

January 29, 2013

Moved by Bell seconded by Ellerhoff to convene as the Stanwood Drainage District Board.  
Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

Assistant County Attorney Roberts met with the Board to review and take action on the Reclassification Assessment Schedule. The Commission originally prepared the schedule at 60%. Attorney Roberts asked them to redo it at 100%. The Resolution has been filed in the Auditor's Office. She said all assessments will be the same on parcels of the same size. The assessment can be approved after the hearing. The hearing must be forty days out from today. Ellerhoff asked if someone could appeal to the Board. Attorney Roberts said yes if the assessment is higher than what they previously paid.

Moved by Bell seconded by Gaul to hold a Stanwood Drainage District Meeting on March 11, 2013 at 6:00 p.m. at the Stanwood School Cafeteria.  
Ayes: Gaul, Ellrhoff, Bell, Kaufmann, Deerberg

Attorney Roberts said Cedar County will have an assessment. The Townships do not own the highways. Cedar County's Share should be about \$331 on a 100% assessment.

#### STANWOOD DRAINAGE DISTRICT RESOLUTION

On this 29th day of January 2013, the Board of Supervisors acting as Trustees of the Stanwood Drainage District convened.

Whereas, the Board of Supervisors acting as Trustees has received and tentatively considered the report of the Commissioners entitled Stanwood Drainage District Reclassification Schedule and filed pursuant to the provisions of Iowa Code Section 468.44.

Whereas, the report contains an assessment schedule that apportions the benefits received from the exiting tile systems for each parcel.

Whereas, the Trustees are required by law to fix a date and time for a hearing upon the report.  
Therefore, be it hereby resolved that:

1. The report is tentatively approved, subject to the hearing scheduled below.
2. The hearing to consider the report is set for March 11, 2013 at 6:00 p.m. and shall be held at Stanwood School Cafeteria.
3. The county auditor, acting as clerk, shall cause notice of a)the day, time, and place of the hearing to consider the report, b)the trustee's tentative approval of the report, c) that the report may be amended before final action, d) of the amount of assessment of costs and expenses apportioned to each owner, and e) that all objections to the report and assessments must be in writing and filed with the Cedar County Auditor, 400 Cedar St, Tipton, IA 52772, at or before the time set for the hearing, to be given in accordance with law, to the owner of each tract of land or lot within the drainage district as shown in the transfer books of the Cedar County Auditor's Office, including railway companies having right-of-way within said district, and to all lienholders or encumbrancers of any land within the said district without naming them, and also to all other persons whom it may

concern, and without naming individuals all actual occupants of the land in said district.

Moved by Bell seconded by Ellerhoff to approve and authorize Chairperson Deerberg to sign the Resolution as presented.

Ayes: Kaufmann, Bell, Ellerhoff, Gaul, Deerberg

Deerberg said we needed to clarify a date as to when we needed to turn in the assessments to the Treasurer's Office. Auditor Gritton entered the room at the request of the Board. Gritton said the sooner the assessments are turned in the better. Gritton asked if they were going to do a transfer to that fund. The Board will do a resolution on Thursday for the transfer.

Laura Twing entered the room.

Moved by Kaufmann seconded by Ellerhoff to return to regular session.

Ayes: Kaufmann, Gaul, Ellerhoff, Bell, Deerberg

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February 5, 2013

Moved by Ellerhoff seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Bell, Ellerhoff, Kaufmann, Deerberg

Assistant County Attorney Roberts noted the Supreme Court of Iowa came down with a decision that overturned a drainage district case. She referenced cleaning out the drainage at a railroad site. Per the Supreme Court, who pays for such work is determined by if it meets the legal definition of a culvert. If so, the railroad company would clean it out. Bell suggested that she talk to Mike Dauber, since he has taken pictures and done maintenance on the drainage ditch. Deerberg suggested checking with the County Engineer. Roberts noted it may be the Drainage District's responsibility, if it is anything other than a culvert or bridge. She will try to figure out what the structure is, prior to contacting the railroad company. Kaufmann noted there were four bills in the Legislature on drainage districts. Roberts said the Code Section on drainage district is detailed, but it is ambiguous in some places. There will be a public hearing required for the assessment schedule, which will be on March 11<sup>th</sup> in Stanwood. Notices will be sent, therefore there will be postage costs incurred.

Moved by Ellerhoff seconded by Gaul to return to regular session.

Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

February 12, 2013

Moved by Ellerhoff seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Ellerhoff, Kaufmann, Deerberg

Absent: Bell

Chairperson Deerberg noted a public hearing is required to transfer \$1,500 from the General Fund to the Stanwood Drainage District Fund for payment of expenditures for the reclassification. Auditor Gritton was in attendance.

Moved by Ellerhoff seconded by Gaul to set February 28, 2013 at 9:30 a.m. as the time for a public hearing on the issuance of noncurrent debt.

Ayes: Kaufmann, Ellerhoff, Gaul, Deerberg

Absent: Bell

Moved by Gaul seconded by Ellerhoff to approve the minutes of December 10, 2012, January 29, 2013 and February 5, 2013.

Ayes: Ellerhoff, Kaufmann, Gaul, Deerberg

Absent: Bell

Moved by Ellerhoff seconded by Kaufmann to return to regular session.

Ayes: Gaul, Ellerhoff, Kaufmann, Deerberg

Absent: Bell

March 7, 2013

Assistant County Attorney Roberts met with the Board for discussion concerning the Stanwood Drainage District. Auditor Gritton was present. Betty Lett, Laura Twing and Tim Malott entered the room during the Drainage District discussion.

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Bell, Kaufmann, Gaul, Ellerhoff

Absent: Deerberg

Assistant County Attorney Roberts noted there have been a couple calls with concerns on the table that went out. One noted a property was listed twice and another property had been transferred. The number of acres to each parcel number is being checked. Roberts has contacted Steve Thompson, an engineer with MSA Professional Services, about these issues. Thompson and two other Commissioners served on the Reclassification Commission. Roberts will need all three Commissioners to sign off on the corrected report/table. She will contact the Commissioners.

Regarding the hearing on March 11<sup>th</sup>, Roberts advised that the Board would hear objections, open it for public input, and they would at some point need to make a decision that is fair and equitable. She suggested that they request that any feedback be put in writing. Ellerhoff wondered if issues should be handled at that time or later. Bell felt it is usually preferable to come back and make a decision later. Roberts indicated there could be a reassessment of areas if need be, and she could put together a finding. Ellerhoff asked if there would be a copy of the assessment schedule available at the hearing. Roberts said yes and hopefully a new one. Bell mentioned sending MSA Professional Services an invoice. Roberts hoped it could all be straightened out by March 11<sup>th</sup>. Discussion continued. Sup. Kaufmann wondered if across the board, individuals in the district don't want this to happen. Roberts said she wouldn't say that. Kaufmann asked if issues have come up before. Roberts noted the majority in the district didn't want to do the improvement. Gritton noted a former employee of the Treasurer's Office spoke to Roberts about the assessment in conjunction with property taxes. Roberts indicated since that discussion the law has changed, so she would have to figure that out. Kaufmann wondered who asked for this to be done. Roberts said the constituents. She noted the Board of Supervisors has been in charge of the district for many years. To bring Kaufmann up to date, Roberts noted there were drainage issues, people complaining, hearings for input, suggestions, at a hearing regarding an improvement people opposed it, and she felt there was a split on what was wanted. Sue Hall wondered if anyone has heard from the railroad company about the culvert drainage issue. Roberts has held back on that matter, and when the weather is better the Conservation Director will take her to that site to assess the culvert situation. Kaufmann recalled that Atalissa had issues with a drainage district and a railroad. Ellerhoff asked if Auditor Gritton would be attending the hearing on March 11<sup>th</sup>. Gritton indicated she could. Roberts felt it wouldn't be a bad idea for the Commissioners to attend also. She will contact Steve Thompson of MSA Professional Services, and the Board's Clerk will contact the other two Commissioners. Roberts felt it is her and the Auditor's goal to clean up the books on this matter and document what was

done. Ellerhoff said she appreciates their extra effort. Kaufmann wondered what counties do that have several drainage districts. Roberts thought it is probably not the Board of Supervisors that are running it. She noted at some point the responsibilities of the Stanwood Drainage District were designated to the Board of Supervisors. Roberts referenced a memo about the landowners taking over the district. Bell suggested bringing that memo to the hearing on March 11<sup>th</sup>. Brief discussion continued. Malott thought Atty. Roberts is the best thing that has happened to this county, noting her cooperation.

Moved by Bell seconded by Kaufmann to approve the minutes of February 12, 2013.

Ayes: Bell, Gaul, Kaufmann, Ellerhoff

Absent: Deerberg

Moved by Kaufmann seconded by Gaul to return to regular session.

Ayes: Kaufmann, Gaul, Bell, Ellerhoff

Absent: Deerberg

March 11, 2013

6:00 p.m.

