

Drainage District #80 Meeting  
May 28, 2019

The Clay County Board of Supervisors met as trustees of Joint Drainage District #80 on Tuesday, May 28, 2019 at 9:00 am. Members present: Supervisors Anderson, Hamrick, Matthews, Skelton, Assistant County Attorney Barry Sackett, and Auditor Marjorie Pitts as clerk for the meeting. Chairperson Swanson led the meeting in the Pledge of Allegiance. Guests: Floyd & Nancy Romslo, David & Carol Johnson, Rod Raveling, Norma Raveling, Blair & Mary Raveling, Drainage Technician Aaron Rutter, Attorney Jim Hudson.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Anderson, Hamrick, Matthews, Skelton and Swanson. Nays: None. Abstentions: None.

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

Motion by Trustee Matthews, seconded Trustee Hamrick that the minutes of the Trustee Meeting held May 7, 2019 are hereby approved as submitted. Motion carried.

**TIME 9:00 a.m.** Drainage District #80 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 #80 consisting of 135.9 acres. The Trustees determined that notice of public hearing was published in the Spencer Daily Report on Thursday, May 2, 2019 pursuant to Iowa Code.

Engineer Rosengren explained the parcels that have been investigated and reviewed to determine the elevation and condition of drainage with relation to the several facilities of Drainage District #80. It was determined that 135.9 acres are tributary to the existing DD 80 facilities and are materially benefitted by the facilities. The actual benefitted acre in each parcel will be established at the time the lands are classified. Benefiting county road rights-of-way which adjoin the annexed parcels will also be made eligible for assessment.

**Comments / Objections:**

Written objections were read by Engineer Rosengren from Jeff Burns for the general project. No oral objections. Attorney Jim Hudson spoke regarding on R-O-W easements in the district for maintenance and how damages are determined to have been caused by the weather or the contractor.

Motion by Trustee Matthews, seconded by Trustee Anderson to adopt the annexation of benefitted lands not now included in Drainage District 80 consisting of 135.9 acres. The material benefits for all parcels include an improved drainage outlet provided and brought closer to enable removal of excess surface and/or subsurface waters. Motion carried.

Chairperson Swanson closed the public hearing at 9:24 a.m.

**TIME 9:25 A.M.** Drainage District #80 Reclassification Report Hearing

This being the time and place for the public hearing on the re-classification of lands in Clay County Drainage District #80 consisting of 2864.04 acres. The Trustees determined that notice of public hearing was published in the Spencer Daily Reporter on Thursday, May 2, 2019 and Tuesday, May 7, 2019 pursuant to Iowa Code

The Trustees were presented the report submitted by the Classification Commission of Paul Galm, Kent Kimball, and Engineer Jon Rosengren to reclassify lands within the boundaries of Drainage District #80. Each benefitted parcel was examined. Each  $\frac{1}{4}$  -  $\frac{1}{4}$  section or smaller tract of land has been classified and the percentage of benefit has been determined. The report recommends seven (7) schedules to be used for payment of future maintenance and other costs of each separate facility. There is a basis cost established to determine the benefit by each facility. This basis cost is assumed and not to be a cost of the completed work. The full and complete report by the Commissioners is on file in the County Auditor's office. Attorney Hudson spoke to explain the principles of relative benefit that is done by the Reclassification Commissioners. Engineer Rosengren explained that property in

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Drainage District #56 will be assessed for benefit of the project in Drainage District #80 but if Drainage District #56 has repairs done the owners in Drainage District #80 will not be assessed.

**Comment / Objections:**

Written objections were read by Engineer Rosengren from Norma Raveling and Mary Raveling. Discussion continued in response to the specific objections. The attendees were reminded that any damages to property or crops should be submitted to the Trustees during the Completion Hearing where it will be determined whether the damages are paid by the District or the contractor. No Oral Objections were heard. During discussion the question was asked if another contractor could be hired to finish the project. Attorney Hudson answered that Iowa Code does permit the firing of one contractor to be replaced by another.

Motion by Trustee Anderson, second by Trustee Matthews to direct Engineer Rosengren, Drainage Technician Aaron Rutter, and Chairperson Swanson to meet personally today with the contractor regarding the completion of the project and options available to the Trustees for completion. Motion carried.

Motion by Trustee Skelton, second by Trustee Hamrick 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 # 80 engineering plans and specs presented from Bolton & Menk, Inc., 218 11<sup>th</sup> Street SW Plaza, Spencer, IA. Motion carried.

Chairperson Swanson closed the public hearing at 10:20 a.m.

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

WHEREAS, there are now insufficient funds to cover costs of the improvements to Drainage District # 80.

BE IT THEREFORE RESOLVED, by the Drainage District #80 Trustees that there is hereby levied against all land tracts, real estate, highway and railroads in Clay County, Iowa the following levy of 100% to raise \$1,316,000.00.

BE IT FURTHER RESOLVED, that said assessments be so levied and payable upon notice through June 28, 2019 without interest. If paid after June 28, 2019, an interest rate of 5% will accrue from the date of levy to September 30, 2019 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 28, 2019 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 28<sup>th</sup> day of May 2019 and the vote thereon as follows:  
Ayes: Trustees Skelton, Swanson, Matthews, Hamrick, and Anderson. Nays: None. Abstentions:

The Chairperson adjourned the meeting at 10:30 a.m.

/s/Marjorie A. Pitts, County Auditor

/s/ Randy Swanson, Chairperson