

January 2, 2015

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

Discussion was held regarding invoices submitted by Dircks Farms for work done to repair tile, which they have paid and the Board approved reimbursement to them. The Stanwood Drainage District Fund does not have adequate funds to cover this reimbursement. Auditor Gritton met with the Board to discuss a possible loan. The Auditor will discuss this matter with the Treasurer. The Board will ask Betty Ellerhoff if she would be interested in serving on the Benefit Commission. Sup. Bell reported it is believed that the Drainage District will not qualify for a grant for work in the District.

Moved by Kaufmann seconded by Gaul to approve the corrected minutes of November 25 and the minutes of December 16, 23, & 30, 2014.  
Ayes: Kaufmann, Gaul, Bell, Smith, Deerberg

Moved by Bell seconded by Smith that the I.D.O.T. pay an additional 8% if the cost to rebid Section 3 exceeds \$4,000, but that the I.D.O.T. pay an additional 7% if the cost to rebid is under \$4,000.  
Ayes: Bell, Smith, Gaul, Kaufmann, Deerberg

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

January 6, 2015

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

Ayes: Smith, Gaul, Bell, Deerberg

Absent: Kaufmann

Discussion was held with Auditor Gritton, Deputy Treasurer Delaney and Dee Hoke of Hunt & Associates, the County's auditing firm, regarding the use of stamped warrants for a proposed improvement project. Treasurer Jedlicka and Angela Brennan were present. The Treasurer has to tack all of the stamped warrants and reconcile, and there are semi-annual reporting requirements. Options are a true stamped warrant for the amount of a bill or a true long-term debt. Bell noted the Board was told they couldn't do the second option per the Code. Dee Hoke noted the option of drainage warrant certificates. Discussion continued. Auditor Gritton suggested the County would issue the checks and then ask for the dollars from the bank. The banks will be invited to discuss this matter with the Board on January 20<sup>th</sup>. The call concluded. Brief discussion was held.

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

Ayes: All

Absent: Kaufmann

January 22, 2015

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

Chairperon Deerberg noted the County's auditors brought a Code section with them indicating warrants cannot be in excess of \$5,000 increments. Atty. Hudson was contacted, and he cited another Code section that indicates differently. Documentation was reviewed. Discussion was held. Sup. Kaufmann suggested that Atty. Jim Hudson contact the County's auditing firm to discuss this matter. The other members agreed.

Moved by Kaufmann seconded by Smith to approve the minutes of January 20, 2015.  
Ayes: Kaufmann, Smith, Bell, Gaul, Deerberg

Moved by Smith seconded by Bell to return to regular session.  
Ayes: All

January 29, 2015

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

Ayes: Smith, Bell, Gaul, Kaufmann, Deerberg

Auditor Gritton was present.

Moved by Bell seconded by Kaufmann to approve the minutes of January 22, 2015.

Ayes: Bell, Kaufmann, Smith, Gaul, Deerberg

The Board reviewed a contract with BWC Excavating, LC for the improvement project.

Moved by Bell seconded by Kaufmann to approve the contract with BWC Excavating, LC in the amount of \$1,478,318.60 and to authorize Chairperson Deerberg to sign the same.

Ayes: Bell, Kaufmann, Smith, Gaul, Deerberg

Auditor Gritton and Deputy Treasurer Delaney met with the Board to discuss their conversation with Dee Hoke, one of the auditors with Hunt & Associates, regarding the finances and reporting for the improvement project. Dee Hoke indicated she is okay with the \$10,000 increments for the warrants for the banks. Deputy Delaney has spoken with Bob Steen of Bridge Community Bank, and he indicated the bankers are okay with going dollar for dollar. Auditor Gritton asked for approval to purchase the "Solutions" drainage software for the Auditor and Treasurer for an amount of \$4,500 plus \$400 per year for maintenance. The Drainage District will pay this expense.

Moved by Kaufmann seconded by Smith to authorize the purchase of the "Solutions" drainage software for the amount of \$4,500 and to pay the annual \$400 maintenance fee.

Ayes: Kaufmann, Smith, Gaul, Bell, Deerberg

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

Ayes: Gaul, Bell, Smith, Kaufmann, Deerberg

February 3, 2015

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

At 10:00 a.m. Engineer Don Etler of Bolton & Menk met with the Board for the opening of sealed bids for the Section 3 Highway 38 road crossings for an improvement project. There were five others in attendance. Mr. Etler recommended to not make an award until they get the 28E Agreement from the Department of Transportation. He also suggested going with the 8% additional amount from the D.O.T. since he felt the cost to rebid Section 3 would be in excess of \$4,000. Mr. Newman Abuissa of the Iowa Department of Transportation entered the room shortly after the bid opening started.

The bids were opened and read as follows:

| <u>Bidder</u>          | <u>Total Bid</u>   |
|------------------------|--|
| Ricklefs Excavating    | \$238,160.00   |
| Triple B Construction  | \$244,173.00   |
| Tschiggfrie Excavating | \$235,505.00 (Determined to be \$235,510.00 after review of bids.) |
| Maxwell Construction   | \$245,330.00   |
| BWC Excavating         | \$140,177.00   |

A complete tabulation of the bids is on file in the Auditor's Office.