Stanwood Drainage District

The Board convened as the Stanwood Drainage District Board at the North Cedar High School Cafeteria in Stanwood for a public hearing on the proposed reclassification of lands in the District. Members in attendance were: Supervisors Gaul, Kaufmann, Bell and Chairperson Pro Tem Ellerhoff. Deerberg was absent. Others in attendance were: Auditor Gritton, Jim Tenley, Keith Lehrman, Sue Hall, Rodne Wendt, Sheryl Mullan, Douglas Hoffman, Gail Dauber, Merle J. Gronewold, Daren Lehrman and Fred Lehrman. Chairperson Pro Tem Ellerhoff noted the purpose of the meeting, but that there is a change of plans. There is a corrected reclassification schedule, issues came up, and notices were not sent to some people. There were two letters of objection filed from the following: Rodne R. Wendt Trustee for the Phyllis Wendt Irrevocable Trust and Keith & Mary Ann Lehrman. A public hearing has been rescheduled for April 3, 2013 at 6:30 p.m. at the Cafeteria. Jim Tenley asked about the purpose. Ellerhoff noted it is to assess for maintenance dollars for burning the open ditch, tile repairs and any other expenses. The cost to burn the ditch is \$600/yr. There is \$1,500 to be paid back to the County's General Fund. It was noted it is proposed to do a one-time assessment for an amount of \$25,000. Bell noted the last maintenance assessment was in 1991. It was asked if the assessment would be one time on their taxes. Auditor Gritton said owners would be given 30 days to pay the assessment when they get notice and if paid during that time then the amount would not go on their property taxes. A schedule was distributed, which could be reduced to reflect a total amount of \$25,000. Hoffman asked who determines to spend the funds. The Board noted is done on behalf of the owners. Hoffman asked if notice is given when the funds are spent. Ellerhoff noted they don't have to give notice unless something has been changed in the Code. Bell said they haven't given notice for normal repairs and typically maintenance is complaint-driven. Hoffman asked if there are any restrictions on how the funds are spent. Ellerhoff noted it is for maintenance purposes, and she thinks there are restrictions as to what is considered maintenance and projects are clearly defined. She felt there would be a meeting of the owners if it is something beyond a normal repair. Tenley indicated some people have said he is down for less acres on the notice. Ellerhoff again noted there is a corrected schedule. Tenley asked if it will have the correct acres. Auditor Gritton said it is based on what is on their warranty deed. Everyone will receive a new schedule. Keith Lehrman asked if the consultant was paid before from the previous assessment. Gritton said yes. K. Lehrman asked if everyone paid for the engineer's additional charges. Gritton said yes. Ellerhoff noted publication of minutes is also an expense paid from the fund. Tenley asked if K Farms was on the list. Hoffman said yes. The 100% assessment would be \$30,691, but Gritton noted the assessment notice would be based on the amount of \$25,000. Bell referenced the baseline used in 1915. Gritton noted some of the amounts went down because there are more acres than they originally had in the district. Ellerhoff said notices will go out for the public hearing on April 3<sup>rd</sup> to those that are not here tonight. At the public hearing on April 3<sup>rd</sup> there could be action taken to set the amount at \$25,000 and then notices will be sent out based on that amount. Objections can be filed with the Auditor. Ellerhoff offered apologies for the confusion. Rodne Wendt asked if the additional 2,000

acres annexed was included to pay off the engineer. Bell said that was based on the original group in the district, and the \$25,000 will be spread over the original and annexed lands. It was noted the Commissioners signed off on the revised schedule.

Moved by Bell seconded by Kaufmann to acknowledge receipt and tentative consideration of the revised report from the Commissioners entitled the Stanwood Drainage District Classification Schedule and to set April 3, 2013 at 6:30 p.m. as the time for the next public hearing.

Ayes: Bell, Gaul, Kaufmann, Ellerhoff

Absent: Deerberg

The hearing adjourned at 6:25 p.m.

April 3, 2013

6:30 p.m.

Stanwood Drainage District

The Board convened as the Stanwood Drainage District Board at the North Cedar High School Cafeteria in Stanwood for a public hearing on the proposed reclassification of lands in the District. Members in attendance were Supervisors Bell, Gaul, Kaufmann, Ellerhoff and Chairperson Deerberg. Others in attendance were: Steven Thompson an Engineer with MSA Professional Services & Reclassification Commission member, Reclassification Commission member Don Young, Auditor Gritton, Assistant County Attorney Roberts, Linda K. Coppess, Mark Farrington, Gordon Farrington, Rodne Wendt, Fred Lehrman, Jim Tenley, Sean Driscoll and Tom Driscoll. Chairperson Deerberg read the legal notice. It was noted everyone received a classification schedule. Deerberg noted an objection was filed by Farringtons. Gordon Farrington felt the objection is self-explanatory. Mark Farrington noted over 50% of that farm flows opposite the direction of the Drainage District. The individual referenced a prior meeting where they were told it didn't matter if the whole farm was in the district, because only the acres that flowed toward the district would be taxed, but he noted on the tax schedule that is not how it was. Steven Thompson gave everyone some background on what the Reclassification Commission was tasked with. He noted the Commission had to try to decipher a 100-year formula, so basically they had to start over. It was the consensus of the Commission that the acreages they were provided would be assessed equally. They did not look at that a portion fell one way or the other. Thompson couldn't attest to what was promised before the Commission's involvement. He asked if the Board concurred with this timeline of events. Deerberg said he had not viewed the farm. Bell wondered how much experience he has with drainage districts. Thompson said none because there aren't very many in his part of the State. Bell felt there are quite a few in the State. Bell asked what Thompson did to bring himself up to speed to where Paul Loete was prior to leaving. He indicated Loete told them that as an engineer serving on the study he would bring that to light and it would be part of the decision-making process. Thompson said he reviewed this document (referenced the Study) and nowhere did it refer to that particular promise. He said that it may be one way to go about it, and it might be the right way. There is no topographic map in that document showing divisions between fall lines. He indicated they could consider doing that. Bell noted the line intersects some of the parcels, and he thought those were to be addressed as they came to them. Thompson felt it was presumed that the district contains land that drains into the district and he claimed there was some miscommunication, and if there are instances, the Commission would need to be made aware of them. He felt the Commission operated under the understanding that all of the acreages identified in the revised map of the district were that was provided to them to base their assessment on, not to go out there and research parcels individually. He hadn't seen meeting minutes, since they weren't in their file. Gordon Farrington referenced a letter of opposition at a meeting on 12-7-2011. Mark Farrington said the opposition then was that their farm shouldn't be in the district, and he indicated acres not draining into the district shouldn't be included. He indicated Paul Loete guaranteed them it was just a drawing because the roads were easy to use for straight lines. He felt they were guaranteed that ground wasn't going to be taxed (assessed). Thompson said he couldn't confirm or deny that. Mark Farrington referenced confirmation of that in the minutes. Discussion continued. Thompson felt they are now in the "sorting out" phase. An individual indicated

there are acres that drain into the district that are not part of the district. Deerberg asked if there were other objections. Chairperson Deerberg thought that if they take land out of the district, they would not get this assessment in for the tax rolls this year. Atty. Roberts didn't know that they can be taken out of the district tonight, but they could make changes to the reclassification schedule. She indicated they could make changes to assessments to make it fair and equitable to come up with the total amount. Ellerhoff noted the Board doesn't have to make a decision at this time. Roberts agreed noting a decision is not required at this hearing. Kaufmann thought if there are other lands like the one discussed, he didn't know how the Board could make a decision at this time. Discussion was held on other parcels that may have the same situation, and the map of the district was reviewed. It was Bell's assumption that the lands draining to the outside of the district would not have a classification. Mark Farrington asked if the land in question would be classified as zero, would that remain the same if another project is done. Atty. Roberts noted this is a formula used until another reclassification would be done. She couldn't guarantee what would be done in the future, but she felt if another improvement or maintenance assessment is needed those would be based on this proposed assessment schedule. Jim Tenley referenced when snow melted there was water around and it all disappeared. Deerberg noted this assessment would be only for maintenance at this time. He noted items covered by this money. Bell referenced Farrington's 80 acres that does not drain at all into the district, noting the assessment for that 80 acres is \$287.03 which may not be a big deal, but he felt if it remains in the district and in the future they take that as a percentage of the total and they get into a large project, it then is a big deal. Chairperson Deerberg noted the Board will take the objection under advisement, make a decision and let them know. Bell wondered what the procedure is for an appeal if something goes through and someone has a problem with it. Atty. Roberts believes it could be appealed to District Court based on the reclassification, but if there is an increase to their assessment from what it would have been in the past, you'll get another notice and they'd be able to appear and show cause why that assessment should not be increased. Roberts noted they would appeal to the Board and the Board would make a decision. After that there could be a District Court action. Jim Tenley wondered why that is different than asking for reconsideration now. Roberts noted the Board hasn't made a formal decision. Owners can object now, but an appeal would come later. Deerberg wondered if the Board's decision on this objection would cause this to go back to the Reclassification Commission if changes are needed. Roberts noted the Board can make changes. She indicated if a decision is made and later the Board decides the decision was not fair, they can do the reclassification again. Deerberg wondered if an assessment is changed and others are increased, who figures that out. Roberts said we have a spreadsheet and it will automatically be changed. Deerberg asked if it would then get on the tax rolls for this year. Roberts said yes. Bell asked if the reclassification is not approved and they miss the tax rolls, the district could be loaned money until it could go on the tax rolls. Gritton said that's correct. The public hearing was closed.

