

Drainage District No. 108 Meeting
August 25, 2015

The Clay County Board of Supervisors met pursuant to adjournment August 25, 2015 at 9:00 a.m. in the boardroom as trustees of Drainage District #108. Members present: Supervisors Anderson, Brockshus, Matthews, Swanson, Skow, and County Auditor, Marjorie Pitts. Supervisor Swanson led the meeting in the Pledge of Allegiance.

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

Motion by Skow, seconded by Matthews to appoint Supervisor Swanson as Chairperson and Marjorie Pitts, Clay County Auditor as Secretary of this meeting. Motion carried.

Motion by Matthews, seconded by Brockshus that the Board meeting agenda for August 25, 2015 be received and placed on file with the County Auditor as approved. Motion carried.

Motion by Matthews, seconded by Anderson to approve the Drainage District No. 108 meeting minutes held August 4, 2015. Motion carried. Supervisor Skow absent.

Motion by Brockshus, seconded by Anderson to comply with the adopted the provisions of Resolution #2015-08 regarding the mitigation assistance to owners of farmed wetlands that will be converted by a drainage district improvement. Motion carried. Supervisor Skow absent.

9:00 a.m. The time having arrived for the public hearing to receive and consider any objections and other comments to the report submitted by the engineers from the Bolton & Menk, 1900 Highway Blvd, Spencer, Iowa for improvements in Drainage District #108 to determine the feasibility or necessity of having improvements, all concerning the drainage facilities of Drainage District #108 in order to provide adequate drainage and relief for lands included in said Drainage District #108.

Drainage Attorney James Hudson spoke to the hearing attendees regarding the procedures to be accomplished at the hearing, an overview of Iowa Code Chapter 468, how to file objections and accomplishing a remonstrance of the project. Jon Rosengren, P.E. from Bolton-Menk, Inc. gave the attendees an overview of the proposed project. Rosengren discussed the establishment and agreements in this district since it was established. A letter addressed to the Board of Supervisors regarding an amendment to the Drainage District No. 108 report was distributed to the members and hearing attendees. This letter relates to a report for improvements in Drainage District No. 26, which lays within DD 108. This report recommends improvements to the existing DD26 Main Tile which connects to the DD108 tile at station 76+68. The DD 26 report discusses options for the district in the event that the DD108 tile is not improved.

The Drainage Attorney, James Hudson read and acknowledged the following written objections from local residents and hearing attendees. All written objections were filed with the County Auditor prior to or during the hearing. Objections greater than fifty percent (50%) of the landowners by population who also own greater than seventy percent (70%) of the land by area

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creates a remonstrance that stops the entire project. A remonstrance only applies to the initial establishment of a district and improvements. The filed objections to the project equaled 77.55% of the landowners by population who owned 45.24% of the land by area therefore not accomplishing a remonstrance of the project. The filed objections are on file in the office of the County Auditor.

The Chairperson announced that all landowners attending the hearing would now be given an opportunity to express their views for or against the report. After all the landowners who appeared at the hearing who desired to do so had expressed their views for or against the report with the proposed improvements, Board Member Brockshus introduced the following motion, and seconded by Board Member Matthews that plans and specifications be modified for the improvement of the existing privately improved channel from 200 ft. south of the Jim Christiansen pond to approximately 50 ft. south of the outlet of the existing Drainage District No. 108 thirty (30) inch diameter tile. This would include the repair of the first 50 ft. of the existing 30 inch tile as shown on the front cover of the report. Motion carried. Board member Swanson abstained.

The Board directed the engineers of Bolton-Menk, Inc. to proceed toward acquisition of right-of-way along the improved ditch for a hearing that will be conducted at a later date and time. The Board also approved a reclassification that would include annexation of the Fahnlander property that will be presented at a later time at a hearing near the end of the project.

Board member Matthews moved and Board member Anderson seconded the motion that assessments be collected with the current property taxes except for any single assessment on any parcel exceeding \$500 shall qualify for a waiver of installment options of twenty (20) payments at five percent (5%) annual interest. Motion carried. Board member Skow absent.

/s/Marjorie A. Pitts, County Auditor

/s/Linda K. Swanson, Chairperson