Mr. Abuissa will try to expedite the 28E Agreement. Mr. Etler and Mr. Abusissa left the room to check the bids.

Moved by Bell seconded by Kaufmann to approve the minutes of January 29, 2015.  
Ayes: Bell, Kaufmann, Gaul, Smith, Deerberg

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

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

The hearing was convened on the plans, specifications, form of contract and estimated cost for the Section 3 Highway 38 road crossings.

Moved by Bell seconded by Kaufmann to approve the plans, specifications, form of contract and estimated cost, to withhold the award to BWC Excavating pending receipt of the 28E Agreement from the I.D.O.T., and to release the bid securities for the unsuccessful bidders.  
Ayes: Bell, Kaufmann, Gaul, Smith, Deerberg

It was noted that after review of the bids, there was a mathematical error and the Tschiggfrie bid should read \$235,510.00. Don Etler gave a report on the improvement project.  
The hearing was closed at 11:04 a.m.

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

March 3, 2015

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

Ayes: Smith, Kaufmann, Gaul, Deerberg

Absent: Bell

Moved by Kaufmann seconded by Smith to approve Claim Disbursements #399841 - #399850 and #399834- #399839.

Ayes: Gaul, Kaufmann, Smith, Deerberg

Absent: Bell

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

Ayes: Smith, Gaul, Kaufmann, Deerberg

Absent: Bell

Moved by Gaul seconded by Smith to reconvene as the Stanwood Drainage District Board.

Ayes: Gaul, Smith, Kaufmann, Deerberg

Absent: Bell

Moved by Smith seconded by Kaufmann to approve Stanwood Drainage District minutes of January 02, 2015 referencing the I.D.O.T. pay an additional 8% if the cost to rebid Section 3 exceeds \$4,000, but that the I.D.O.T. pay an additional 7% if the cost to rebid is under \$4,000.

Ayes: Smith, Kaufmann, Gaul, Deerberg

Absent: Bell

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

Ayes: Kaufmann, Gaul, Smith, Deerberg

Absent: Bell

March 10, 2015

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

Ayes: Kaufmann, Smith, Bell, Deerberg

Absent: Gaul

Discussion was held, referencing the tax exemption letter from Bob Josten. A call was placed to Don Etler. Etler will contact Hudson to follow up. Board is in agreement to contact another attorney to get their second opinion. Etler will contact Bob Steen. Sup Deerberg received clarification on signing all three copies of the bills. One copy will go to the engineer, one to the contractor, and one for the Board to keep for their records. Etler agrees to hold off on paying anything until he hears back from an attorney. Etler will contact the Board once he has further information. Phone call was ended.

Discussion was held on IDOT project # FN-38-2(6)-21-16 for the use of highway right of way.

Moved by Kaufmann seconded by Bell to approve IDOT project agreement for the use of highway right of way and to authorize Chairperson Deerberg to sign the same.

Ayes: Kaufmann, Bell, Smith, Deerberg

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

Ayes: Kaufmann, Smith, Bell, Deerberg

Absent: Gaul

# Stanwood Drainage District

March 17, 2015

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

Ayes: Bell, Kaufmann, Smith, Gaul, Deerberg

Deerberg read email from Don Etlar referencing the proposed agreement. Etlar looked over the agreement and believed the earlier concerns were addressed. Etlar believed the agreement is suitable for the Board to sign.

Moved by Kaufman seconded by Smith to approve and authorize Chairperson Deerberg to sign Agreement 2015-16-200 (Iowa 38 drainage improvements for Lateral No's. 1 and 2 in the service area of Drainage District No. 1 in Cedar County).

Ayes: Gaul, Smith, Kaufmann, Bell, Deerberg

Moved by Smith seconded by Kaufmann to approve the Board Minutes of March 3, 2015 and March 10, 2015.

Ayes: Gaul, Bell, Kaufmann, Smith, Deerberg

Discussion Sup. Deerberg talk to Bob Steen referencing Claim payments. The Board has not received anything back from Hudson on how to proceed. Claim payments will continue to be not paid until the Board hears back from Hudson. Contractors have received notification that Claims will not be paid.

Discussion referencing the Stanwood Drainage District minutes being published. The Board will check with Hudson or Etlar to check on if the Board has to publish the minutes. Information will be brought back to the Board.

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

Ayes: Kaufman, Bell, Smith, Gaul, Deerberg

# Stanwood Drainage District

April 7, 2015

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

Ayes: All

Absent: Deerberg

Moved by Smith seconded by Gaul to approve the Board Minutes of March 17, 2015.

Ayes: All

Absent: Deerberg

Discussion was held regarding 2015 Drainage Improvement Contract. Sup. Bell wanted clarification on if the 28E agreement with the I.D.O.T. was signed; before approving the 2015 Drainage Improvement Contract. Don Etler was called. Sup. Kaufmann asked about the 28E agreement. Etler stated that the 28E agreement was signed but wasn't sure where a copy was. Etler will check with the I.D.O. T. and call the Board back.