April 4, 2013

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.  
Ayes: Bell, Kaufmann, Gaul, Ellerhoff, Deerberg

Mike Dauber, Stanwood Fire Department Chief met with the Board to discuss burning the main drainage ditch. He indicated the Fire Department would burn off the ditch for the amount of \$600. Chairperson Deerberg asked if the Fire Department could be paid after the September property tax collections since that fund will not have sufficient funds to pay this until that time. Dauber indicated that would be okay. Sup. Ellerhoff would like Dauber to let the Board know when they will be doing the burn.

Moved by Bell seconded by Ellerhoff to approve the March 7 & 11, 2013 minutes.  
Ayes: Gaul, Ellerhoff, Kaufmann, Bell, Deerberg

Moved by Ellerhoff seconded by Bell to return to regular session.  
Ayes: Kaufmann, Bell, Gaul, Ellerhoff, Deerberg

April 9, 2013

The Board left the Courthouse to view Section 17 in Fremont Township in the Stanwood Drainage District. Assistant County Attorney Roberts accompanied the Board. They viewed property owned by Gordon Farrington. Brief discussion was held with Gordon and Norman Farrington. Gordon Farrington indicated drainage from about 70 acres flows into the district and the remainder of the land drains elsewhere. The Board reconvened in the Board Room.

Moved by Ellerhoff seconded by Gaul to convene as the Stanwood Drainage District Board.

Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

Assistant County Attorney Roberts met with the Board to discuss options concerning reclassification of lands in the district. She advised that the Board would need to decide what's fair and equitable. They could change the reclassification schedule amounts to go up or down, it could be left as is or they could reject it. Roberts noted the Board has tentatively adopted this. Sup. Ellerhoff had concerns with the validity, accuracy and integrity of it. Chairperson Deerberg asked if the proposed assessment on Farringtons' land could be reduced. Roberts noted they could keep their property in and only have them pay for what is fair and equitable. If only 45 % of their land drains into the district, then perhaps give them a 55% discount. Deerberg noted money is needed in the Stanwood Drainage District Fund.

Moved by Sup. Bell to reject the Reclassification Schedule and go back and take a look at the original study, overlay parcels with a map over another map so they know what parcels are in and what parcels are out, and make it fair and equitable for everyone.

Discussion continued. Roberts indicated the Reclassification Board went under the direction that everyone with the same amount of land should pay the same amount of money, and then adjustments could be made. She noted they could adopt a scheme that everyone pays the same unless they are on the outside edge of the borders. Bell suggested delaying this reclassification for one year and redoing it. Deerberg indicated he did not want to delay it and redo it. Bell suggested having another reannexation and reclassification.

Sup. Ellerhoff seconded the above motion.

Discussion continued. The Board reviewed the study map. Ellerhoff wondered what lands are not in the district. Bell noted those lands are what are outside of the blue line that is inside the yellow line of the district. The purple line shows the new lands annexed in. The engineer had indicated he would lay a parcel map over the top of this map and include them. Bell suggested that MSA do this work for nothing. Deerberg felt the Board should proceed with the reclassification and they could do an annexation next year. Roberts thought perhaps MSA would not charge. She referenced new legislation that doesn't allow a company to do volunteer work for someone from whom they are also getting paid for other work. Discussion continued. Atty. Roberts noted if another annexation is done it would have to be through another study, there would need to be an engineer's recommendation, and the Board would then have to adopt it. Deerberg noted redoing this was not mentioned at the public hearings by anyone. Sup.

Kaufmann suggested asking if the engineer would go through the motions again with our G.I.S. Tech's help. Ellerhoff felt the Board would need to know that before they make a decision. Kaufmann wondered if this Board would be leaving a mess for future boards if there is not something clear and concise in writing. Ellerhoff would hate to go through the process again, but she felt there is a lot said for doing things correctly. Bell felt it wouldn't take much time, and he felt they should put the proper boundaries on this. The G.I.S. Technician, Caleb Mackey brought an overlay map to the Board Room. He will be receiving a new file from the engineer with MSA Professional Services which will show the data for the lands annexed in to the district. Bell suggested the Board delay this matter until they can talk to the engineer. Atty. Roberts said she understands that the Board wants to get it right, and she and Auditor Gritton do also. She felt the way the reclassification was calculated is good, but the Board could make adjustments. If the Board wants to do an additional annexation, Roberts didn't know that they'd have to do another reclassification after the annexation. She didn't know that there is a need to delay it per what's in the Code. Roberts indicated perhaps they could complete the reclassification now and then do another annexation. Ellerhoff suggested they could perhaps adjust Farringtons' now and then address the annexation again. Roberts didn't know that they could pull someone out that is currently in the district, but she will do more research on that issue. Bell again suggested terminating this reclassification and starting it again. Roberts noted it would have to be done by petition. Kaufmann wondered if the absence of a process to remove a parcel means it can't be removed. Roberts will look into the matter. She advised adopting the reclassification now, making adjustments if needed, and then when others are annexed in, assign that reclassification using the same mathematical formula. She also noted if the Board thinks they don't want the same acre per acre assessment, then they can redo it. Roberts told the Board after reviewing the old Stanwood Drainage District files, it was impossible to figure out what the former assessment would be. She advised that a better solution would be to find a formula for every situation that comes up in the future. Discussion continued regarding a formula and reclassification. Kaufmann felt knowledge of something inequitable is a concern to him. Ellerhoff is not sure that everyone understood, and she wants this to be right in the end. Caleb Mackey said he could tell the number of acres that drains into the district from a parcel. Roberts then thought they could adopt this reclassification and decrease it based on those parcel splits. Deerberg felt they should to this with the correct acres assessed. Ellerhoff agreed. Bell felt they should do this by parcels. He noted the drainage district was started in 1915, and he thought the flow of the watershed may change. Bell indicated he was not totally opposed to using acres. Mackey noted he could split up what's in and what's out. Brief discussion continued.

Moved by Gaul seconded by Kaufmann to table the motion.

Ayes: Ellerhoff, Bell, Gaul, Kaufmann, Deerberg

Moved by Kaufmann seconded by Ellerhoff to adjourn at 11:20 a.m., to April 11, 2013.

Ayes: Ellerhoff, Kaufmann, Bell, Gaul, Deerberg

April 11, 2013

Moved by Bell seconded by Ellerhoff to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Gaul, Ellerhoff, Bell, Deerberg

Chairperson Deerberg tried to place a conference call to Steve Thompson, Engineer with MSA Professional Services, but he was not available. Caleb Mackey, G.I.S. Technician was present. Chairperson Deerberg noted Assistant County Attorney Roberts advised that no one from MSA can be on the Reclassification Board, since it would be a conflict of interest. Caleb Mackey showed the Board a topography map. Assistant County Attorney Roberts joined the discussion, as requested. Mackey will run a report after he receives files from the Engineer at MSA. Sup. Ellerhoff said the Board needs to see the watershed and annexation areas. Deerberg wondered if they would need to hire another Engineer. Roberts noted the Engineer would have to resign from the Reclassification Commission because of new legislation. Bell wondered what type of engineer would need to be hired. Roberts noted the Code just says an Engineer. Bell suggested hiring the former Assistant County Engineer. Deerberg wondered what the cost would be for that. Roberts noted MSA could do work on the annexation, but not for a reclassification. Deerberg clarified that the same reclassification formula could be used for properties annexed in to the district in the future. Roberts said yes. She noted it may be a different formula if there is an improvement and people significantly benefit. Deerberg favored getting the boundaries straightened around and using the same reclassification formula. He referenced the need for a recommendation from an Engineer. Atty. Roberts noted a public hearing would be needed for another annexation and then a final decision. She still doesn't know about pulling people out of the district. Ellerhoff suggested taking what they have, addressing the borders, and proceeding with the proposed assessment, and then next year they could address another annexation. She referenced using the formula in place and then reapplying the formula to everyone. Bell wondered if they address Farringtons at a 55% discount and then when lands go out of the district, how would they address that? Roberts wasn't sure, since she doesn't yet know if they can pull people out of the district. She will do some research when she can. Roberts noted they could assess them at 0% so if down the road the assessment would get pulled out. Notice of an assessment increase must be given, so she felt if they all go down, if someone is pulled in, no notice would be needed. Deerberg asked about going through each parcel on the outskirts of the district. Roberts said they can make an adjustment to the reclassification, they can say to go acre by acre, or they could look at the watershed area. Whatever they choose will be applied in the future. The Reclassification Commission was asked to take out the U.S. Highways, so the amount may not add up to 100%. Roberts advised that they always have to keep in mind the original assessment amount of \$30,691.58, so that in the future they can determine the percentage of the original assessment if an assessment is needed for an improvement or maintenance. Discussion continued.

