

Drainage District #108 Meeting

Date: May 30, 2018

The Board of Supervisors convened as the Board of Trustees for Drainage District #108 at 10:00 a.m., Wednesday, May 30, 2018. Members present: Trustees Matthews, Skelton, Skow, Swanson, Anderson, and Auditor Marjorie Pitts. Attendees: Attorney Jim Hudson, Engineers Jon Rosengren and Jared Schoelerman, Clay County Drainage Technician Aaron Rutter, and Clay County Real Estate Deputy Kris Toay, Sherman Nielson, Kevin Fahnlander, + Sign in sheet.

Motion by Matthews, second by Skelton to appoint Trustee Anderson as Chairperson and Auditor Pitts as Secretary for this meeting. Motion carried.

**TIME: 10:00 a.m.** Drainage District #108 Annexation Schedule Hearing

This being the time and place for the public hearing on the annexation of benefitted lands not now included in Drainage District #108 consisting of 44.55 acres. The Trustees determined that notice of public hearing was published in the Spencer Daily Report on Thursday, May 3, 2018 pursuant to Iowa Code.

Drainage Attorney Jim Hudson spoke with the attendees explaining definitions and terminology related to the annexation hearing process. IA Code 468.119 states if parcels material benefit from the district repair or improvement the parcels can be annexed. Engineer Rosengren gave the Trustees background and updates on the engineering report from the annexation report.

**Comments / Objections:**

Written objections from: Kevin Fahnlander representing S. Robert and JoAnne E. Fahnlander.

Oral objections from: Kevin Fahnlander objection discussed. Recommendation of reduction may be considered during the reclassification hearing. After discussion and many comments the

Motion by Trustee Skow, second by Trustee Matthews to adopt the annexation of benefitted lands not now included in Drainage District #108 consisting of 44.55 acres. Motion carried .

Chairperson Anderson closed the public hearing at 10:29 a.m.

**TIME: 10:15 a.m.** Drainage District # 108 Reclassification Report Hearing

This being the time and place for the public hearing on the re-classification of lands in Clay County Drainage District # 108 consisting of 1110.44 acres. The Trustees determined that notice of public hearing was published in the Spencer Daily Reporter on Thursday, May 3, 2018 pursuant to Iowa Code.

Drainage Attorney Jim Hudson spoke with the attendees explaining definitions and terminology related to the Re-classification hearing process. Engineer Rosengren gave the Trustees background and updates on the engineering report from the Re-classification report including Drainage District #108 Main plus Branch 21 and 8.

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**Comments / Objections:** Written objections from Kevin Fahnländer. Oral objections from: Kevin Fahnländer, Kristin Berke represented by Knoll, Craig Manning, and Sherman Nielsen. Recommendations: 1.) During discussion a phone conversation with Craig Manning asking the Trustees to accept the verbal agreement between Manning and Matt Hagedorn to tile three parcels (i.e. 953707400003, 953707400001, and 953707300004) into Drainage District #27 from #108. After discussion and many comments the Trustees accepted the verbal agreement requiring evidence of the agreement and a copy of the invoice when the work is done within one year. If not accomplished or submitted the full assessment schedule would be activated. Total reduction of \$24,254.56 2). Kevin Fahnländer properties reflect a 90% reduction in the improvement assessment schedule. 3.) Kristin Berke (Knoll) no recommendation.

Motion by Trustee Skow, second by Trustee Skelton to accept or modify the revised classification schedule fixing the percentage of actual benefits and making an equitable apportionment of the costs and expenses of the repair and improvements required for Drainage District # 108 engineering plans and specs presented from Bolton & Menk, Inc., 218 11<sup>th</sup> Street SW Plaza, Spencer, IA. Motion carried.

Chairperson Anderson closed the public hearing at 11:16 a.m.

Motion by Trustee Matthews, second by Trustee Swanson that the following resolution be adopted.

WHEREAS, there are now insufficient funds to cover costs of the improvements to Drainage District # 108.

BE IT THEREFORE RESOLVED, by the Drainage District #108 Trustees that there is hereby levied against all land tracts, real estate, highway and railroads in Clay County, Iowa the following levy of 93% to raise \$231,530.

BE IT FURTHER RESOLVED, that said assessments be so levied and payable upon notice through June 29, 2018 without interest. If paid after June 29, 2018, an interest rate of 5% will accrue from the date of levy to September 30, 2018 on any single assessment. Any assessment exceeding \$500 per parcel may be paid in installments over a twenty (20) year period by signing a waiver prior to June 29, 2018 at the office the County Auditor, 300 W. 4<sup>th</sup> St., Spencer, IA. Any assessment made on any tract of land, parcel, or lot within the District which is computed at less than \$5.00 shall be fixed at \$5.00 as provided by Iowa Code Sec 468.50.

The above and foregoing resolution adopted this 30<sup>th</sup> day of May, 2018 and the vote thereon as follows: Ayes: Trustees Skelton, Swanson, Matthews, Skow, and Anderson. Nays: None. Abstentions:

/s/Barry Anderson, Trustee

ATTEST: /s/Marjorie A. Pitts, County Auditor