

DRAINAGE DISTRICT #8 BRANCH #4

Re-Classification Hearing

June 11, 2013

10:00 a.m.

The Board of Supervisors convened as the Board of Trustees for Drainage Ditch #8 Branch 4 at 10:01 a.m., Tuesday, June 11, 2013. Members present: Supervisors Brockshus, Chalstrom, Swanson, and Skow. Absent: Supervisor Matthews. Attendees: Richard Harves, Dickens; Steph Essick, Dickens; Burt & Faith Fogelman, Webb; Ben Greene, Webb; Tim & Nick Smith, Webb; Ivan Droessler, I&S Group, Inc., Storm Lake; Scott Rinehart, Frank Rouse, Jason Hass from Clay County Engineer Office; and Don Etlar, P.E.

Motion by Brockshus, seconded by Swanson to appoint Supervisor Kenneth Chalstrom as Chairperson and Marjorie Pitts, Clay County Auditor as Secretary for this meeting. Motion carried.

This being the time and place for the public hearing on the re-classification of lands in Clay County Drainage District No. 8 Branch 4. The Board determined that notice of the public hearing was published in the Spencer Daily Reporter on May 16, 2013 pursuant to the Iowa Code.

Engineer Don Etlar gave the Board background and updates on the engineering report the classification report. The total cost of the project at \$702,388 with anticipated Iowa Department of Agricultural Land Stewardship (IDALS) reimbursement of \$212,388 leaving an assessment on property owners at \$490,000. The formula for spreading the costs per acre in the district was explained considering the benefit factors illustrated by drainage district maps that had been distributed to the attendees. The average per acre cost equaled \$448.00. Drainage District #2 Attorney James Hudson spoke to the attendees regarding the process to be accomplished during this meeting and the Board of Trustees purpose to accept and approve the assessments on land owners. Land owners must file a written objection for the right to file a case with the District Court within twenty (20) days. One written objection from Richard W. Harves was read aloud by Attorney Hudson. The written objection is as follows: Dated June 10, 2013 addressed to the Clay County Auditor: I am appealing and requesting a review of the proposed drainage assessment on the Ervin D. Harves property listed as the NW ¼ of Section 8, Township 94, Range 35 in Garfield Township totaling 144.01 acres. This property is quite rolling in its topography causing surface water runoff to be as much if not more a problem than subsurface drainage. Soil types are mostly light and permeable as well. Many acres, although in the drainage district, do not require tile. During previous information meetings, the project engineer acknowledged these facts and commented more than once that per acres levies on these higher acres in the district would be less than the project's average. However, this farm has the highest per acre levy of any farm in the district at \$586.31 with the project average at \$449.25. How could the original criteria for determining individual levies change after the project was completed?

Engineer Don Etlar and Board of Trustee members spoke to the objection. After much discussion Trustee Brockshus asked Attorney Hudson what action had to be taken on the written objection? Hudson remarked the Board either sustains, upholds, or rejects the objection. After further discussion Trustee Brockshus made the motion, second by Trustee Skow to acknowledge the Harves written objection but to disapprove or uphold the objection. Motion carried.

After much discussion and many comments, Trustee Skow made a motion, seconded by Trustee Swanson to adopt the revised classification schedule fixing the percentage of actual benefits and

DRAINAGE DISTRICT #8 BRANCH #4

Re-Classification Hearing

June 11, 2013

10:00 a.m.

making an equitable apportionment of the costs and expenses of the repair and improvements required for Drainage Ditch #8 Branch 4. Motion carried.

Attorney Hudson spoke to the question of abandoning the parcels that are in the portion of the prior Drainage District 8 Branch 4 that is no longer served by this district. It was determined that more research was needed regarding functionality before any lands are abandoned. There are also parcels of land that need to be annexed into this district but the owners must be first contacted to be made aware of the process. The public hearing was closed.

Chairperson Supervisor Chalstrom adjourned the drainage meeting at 11:37 a.m.

Dated June 11, 2013

/s/Marjorie A. Pitts, County Auditor

/s/Kenneth Chalstrom, Chairperson