Moved by Ellerhoff seconded by Gaul to return to regular session.

Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

April 18, 2013

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Bell, Kaufmann, Deerberg

Absent: Ellerhoff

The Board acknowledged receipt of correspondence from Steven R. Thompson, PE, Vice President, MSA Professional Services informing the Board that due to recent rules changes by the Iowa Engineering and Surveying Board he will need to resign from a volunteer position on the Stanwood Drainage District Reclassification Commission.

The Board held a conference call with Steve Thompson of MSA Professional Services. Assistant County Attorney Roberts and Auditor Gritton were present. Others in attendance were: Laura Twing, Bob & Bernita Pruess and Larry Hodgden. Chairperson Deerberg noted the Board looked at a parcel that was annexed in (Farringtons'). Some of the parcel does not drain into the district. Sup. Bell suggested setting it up by parcels, and then they can set the reclassification as zero for some. Deerberg indicated some parcels are not annexed in to the district, and he wondered if MSA Professional Services would do the work for nothing. Mr. Thompson was not sure that would happen, but indicated he would work with the Board. Deerberg noted Atty. Roberts brought up that they wouldn't have to redo the reclassification, they could go through the parcels and set an amount for each. Thompson wondered how many parcels would be involved. Deerberg felt there are quite a few because the line doesn't go by parcel. He suggested they could review by parcel and decide what percentage drains into the district. Thompson acknowledged that would be a way to proceed. He asked what resources he could use from the County. He noted Caleb Mackey, G.I.S. Tech has been very helpful, so he wondered what help he would have. Deerberg said Mackey could put an overlay on and do topos (topography). Thompson said that is what he had in mind. He felt there would not be much effort on his part, but more on the part of Mackey. Deerberg noted an engineer would need to sign off on the work. Thompson didn't think it would be a lot of work if Mackey can do those things for him, indicating Thompson would need to determine the drainage path and attend a public hearing. It was noted a data file of the actual line of the district was sent to Mackey. Bell felt the Board could review Mackey's work prior to sending it to Thompson. Deerberg suggested proceeding with Mackey doing that overlay, and he asked that Thompson give the Board an indicator of his cost next week. Thompson noted he could meet with Caleb Mackey and Atty. Roberts next week, and in one week he could get information to the Board. He stated if it is what he thinks it is, he'd be happy to do that on his dime. Deerberg appreciated that, and he referenced getting this on the tax rolls next year. The call concluded. Discussion was held. The consensus was that the Board would meet with Caleb Mackey on Tuesday, April 23<sup>rd</sup>. Regarding the question of whether land can be taken out of the district, Atty. Roberts said no.

She noted the Code is silent. There is a 1927 Court case indicating the Board doesn't have authority to do that. She advised dealing with these on a case by case basis in the reclassification process and assessing accordingly. Deerberg asked about the process of taking additional land into the district. Atty. Roberts noted an engineer has to say they're benefiting, the Board would temporarily accept a recommendation, notices would go out to those being annexed in as well as others in the district, there would be a hearing and an opportunity for objections, then a decision by the Board, and there would be an appeal period. Bell suggested working out those parcels that are in the district now, then annexing in, and then they can be on the tax rolls. Atty. Roberts encouraged the Board to articulate what their methods were in making those adjustments. She advised that if they annex in on the perimeter, then a clear method should be used, which can be used in the future. Discussion continued. Atty. Roberts didn't see why they couldn't go through with the reclassification. It was noted only one objected to the reclassification (Farringtons). Roberts indicated the Board would make the decision on what's fair for the percentage of a parcel that flows in or out of the district. The other parcels would then be adjusted so it comes out to 100%. The Auditor has a spreadsheet for this. If more acres are annexed in, then the percentages would be redistributed. Deerberg felt the use of percentages would be better than using acres. Atty. Roberts noted G.I.S. acres are sometimes larger, and she noted deeded acres are in recorded documents, so she recommended if using acres to use deeded acres. Bell felt if they would use acres of the percentage discrepancies would be eliminated. Discussion continued. Atty. Roberts suggested that when maps are printed, that they be date stamped for the public to view if they would like.

Moved by Bell seconded by Gaul to approve the minutes of April 3, 4, 9 and 11, 2013.

Ayes: Kaufmann, Bell, Gaul, Deerberg

Absent: Ellerhoff

Moved by Kaufmann seconded by Bell to return to regular session.

Ayes: Gaul, Bell, Kaufmann, Deerberg

Absent: Ellerhoff

April 25, 2013

Moved by Gaul seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Kaufmann, Deerberg

Absent: Bell, Ellerhoff

Moved by Kaufmann seconded by Gaul to approve the minutes of April 18, 2013.

Ayes: Kaufmann, Gaul, Deerberg

Absent: Ellerhoff, Bell

Caleb Mackey, G.I.S. Tech met with the Board to discuss the Stanwood Drainage District. He presented and reviewed a map showing the current Drainage District, the watershed area and drainage parcels. There are over 200 acres that drain into the District that are not currently included in the District. Another annexation would need to be done to include those acres. The Board located land owned by Farringtons. It does appear that not all of their land drains into the District. Chairperson Deerberg felt to be fair and equitable, they should include all of the watershed area. The Board can then judge the percentages for reclassification/assessment. Larry Hodgden entered the room while discussion was in progress. Discussion was held. Warren Wethington entered the room. Mackey left the room to create another map which includes the entire watershed area into a proposed revised District. Prior minutes were reviewed. Caleb Mackey returned to the Board Room with another map. Deerberg suggested the Mackey talk to Stephen Thompson, Engineer and review the map with him noting the acres are included for the entire watershed area, and he asked that Mackey also review it with Assistant County Attorney Roberts. Gaul and Kaufmann agreed. Mackey will then come back to a meeting when the entire Board of Supervisors is in attendance. The engineer should also be advised that N.R.C.S. will be contacted for wetland determinations on additional acres that may be brought into the District. Discussion continued.

Moved by Kaufmann seconded by Gaul to return to regular session.

Ayes: Kaufmann, Gaul, Deerberg

Absent: Ellerhoff, Bell

April 30, 2013

Moved by Gaul seconded by Kaufmann to convene as the Stanwood Drainage District Board.  
Ayes: Gaul, Kaufmann, Bell, Ellerhoff, Deerberg

Chairperson Deerberg wanted to give Supervisors Bell and Ellerhoff an update since they have been gone. Deerberg noted Assistant County Attorney Roberts felt the Board could pass the reclassification and go ahead with it, and do a percentage for the border parcels. A map of the proposed annexation of the entire watershed area was reviewed. Deerberg felt they'd need to check to see if the G.I.S. Tech used G.I.S. or deeded acres. He noted the assessments would not be included with the property taxes since time would not allow that. The proposed annexation could be addressed later. Sup. Bell wondered if they passed the reclassification, wouldn't the Board need to put in a formula for the areas not draining into the district. Deerberg thought the G.I.S. Tech would give the Board percentages. Bell thought they had to have a formula set. Assistant County Attorney Roberts joined the discussion, as requested. Deerberg asked if a percentage formula is needed prior to passing the reclassification. Atty. Roberts said for the ones in the drainage district now, yes, which she thought the G. I.S. Tech has done. She asked Caleb Mackey, G.I.S. Tech if it would be possible to do it by deeded acres. He indicated it would be possible, but painful. Roberts referenced applying a percentage to G.I.S. acres and then use a percentage for the deeded acres, and including it before they pass the reclassification. She felt it would be clean a hundred years from now. Deerberg asked Roberts to check with Mackey. Roberts noted Steve Thompson, Engineer with MSA Professional Services has contacted her to see what was happening. She told him his involvement would pertain to the additional annexation. He indicated he would do the work for little or no charge. Deerberg said the Board would wait for Atty. Roberts to come back with a resolution. The consensus of the Board was that they agreed. Roberts thought Mackey would get a list to the Board. Atty. Roberts will meet with the Board on May 9<sup>th</sup> at 8:30 a.m. with a proposed resolution for the reclassification. The Board would like to look at the percentages at their next meeting. Roberts said they do not need to do wetland determinations for another annexation since they are not doing an improvement. Bell noted the N.R.C.S. can be "fussy" when digging up a line or doing maintenance.

Moved by Kaufmann seconded by Gaul to approve the minutes of April 25, 2013.  
Ayes: Kaufmann, Gaul, Ellerhoff, Bell, Deerberg

Moved by Ellerhoff seconded by Bell to return to regular session.  
Ayes: Ellerhoff, Bell, Gaul, Kaufmann, Deerberg



May 9, 2013

Moved by Ellerhoff seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

Assistant County Attorney Roberts presented a tentative draft reclassification resolution for the Board to review per the formula the Board wanted to use, but noted she would like to do further review before the Board takes final action on a resolution. She noted Auditor Gritton is putting data into a spreadsheet, but it has not been an easy task. The Auditor wants to make sure it is correct before presenting it to the Board. Atty. Roberts noted the Auditor has indicated concern about changing total acres, and she wants to make sure they have the right parcels and sizes. Chairperson Deerberg asked Atty. Roberts to schedule an appointment with the Board when everything is ready to present to the Board.

