

## **Drainage District #37**

January 14, 2019

The Clay County Board of Supervisors met as trustees of Drainage District #37 at 9:00 a.m. pursuant to continuance from the December 4, 2018 public hearing. Members present: Supervisors Swanson, Skelton, Anderson, Matthews, and Hamrick. Guests: Attorney Jim Hudson, Don Etler and Jon Rosengren from Bolton & Menk, Inc., County Engineer William Rabenberg, Clay County Drainage Technician Aaron Rutter and twenty-three (23) attendees.

Chairperson Swanson led meeting in the Pledge of Allegiance.

Motion by Trustee Matthews, seconded by Trustee Anderson to appoint Trustee Swanson as Chair and Clay County Auditor, Marjorie Pitts as Secretary for this meeting. Motion carried.

9:00 a.m.: The time having arrived for the continuance of the public hearing to receive and consider any objections and other comments to the report and amendments submitted by the engineers from Bolton & Menk, Inc., Spencer, Iowa for proposed repairs and/or improvements to the Drainage District #37 tile system. Attorney Judson began the meeting with an explanation of the continuance of the public hearing and the process by which project objections are heard and applied to the outcome of the hearing. Hudson further explained the differences between mandatory repairs and proposed improvements. Engineer Rosengren presented the Trustees with Amendment #2 stating the confirmation from the Iowa DNR Floodplain Section that will not require a two-stage ditch as a condition of the permit. The Amendment goes on to explain the outcome differences if the ditch is repaired opposed to improved and the options of annexation of watershed and the lands outside of DD #61. Amendment #2 also opens discussion of the 'Common Outlet' process and procedural requirements.

Attorney Hudson explained the Common Outlet option and its relative benefit to the District.

11:30 a.m. Chairperson Swanson asked for project objections to be read. Attorney Hudson read and offered opportunity for clarification and explanation of the objections until 1:30 p.m. Objection results in 59.77% of owners of 65.00% of the land oppose an improvement. A remonstrance of the improvement requires 50% of the owners of 70% of the land therefore a remonstrance fails.

Motion by Trustee Anderson, seconded by Trustee Matthews to approve the Main Open Ditch Improvements contingent upon obtaining the necessary permits and regulatory approvals necessary to complete the project and to direct the Engineers to prepare the necessary plans and specification to proceed to a bid letting. Motion carried with all ayes.

Motion by Trustee Matthews, seconded by Trustee Skelton to set the bid letting for Drainage District 37 Main Open Ditch Improvements to be held on Tuesday, March 26, 2019 at 10:00 a.m. at the Clay County Administration Building Board room. Motion carried.

Motion by Trustee Hamrick, seconded by Trustee Skelton to adjourn the drainage public hearing at 2:15 p.m. Motion carried.