within twenty (20) days after a Board of Supervisor decision.

Don Ether spoke to the hearing attendees summarizing the initial engineer report dated January 16, 2012 and explained the engineer Amendment #1.

**10:40 a.m.** Supervisor Matthews left the meeting.

Chairperson recessed the hearing at 11:30 a.m. for a five (5) minute break.

Chairperson reconvened the hearing at 11:35 a.m.

Attorney Hudson led the reading and discussion of written objections. Hudson reminded the hearing attendees that the Board of Supervisors can move the project forward, modify the project, or have a continuance of the hearing. Written objections were filed by:

Burdette W & Faith Fogelman

Fogelman's Inc.

Dr. Allen D. Harves, Executor, P.O.A., and heir to the Ervin D. Harves Estate

Estel Alexander, Alexander Family Trust

Richard W. Harves, Executor, P.O.A., and heir to the Ervin D. Harves Estate

Roger D. Stumpe, Managing Partner in the Partnership of Ila Mae Hanisch, Roger and Dean Stumpe Farm

Ronald F & Betty A Carlson  
Beverly Heisler  
George Sanderson  
Ann Marie Wight

After discussion and reading of written objections to the proposed repairs, improvements, and/or establishment of nutrients removal wetland, motion by Supervisor Chalstrom, seconded by Supervisor Swanson to continue this public hearing until 2:30 p.m. on Tuesday, April 3, 2012.

Ayes: Brockshus, Chalstrom, Skow, and Swanson. Nays: none. Absent: Matthews. Abstentions: none. Motion carried.

Chairperson Brockshus adjourned the meeting at 12:35 p.m. until Tuesday, April 3, 2012 at 2:30 p.m.

Dated: March 5, 2012

/s/ Marjorie A. Pitts, County Auditor

/s/ Del Brockshus, Chairperson