Moved by Ellerhoff seconded by Bell to approve the minutes of April 30, 2013.

Ayes: Bell, Ellerhoff, Gaul, Kaufmann, Deerberg

Moved by Kaufmann seconded by Gaul to return to regular session.

Ayes: Bell, Kaufmann, Gaul, Ellerhoff, Deerberg

October 15, 2013

Moved by Ellerhoff seconded by Bell to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Kaufmann, Bell, Ellerhoff, Deerberg

Present at the meeting were R.J. Dircks, Dennis Coppess, Kirk Weih and Asst. County Atty. Roberts.

Asst. County Atty. Roberts referenced the letter received from Attorney James C. Hudson regarding the Stanwood Drainage District. Repairs that need to be made can be done at any time. Repairs cannot exceed \$25,000 or it would be considered an improvement. Any way to raise funds through taxation would be okay to pay for this. Kirk Weih of Hertz Management for Donna Oldorf said they would like a different Attorney and Engineer. Attorney Hudson and Engineer Don Etler work with drainage districts every day. Atty. Hudson could give legal guidance and work with Atty. Roberts. It was asked if sub districts or whole districts should pay for improvements, and would they have to get bids for a different attorney or engineer. Atty. Roberts will check on this. Atty. Roberts said she can still work on the annexation even if a private attorney is hired. Weih asked if repairs could be done in the next 30 days. Bell said emergency repairs need to be taken care of. Bell said Brad Gaul and himself are on the Stanwood Drainage District Committee and Bell was never contacted about a meeting. Discussion continued about repairs. Deerberg asked for an estimate to make the repairs. Coppess and Bell did not think it would take much.

Moved by Bell seconded by Kaufmann to make emergency repairs in the Stanwood Drainage District.

Ayes: Gaul, Bell, Kaufmann, Ellerhoff, Deerberg

Moved by Ellerhoff seconded by Gaul to approve the May 9, 2013 minutes as presented.

Ayes: Kaufmann, Bell, Gaul, Ellerhoff, Deerberg

Moved by Ellerhoff seconded by Bell to return to regular session.

Ayes: Gaul, Ellerhoff, Kaufmann, Bell, Deerberg

October 22, 2013

Moved by Bell seconded by Ellerhoff to convene as the Stanwood Drainage District Board.

Ayes: Bell, Ellerhoff, Kaufmann, Gaul, Deerberg

Present at the meeting were R.J. Dircks, Dennis Coppess, Kirk Weih, Asst. County Atty. Roberts, Betty Lett and Bonnie Butler

Asst. County Atty. Roberts met with the Board as requested. Roberts said pictures have been taken and a map of the location sent to the railroad. Marcus Larson, GIS, has found another piece that he thought should be added to the Stanwood Drainage District. Roberts said they are ready to do the annexation. A public hearing would have to be held. Roberts said it is not clear if they would have to go out for bids for private counsel but she would recommend it. If they go with a private engineer it is not required by law to go out for bids but she would recommend it. It would also be her recommendation that if they go with private counsel they have them do all of the Stanwood Drainage District legal work. Kirk Weih would like to hire counsel and engineer and build a team. He would also like a copy of the letter sent to the Railroad and have Atty. Hudson review it. Weih said as they go forward with this they would like to work together. Weih said they would like to have their own decision making Board. Ellerhoff said when they tried to turn it over before, no one wanted to do it. Weih said again they would like to work as a team. Roberts suggested they have a public meeting and see what they want to do and get feedback. Bell commented the Board represents the whole district and wants everyone's opinion. It was decided they should hold a public meeting.

Moved by Ellerhoff seconded by Kaufmann to return to regular session

Ayes: Ellerhoff, Kaufmann, Bell, Gaul, Deerberg

Moved by Kaufmann seconded by Ellerhoff to convene as the Stanwood Drainage Board.

Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

It was decided to set a public meeting date of November 13<sup>th</sup> or 20<sup>th</sup> if the Stanwood School Building was available.

Moved by Ellerhoff seconded by Gaul to return to regular session.

Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

October 24, 2013

Moved by Ellerhoff seconded by Gaul to convene as the Stanwood Drainage District Board.

Ayes: Gaul, Bell, Ellerhoff, Deerberg

Absent: Kaufmann

Discussion was held regarding having a public meeting concerning whether to hire private counsel and a private engineer for the Stanwood Drainage District. It was suggested they send out postcards, put a notice in the paper and post notices at businesses. Gaul is Chairman of the Stanwood Drainage District Board but asked if Bell or Deerberg would like to conduct the meeting that night. They will if needed.

Moved by Ellerhoff seconded by Bell to approve the minutes of October 15, 2013.

Ayes: Gaul, Ellerhoff, Bell, Deerberg

Absent: Kaufmann

Auditor Gritton met with the Board as requested. She was asked if she remembered how many letters went out the last time a public meeting was held. She had no idea. Discussion was held regarding sending out postcards and notices. They will talk with Asst. County Atty. Roberts about wording on the postcards and notices.

Moved by Gaul seconded by Bell to set a public meeting for November 20, 2013 at 6:00 p.m., in the Choir Room of the Stanwood School, and to send out notices and postcards to those in the Stanwood Drainage District.

Ayes: Ellerhoff, Bell, Gaul, Deerberg

Absent: Kaufmann

Moved by Gaul seconded by Ellerhoff to return to regular session.

Ayes: Bell, Gaul, Ellerhoff, Deerberg

Absent: Kaufmann

November 14, 2013

Moved by Bell seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Gaul, Bell, Ellerhoff, Deerberg

The Board reviewed correspondence and photo from Linda Coppess to Assistant County Attorney Roberts regarding rock dumped by a railroad culvert where the Stanwood sewer dumps into the drainage district. Coppess thinks that the City of Stanwood dumped the rock there. Linda Coppess asked that the Board be made aware of this so that they can ask the City to remove it. Atty. Roberts has told Chairperson Deerberg that she thinks removing the rock won't correct the problem. She has viewed the area, and thinks the other side needs to be cleaned out. Sup. Bell felt the City shouldn't be doing that, noting the Department of Natural Resources restricts that. Deerberg wondered why the rock was dumped there. There are lagoons nearby. Discussion continued. Chairperson Deerberg asked Supervisors Bell and Gaul to look at the area and report back to the Board. He suggested asking Atty. Roberts what it looked like when she viewed the area.

Moved by Ellerhoff seconded by Gaul to approve the minutes of October 22<sup>nd</sup> and 24<sup>th</sup>.

Ayes: Bell, Gaul, Ellerhoff, Kaufmann, Deerberg

Moved by Kaufmann seconded by Ellerhoff to return to regular session.

Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

November 19, 2013

Moved by Kaufmann seconded by Ellerhoff to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

Sup. Gaul drew a diagram of the area where the City of Stanwood dumped rock. He said there is clean rock by a tile line, which he felt wasn't a problem, but there is an area above the two railroad drainage tunnels that has washed and needs to be cleaned out. Gaul felt this would allow for better drainage into the tunnels. There is some slough off to the south of the tunnels. Pam Hartwig entered the room. Sup. Bell viewed the area also. He noted Assistant County Attorney Roberts has asked the railroad company to clean out the east tunnel. He suggested perhaps taking more off of the east side. Bell has talked to Stanwood's Mayor Wagner and asked that they not put anymore fill in there than is there now. Bell suggested starting upstream further and tapering across to the east tunnel. He wondered if the area was washed out from excess water from the City's lagoons. Bell thought if they take out the bank, the City may have to redo it on the end and perhaps put in a gabion. Atty. Roberts was okay with Sup. Bell contacting the Mayor. Laura Twing entered the room. Bell reported that the Mayor said the City's maintenance person has worked with the Department of Natural Resources on this matter. Chairperson Deerberg felt they should wait until the Union Pacific Railroad responds before they continue. Bell agreed. He suggested letting the people know, once the railroad company clears out the tunnel, that the Board's intent is to clean out above and below. Brief discussion continued.

Moved by Bell seconded by Ellerhoff to approve the minutes of November 14, 2013.

Ayes: Bell, Ellerhoff, Gaul, Kaufmann, Deerberg

Moved by Gaul seconded by Bell to return to regular session.

Ayes: Gaul, Bell, Ellerhoff, Kaufmann, Deerberg

November 20, 2013

The Board convened as the Stanwood Drainage District Board at 6:00 p.m. in the North Cedar High School Choir Room in Stanwood for a public meeting to receive concerns and input regarding a petition requesting that the Trustees hire an outside attorney, an outside engineer, and begin a new improvement which may impact future drainage efficiency and increase assessments. Bell, Kaufmann, Ellerhoff, Gaul and Chairperson Deerberg were present. There were approximately 23 other individuals present. Chairperson Deerberg noted the Board has been petitioned to hire an outside attorney and an engineer. He noted the Assistant County Attorney has advised that if they hire an attorney or an engineer, they need to have a public hearing, bids and the attorney costs would be paid by the entire district. Deerberg noted if the engineer is hired for the proposed improvement on the map presented, those costs would be paid by the owners in that area only. He indicated the Board is considering annexing in more of the watershed area on the map that is not currently in the District. The G.I.S. Tech can tell the Board what percentage of the ground is in the District. There would be a public hearing on the annexation. If an attorney is hired, the attorney would take care of the annexation also. Kirk Weih of Hertz Farm Management said the petitioners propose to cover the attorney fees for the project in the northeast quadrant. Deerberg thought everyone in the District would pay for the attorney fees for the annexation. The engineer that is proposed has experience on drainage. The last time the Board took bids for an engineer, Deerberg noted MSA was the only one that bid. He said the Assistant County Attorney has other duties, so she doesn't put all of her time to the Stanwood Drainage District. Deerberg noted the owners in the District can take this over and have their own Trustees, and they still can collect taxes for this. He asked for input. Kirk Weih reviewed the petitioners' proposal. Kirk Weih said he represents one landowner among the petitioners. Weih referenced a line on the map that was presented by the petitioners, where they think additional tile is needed. He noted only the landowners in that area affected by the watershed would be asked for an assessment. Weih indicated a proposal by an engineer would come back to all members of the Drainage District for review. Mark Mead asked if he needed to be at this meeting if he is not in the proposed improvement watershed area. Dennis Coppess said Mark Mead wouldn't be affected by this project. Bell noted he would still be involved in the attorney fees. Weih acknowledged that Mead would be involved in the annexation part of the fees. Bell indicated he would be involved in the ongoing maintenance also. Weih noted they tried to find expertise. They found Attorney James C. Hudson, obtained references and met with him. The recommendation by the Trustees is to appoint Atty. Hudson as the attorney for the District. Weih noted as petitioners, they believe it is only fair that they pay for this, not the entire District, but the annexation affects everyone, so then everyone would pay the attorney fees for that. Deerberg noted there would be ongoing work for assessments and public hearings. Weih

referenced a document of record and nothing has been done with that going forward. He felt MSA Professional Services had limited experience with drainage work. Weih indicated the petitioners have contacted Don Etler, an engineer from Algona. They recommend that he be appointed as the drainage engineer for this project, and the cost would be allocated to those affected by the watershed for this project. Weih reviewed the memo submitted by the petitioners, who are as follows: Dircks Farms, Inc.; Robert & Diane Dircks; Coppess Farm Partnership; Hoyman Farm Partnership, Tom & Dawn Weiland; Donna L. Oldorf Revocable Trust; Dennis L. Oldorf Family Trust; Duane Dierks; and Voelker Family Farms. The memo addresses their objective, the proposed improvement, the process, the costs and the method of payment. They feel more capacity is needed for drainage. It was noted a letter has been sent to Union Pacific by the Assistant County Attorney, requesting that they clean out culverts under the railroad tracks. Weih noted the tile would have to get through Hwy 38, and he said the drainage law speaks to a state highway and the State would pay for that. The petitioners recommend appointing Atty. Jim Hudson and Engineer Don Etler. Weih felt they could build on the MSA Study. He indicated they felt a weakness was that the engineer didn't do a good job of getting input from landowners. He said the engineer would then do a presentation at meetings. Weih said it takes people to vote against it to stop the process. He indicated the project would only affect the owners in the northeast quadrant. Weih stated the engineer would give cost estimates and go out for bids. He felt as petitioners they have a preference to have local contractors do the work. Weih said during their meetings they invited contractors Merle, Glen, Todd and Bruce, and they know they do good work. Deerberg said the Board is contemplating setting up a maintenance fund for the District. It would be \$25,000 over five years for the entire District. Weih noted there is a broken tile that Merle Gronewold has looked at. He urged owners to contact Jon Bell or Brad Gaul about any needed tile repairs. The current balance of the Stanwood Drainage District Fund is around \$80 which will likely be used for postage and notices for this meeting, and he indicated dollars have been loaned to the District. Bell felt once the railroad company cleans out the east culvert, they will incur expenses for ditching if they want to make the area usable. Weih indicated that could be part of the proposal, but if the petitioners' proposal is not approved, it was noted this ditching will likely still need to be done. Deerberg noted there would have to be a public hearing on the improvements. They have the right to accept or reject any or all bids. The Board does not have to take bids for maintenance projects. There was discussion about the formula used to calculate assessments. Bell thought it is a weighted formula. Weih thought the further out the property is there would be less points, and closer there would be more points. Deerberg asked about payment of the attorney's costs. Weih noted the petitioners believe that for the work done on the proposed project in the northeast quadrant, they should pay for that, and they ask that it be assessed against that project. It was noted the MSA Study is available to be viewed in the Auditor's Office. Deerberg noted the previous recommendation was for a ditch and no tile, it was proposed to the District, and they said no. Someone asked if they were only taking into consideration the surface drainage, and not the tile. Bell felt they took into consideration the tile, from the standpoint of capacity and adding

in the surface drainage. Discussion was held regarding existing tile lines. Leroy Van Roekel asked if putting the tile in would reduce the need for a ditch. Weih noted tile would be more expensive, but he asked if you had a choice of a ditch or tile, which would you prefer? Van Roekel asked if putting tile in would reduce the size of an open ditch. Weih thought depending on the size of the tile, for example a 30-inch tile, it would reduce the length and/or width of a ditch. He couldn't speculate until the engineer looks at it. Merle Gronewold, a tiler, felt putting in another 30-inch tile with the existing 24-inch tile with an open waterway between the two, would help considerably. Weih clarified that the cost of the attorney would be spread over the impacted area of the project. Deerberg noted in MSA's Study there were different districts, and not all districts were going to have to pay for that proposed improvement. Someone asked if the City of Stanwood would be involved. It was noted the City is in the District. Deerberg asked what the group would like the Board to do. One lady said proceed. Deerberg noted if they hire an outside attorney, the Assistant County Attorney will wash her hands of it. Someone asked if there is an estimate on the attorney costs. Weih said he didn't know. Deerberg indicated MSA estimated hundreds of thousands of dollars to put in tile. Someone thought the engineer's fee could be 7-10% of the construction cost. Discussion continued. Kirk Weih stated the petitioners request that the Stanwood Drainage District Board proceed with the proposal presented. Deerberg said he is hearing that they want to proceed. Deerberg asked Bell if he would like to discuss the rock that the Board received an email about that was placed near the railroad culverts. Bell said the railroad company needs to clean out the other side. He is okay with what the City has done to keep erosion away. Per the Mayor, the D.N.R. is aware of what was done. Bell felt when the railroad gets the culverts cleaned out, there should be work done to cut back the area at a decent angle so the water is not coming straight down and then having to turn. It may come close to a discharge line, so he thought perhaps a gabion may need to be put in place. At this point, Bell didn't think anything needs to be done, and he said the rock is clean. He has told the Mayor they do not want any more rock put in there, because it would be that much more to take out later. Dennis Coppess asked if they'd have to move the discharge back. Bell said they don't know yet. Mayor Wagner felt when they get in there, the D.N.R. would have to be involved. Sup. Gaul thought 90% of the ditch is hitting the west railroad culvert. He has walked the south side, and there are slough offs holding water back. Bell thought part of the problem is that the water was channeled down and then it was expected to go southeast and go under the other side. Dennis Coppess thought when they start digging they may have to take some of the railroad ties out. Bell acknowledged that could be right. Deerberg noted the Board will proceed to hire an attorney and an engineer. He asked if the other Board members had any comments. Kaufmann stated that is how he interpreted the meeting. Bell noted they would have to go out for bids for the attorney and the engineer. Deerberg again noted they have the right to accept or reject any or all bids, and they can pick the one they want. Linda Coppess asked if bidding is required by Code. Deerberg said yes. L. Coppess noted with the City of Mechanicsville, they appoint whatever attorney is needed to do the job. Deerberg noted the County Attorney told them they had to take bids. Weih asked if they could provide documentation from the Code that they can

appoint, would the Board accept that? Deerberg felt before they would do that, they would consult the County Attorney. Weih indicated the petitioners believe it is in the Code that the Trustees have the right and authority to appoint. Brief discussion continued. Weih indicated documentation would be given to the Board. Deerberg said on next year's taxes they would have the maintenance assessed, and they will work on the annexation.

The meeting concluded at 6:30 p.m.

November 26, 2013

Moved by Kaufmann seconded by Gaul to convene as the Stanwood Drainage District Board.  
Ayes: Bell, Kaufmann, Ellerhoff, Gaul, Deerberg

Robert Dircks and Dennis Coppess, landowners in the District, were present. Chairperson Deerberg said he talked to Assistant County Attorney Roberts. She noted they don't have to take bids for an attorney or engineer, but she recommended taking bids when talking about that kind of money. She indicated they could still reject or accept a bid. Deerberg acknowledged that it is in the Code that they could hire outright. Sup. Kaufmann wondered what her reasons are. Deerberg indicated she thought it is good practice. Sup. Ellerhoff agrees that it is good practice, but only if they are going to analyze the bids, but if they are going into it knowing who they are hiring, that is different. Deerberg noted Atty. Roberts felt bids would allow them to know where they are at financially. Sup. Bell stated they may go through the process and only end up with one or two submitting a bid. Dennis Coppess indicated they stumbled on to the proposed individuals. Bell thought the proposed engineer's name was mentioned previously, but he may have had something going on at the time. He felt the Board should go through the process. Sup. Gaul asked if that is a problem. Ellerhoff felt the process could take six weeks to two months. Bell suggested putting out a Request for Proposals. Coppess noted if they are trying to get the project going by early next fall, there is a lot to do.

Moved by Bell seconded by Ellerhoff to have Assistant County Attorney Roberts move forward with a Request for Proposals for an attorney and an engineer as soon as possible. Discussion was held. Deerberg said he is going by what Atty. Roberts said. He noted they don't know what the individuals will charge. Bell felt an RFP keeps them honest. Robert Dircks wondered how do they know what experience they have with drainage districts. Deerberg referenced the study that was done. Dircks felt some of it would be used. Bell felt they would have to do research on those that submit an RFP. Deerberg indicated the attorney hired would not only work on the project, but the attorney would be taking over the entire District. Deerberg wondered if they would ask for an hourly rate or an estimate. Coppess felt an estimate is an open book. Bell felt they would request a quote or a bid. Kaufmann didn't know that a lawyer could give an estimate on this. Coppess agreed. Bell thought it would be on an hourly basis. Deerberg wondered if the engineer proposal would be a hourly rate.

Ayes: Gaul, Bell, Deerberg  
Nays: Kaufmann, Ellerhoff

Moved by Ellerhoff seconded by Bell to approve the minutes of November 20, 2013.  
Ayes: Ellerhoff, Bell, Kaufmann, Gaul, Deerberg

General discussion was held.

Assistant County Attorney Roberts met with the Board, as requested. Chairperson Deerberg noted the Board will be going out for RFP's for the attorney and an engineer. Bell felt the

County Engineer could assist Atty. Roberts. Roberts noted some people emailed her with Code sections pertaining to hiring an attorney and an engineer. She acknowledged the Board is not required to request bids, but she felt it is good public policy. Deerberg asked if Atty. Roberts has heard from Union Pacific. Roberts said no. The letter was sent on October 21, 2013. Ellerhoff noted the County Engineer may have a phone number for Union Pacific. Discussion was held regarding the Request for Proposals, posting it on our web site, and using an hourly rate or a project rate. Atty. Roberts felt some things may be addressed case by case as they come up. She indicated she thought some work will be done on an hourly basis, and there will be a lot of work this year. Ellerhoff wondered what they should require on the RFP in terms of their experience with working with drainage districts. Bell suggested the County Engineer may be able to assist with the RFP for an engineer. Atty. Roberts told the Board she doesn't know how well the Auditor's Officer can keep up with the work that will need to be done for the District, so she suggested the Board may want to consider appointing someone to do the work, such as the attorney's secretary. She said the Code does allow for that. Auditor Gritton and Engineer Fangmann entered the room. Deerberg wondered if they should ask the attorney. Roberts thought they could ask what the attorney thinks. Bell felt it may not be so bad, and they could wait and see. Regarding the railroad company responding to a letter sent about cleaning out culverts, Kaufmann suggested if Atty. Roberts doesn't hear from them soon, that she contact State Representative Bobby Kaufmann about the matter. Atty. Roberts will try to contact them by phone first. Engineer Fangmann will look for a Union Pacific phone number.

Moved by Bell seconded by Ellerhoff to return to regular session.

Ayes: Ellerhoff, Bell, Gaul, Kaufmann, Deerberg

December 3, 2013

Moved by Kaufmann seconded by Ellerhoff to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Deerberg

The Board reviewed Requests for Proposals for an engineer and an attorney. Assistant County Attorney Roberts met with the them, as requested. Sup. Bell suggested language should be included referencing utilizing the study that was previously prepared, since he felt use of the study would save dollars. Atty. Roberts will revise the language. Discussion was held regarding where to send the RFP's.

Moved by Ellerhoff seconded by Bell to approve the minutes of November 19<sup>th</sup> & 26<sup>th</sup>, 2013.

Ayes: Gaul, Bell, Ellerhoff, Kaufmann, Deerberg

Moved by Ellerhoff seconded by Gaul to return to regular session.

Ayes: Kaufmann, Bell, Ellerhoff, Gaul, Deerberg

Moved by Bell seconded by Gaul to convene as the Stanwood Drainage District Board.

Ayes: Bell, Gaul, Ellerhoff, Kaufmann, Deerberg

Engineer Fangmann met with the Board, as requested. Discussion was held regarding where to send the RFP's for an engineer and an attorney. Chairperson Deerberg noted the County Attorney felt it is good public policy to request proposals and/or advertise, and he noted the Board does not have to accept the bids. Suggestions were made to call Natural Resource Conservation & Development, use the past list of engineers that were sent a request for the previous study, placing the RFP's on the County's web site and on the Iowa Land Improvement Contractors Association's web site, and publishing a notice in the Des Moines Register.

Moved by Ellerhoff seconded by Kaufmann to return to regular session.

Ayes: Ellerhoff, Kaufmann, Bell, Gaul, Deerberg

Moved by Ellerhoff seconded by Kaufmann to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Ellerhoff, Bell, Gaul, Deerberg

Discussion continued regarding contacts for engineers. Sup. Bell spoke with Bruce Barnhart who suggested calling Dan Rassumussen for the Iowa Land Improvement Contractors Association.

Moved by Kaufmann seconded by Gaul to place the RFP's for an engineer and an attorney on the County's web site, the Iowa Land Improvement Contractors Association's web site, use the list of engineers used for the prior study, and use a list of engineers from N.R.C.S.

Ayes: Bell, Kaufmann, Gaul, Deerberg

Nay: Ellerhoff

Moved by Ellerhoff seconded by Bell to return to regular session.

Ayes: Ellerhoff, Bell, Kaufmann, Gaul, Deerberg

December 10, 2013

Moved by Ellerhoff seconded by Gaul to convene as the Stanwood Drainage District Board.  
Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

The Administrative Assistant reported that several engineers have contacted the office requesting a copy of the previous study that was done in 2011. The Board agreed that MSA should be contacted again to try to obtain an electronic copy, otherwise a copy should be scanned here and emailed out to those requesting it. An invoice from Gronewold Tiling and Excavating was reviewed. It is to repair holes in a 24-inch main line tile at three locations west and north of Stanwood and to inspect tile and cement over cracks. The invoice total is for \$563.85.

Moved by Bell seconded by Kaufmann to pay the invoice in the amount of \$563.85 to Gronewold Tiling.  
Ayes: Bell, Kaufmann, Ellerhoff, Gaul, Deerberg

Moved by Bell seconded by Gaul to approve the minutes of December 3, 2013.  
Ayes: Gaul, Bell, Ellerhoff, Kaufmann, Deerberg

Moved by Kaufmann seconded by Ellerhoff to return to regular session.  
Ayes: Kaufmann, Ellerhoff, Gaul, Bell, Derberg

December 12, 2013

Moved by Ellerhoff seconded by Gaul to convene as the Stanwood Drainage District Board.  
Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

Discussion was held with Auditor Gritton. Chairperson Deerberg noted funds are needed to pay bills. Auditor Gritton said the Drainage District currently owes \$1,500 to the General Basic Fund. It was noted there would be bills for lawyer fees, publishing minutes and tile repairs. The Board agreed they would like to do an interfund operating transfer for \$2,000 to the Stanwood Drainage District Fund. A notice would need to be published.

Moved by Bell seconded by Ellerhoff to set December 31, 2013 at 8:45 a.m. as the time for a public hearing on an interfund operating transfer in the amount of \$2,000 to the Stanwood Drainage District Fund from the General Basic Fund.  
Ayes: Bell, Ellerhoff, Gaul, Kaufmann, Deerberg

Bev Penningroth reported that she was able to obtain an electronic copy of the July 2011 evaluation done by MSA Professionals, and copies have been emailed to those that requested it. Also, Kent Rode of I&S Group inquired about how the Board would like proposals submitted. The Board agreed they would like six hard copies and a PDF copy. At this time, they are not requesting a presentation, and a date/time has not been set to take action.

Moved by Ellerhoff seconded by Gaul to approve the December 10, 2013 minutes.  
Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

Moved by Ellerhoff seconded by Kaufmann to return to regular session.  
Ayes: All

December 19, 2013

Moved by Ellerhoff seconded by Gaul to convene as the Stanwood Drainage District Board.  
Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

Discussion was held regarding when to open the proposals for an engineering consultant and an attorney. Robert Lynn Pruess entered the room.

Moved by Kaufmann seconded by Ellerhoff to open the proposals/bids at 10:30 a.m. on December 26, 2013.  
Ayes: Kaufmann, Ellerhoff, Bell, Gaul, Deerberg

Moved by Bell seconded by Kaufmann to approve the December 12, 2013 minutes.  
Ayes: Bell, Kaufmann, Ellerhoff, Gaul, Deerberg

Moved by Gaul seconded by Ellerhoff to return to regular session.  
Ayes: Gaul, Ellerhoff, Kaufmann, Bell, Deerberg

December 26, 2013

Moved by Bell seconded by Gaul to convene as the Stanwood Drainage District Board.

Ayes: Bell, Gaul, Ellerhoff, Kaufmann, Deerberg

Those in attendance were: Kirk Weih, Robert Dircks, Bruce Barnhart, Todd Wynkoop, Sue Elijah, Laura Twing, Betty Lett, Larry Hodgden and Mary Swan.

Moved by Ellerhoff seconded by Bell to approve the minutes of Dec. 19, 2013.

Ayes: Ellerhoff, Gaul, Bell, Kaufmann, Deerberg

Chairperson Deerberg opened the proposals received for engineering and attorney services. A letter was received from HR Green thanking the Board for their consideration, but noting they would not be submitting a proposal. Correspondence from Atty. James C. Hudson of the Hudson Law Firm was read by Chairperson Deerberg, which among other things noted his rates which included an hourly rate for his legal work, an hourly travel time rate and a mileage rate. A proposal was submitted by Donald D. Etler, P.E. Consulting Engineer. Chairperson Deerberg read the first page and then read his Fees Schedule, which included hourly rates for regular time and travel time, a mileage rate, and subcontracted services. A proposal was submitted from the I&S Group, and Chairperson Deerberg read their 2014 Hourly Rate Schedule for various positions. Included in the envelope from the I&S Group was correspondence from Atty. Bruce E. Sellers of Wendland Sellers Bromeland, P.A. which included a proposal and their hourly rate for legal counsel, a mileage rate and a per diem allowance. A proposal was submitted by French-Reneker-Associates, Inc. for engineering services, which included a Schedule of Charge Rates for various positions and costs. Chairperson Deerberg stated the Board would review the proposals. This matter was placed on their Dec. 31, 2013 agenda.

Moved by Ellerhoff seconded by Kaufmann to return to regular session.

Ayes: Ellerhoff, Kaufmann, Gaul, Bell, Deerberg

Moved by Kaufmann seconded by Bell to return to regular session.

Ayes: Gaul, Kaufmann, Bell, Deerberg

Absent: Ellerhoff

December 31, 2013

Moved by Kaufmann seconded by Bell to convene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Bell, Gaul, Deerberg

Absent: Ellerhoff

Others in attendance were: Kirk Weih, Bruce Barnhart, Betty Lett, Larry Hodgden and Mary Swan.

Supervisors Bell and Gaul were asked for their recommendations concerning the proposals for an engineer and attorney.

Sup. Gaul indicated he felt that due to the input at the last meeting held in Stanwood, he was leaning towards hiring Atty. James Hudson (Hudson Law Firm) and Don Etler, Consulting Engineer. Sup. Bell said he did research and made comparisons. He felt French-Reneker-Associates was not as experienced in this area in their information, and he felt they are more agricultural based. He noted they are not tied to an attorney, which Bell felt could be a plus or a minus. Bell felt the I&S Group specializes in this field, and they are experienced. He called some of their references, and they have good references. Bell thought they may be pricey at times, but not anymore than some other firms. The Project Manager/Principal has experience in this area. Bell felt Don Etler is experienced. Sup. Bell thought it gets more complicated because there would be subcontractors involved. Bell talked with Calhoun County and Sac County. It was indicated that Mr. Etler worked for I&S and was involved in projects in Calhoun County. They indicated they were not happy with Mr. Etler and would not hire him in the future. Bell noted Etler adds 5% on subcontractor fees. Sup. Bell felt I&S is more competitive on some things. Regarding the Wendland Sellers law firm, they are quite a ways away, but they are licensed in both Iowa and Minnesota. That law firm bills in quarter hour rate increments, and there is no travel charge for public hearings. They do charge a meal allowance. Bell noted the Hudson Law Firm is higher for travel costs and mileage charges. Atty. Hudson also indicated he has to have Don Etler for the Engineer. Bell wondered what this would mean for future projects, and also he noted Atty. Hudson is not available year-round. He also didn't mention working with the County Attorney, and Bell felt he seems more project focused. Sup. Bell indicated if there are problems on legal things, most counties he spoke to were using a local attorney, and if there is a District or Supreme Court issue, they would hire a more experienced firm. Sup. Bell felt there were issues with Don Etler, and he didn't think the Board would want to appoint Atty. Hudson. He indicated if the group insists on having Etler and Hudson, that it only be for this project and not ongoing. Chairperson Deerberg noted our Assistant County Attorney is resigning and perhaps she may be interested. Bell indicated he spoke with her about that, and she wouldn't give him an answer on that. He noted none of the counties he spoke to used their County Attorney for their drainage matters. Deerberg wondered if Etler would do the engineering work if Atty. Hudson would not. Kirk Weih wondered if Bell asked about warrants and financing. Bell did not, since that wasn't his task at this time. Mr. Weih indicated the petitioners recommend the appointment of Hudson and Etler, and asked that they be given a chance on this project. He felt anyone hired would be subject to review and action could be taken if needed. Deerberg asked if the plans would be the District's if the Board decides not to go with them at

some point. Weih said yes. Deerberg noted he didn't read that in their proposals. Weih felt that is a valid concern, but he thought it could be stated that all work done is public information. Deerberg felt the information gathered should belong to the Stanwood Drainage District. Sup. Kaufmann asked if Weih represents the Stanwood Drainage District. Weih said he represents the petitioners. Bell referenced Nov. 20, 2013 minutes from a meeting at Stanwood, at which it was indicated the petitioners proposed to cover the cost of the attorney fees. Kaufmann wondered what percentage of the owners in the District are not petitioners. Weih felt about 70% of the acres are represented by the petitioners. A map of the district was viewed. Deerberg understood that one person could stop the project and the matter could go to court. Weih felt it would take a majority to vote against it. Deerberg thought one person could stop it. Bruce Barnhart thought that could happen if one person owned enough acres. He indicated we don't have local attorneys to do this work as in other counties. Barnhart felt it would be nice to go with a team they've worked with. Kaufmann wondered if they've heard anything from the owners of the other 30%. Discussion was held regarding owners in the district and who received notification of the meeting on Nov. 20<sup>th</sup>. Bell thought Sac County had a similar project. Kaufmann wondered if the petitioners would be fine with going with just this project. Weih said yes. Mr. Weih felt the engineer and attorney could be directed on the project and work to be done on annexation and reapportionment. Bell recommended if Hudson and Etlar are chosen, that they work on the project only, and he doesn't feel they should use Hudson for the reapportionment. Weih asked if Bell sees a duplication of effort when determining the size of the district. Bell felt most of that work has been done before. He thought most rely on the engineer to do the work and the attorney is a "rubber stamp". Weih concurred. Bell felt the annexation work needs to be done as soon as possible, and he noted Atty. Hudson isn't available until after mid-April. Bell noted funds were borrowed from the General Fund this morning. Deerberg asked if Bell is recommending that a different firm be hired for the annexation and maintenance funding. Bell said yes. Deerberg asked who? Bell felt they would have to do a Request for Proposal. Mr. Barnhart thought they should have one person do all of this. He indicated they could issue warrants, and they wouldn't have to borrow money. Reference was made to charging 5%. Kaufmann thought if the Board's wishes are to hire Hudson and Etlar, they could ask Sup. Bell to have a conversation with Hudson so as to determine indeed most of the work is done. Weih felt whoever is chosen would look to the Trustees for their work assignment. Deerberg referenced the attorney taking care of the mailings. Kaufmann asked Bell for his permission to make a suggestion, in a motion, that Bell contact Hudson. Bell had no objection to that.

Moved by Kaufmann seconded by Gaul to appoint the Hudson Law Firm and Don Etlar as Consulting Engineer, and suggest that Sup. Bell have a conversation with Atty. Hudson regarding the issues and concerns discussed.

Discussion was held. Sup. Bell noted if this is done, in Etlar's proposal Crawford Engineering was mentioned so they would need to be separately appointed as an Engineer also.

Moved by Kaufmann seconded by Gaul to amend the motion to appoint Crawford Engineering also.

The vote on the amendment was as follows:

Ayes: Gaul, Bell, Kaufmann, Deerberg

Absent: Ellerhoff

The vote on the motion was as follows:

Ayes: Kaufmann, Gaul, Deerberg

Nay: Bell

Absent: Ellerhoff

Kirk Weih thanked the Board. He felt identifying the scope of work is important.

Moved by Kaufmann seconded by Gaul to approve the Dec. 26, 2013 minutes.

Ayes: Kaufmann, Bell, Gaul, Deerberg

Absent: Ellerhoff

Moved by Kaufmann seconded by Bell to return to regular session.

Ayes: Gaul, Kaufmann, Bell, Deerberg

Absent: Ellerhoff