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

Ayes: All

Absent: Deerberg

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

Ayes: All

Absent: Deerberg

Administrative Assistant Wright received an email from Etler. The Board viewed the 28E agreement. Wright read the email from Etler. The 28E agreement was signed by Chairperson Deerberg on March 17<sup>th</sup> and the I.D.O.T on March 25<sup>th</sup>. The I.D.O.T will mail an official copy of the agreement this week.

Moved by Bell seconded by Smith to approve the 2015 Drainage Improvement Contract for Section 3, Highway 38 road crossings for Drainage District 1 in Cedar County and authorize Chairperson Pro Tem Kaufmann to sign the same.

Ayes: All

Absent: Deerberg

Sup. Bell stated that the Board typically has the Stanwood ditch burned. Wright will contact Mike Dauber with this request and report back to the Board.

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

Ayes: All

Absent: Deerberg

# Stanwood Drainage District

April 14, 2015

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

Ayes: All

Absent: Deerberg

Moved by Bell seconded by Smith to approve the Board Minutes of April 7, 2015.

Ayes: All

Absent: Deerberg

Discussion was held regarding tax exemption. The Board agreed to call Attorney James Hudson to get clarification. A call was placed to Attorney James Hudson. Hudson was unavailable and was asked to return a call to the Board.

Discussion was held regarding burning the main drainage ditch. Mike Dauber was contacted. Duaber stated that the Stanwood Fire Department would burn off the ditch for the amount of \$600.00.

Moved by Bell seconded by Smith to approve Stanwood Fire Department to burn off the main drainage ditch in Stanwood for \$600.00.

Ayes: All

Absent: Deerberg

Hudson called the Board. Discussion was held regarding federal tax exempt status. Hudson had called Attorney Robert Josten two weeks ago and requested that Josten prepare an opinion letter and/or some type of documentation for the Board to pass a motion or resolution. Hudson stated he was under the impression that Josten had sent the Board something. Hudson doesn't understand what the issue is because his firm has always held that drainage warrants are federally exempt. Sup. Smith asked Hudson if we are the only ones doing this. Hudson replied that they use warrants for every single project. Hudson has never run into this with drainage warrants in his life; no one usually questions it. Attorney Josten was called. Sup. Kaufmann briefed Josten on the email referencing BWC contractors pulling off the job site due to lack of payment. Josten felt that the Board is inventing wheels and he is struggling to make this simple because of state and federal law. Josten stated that there is usually a statutory process that needs to be met, and there isn't one for this. Josten stated that the Board is going to have to set a public hearing. Josten will need numbers from someone in order to set the max amount need to be borrowed for the resolution. Sup. Kaufmann stated that Don Etlar would have those numbers. Josten will call Etlar to get those numbers so the Board can set a public hearing date. Josten will call Sup. Bell and Sup. Kaufmann with an update.

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

Ayes: All

Absent: Deerberg



# Stanwood Drainage District

April 20, 2015

The Stanwood Drainage District Board met in special session at 7:30 a.m. April 20, 2015 with the following members present: Gaul, Smith, and Chairperson Pro Tem Kaufmann.

Moved by Gaul seconded by Smith to approve the agenda.

Ayes: All

Absent: Bell, Deerberg

Auditor Gritton briefed the Board about a conversation with banker Glenn Hay. The banks know that they are going to receive the tax exempt letter and want to get the bills paid. The banks are prepared to purchase these warrants. Auditor Gritton read the list of entities that need to be paid. The total dollar amount from Bridge bank would be \$162,863.28. Sup. Gaul will hand deliver the check to BWC in Solon.

Moved by Smith seconded by Gaul to amend the agenda to include the disbursement of warrants.

Ayes: All

Absent: Bell, Deerberg

Don Etler will receive correspondence letting him know what the Board decided. Auditor Gritton discussed a conversation she had with Attorney Josten. Josten stated that he hadn't heard back from Don Etler with a dollar amount for the resolution. Josten set the amount at 2.4 million but allowed the amount to be amended. The correct amount needs to be on the resolution in order for the resolution to be published. A phone call was placed to Don Etler. Bolton-Menk office was closed and not open until 8:00 a.m. Auditor Gritton will contact Don Etler to get the amount. If Etler fails to communicate the dollar amount by 9:00 a.m., Auditor Gritton can send the resolution to the newspapers to be printed as stated. Sup. Kaufmann read the following resolution:

## RESOLUTION

Resolution setting date for public hearing on issuance of drainage district warrants

WHEREAS, the Board of Supervisors (the "Board") of Cedar County, Iowa (the "County") is responsible for the management of the Stanwood Drainage District (the "Drainage District"); and

WHEREAS, Section 468.70 of the Code of Iowa authorizes counties to issue warrants payable from assessments against property owners in order to pay the costs of certain drainage projects; and

WHEREAS, the Board has undertaken a project in the Drainage District known as 2015 Drainage Improvements (the "Project"); and

WHEREAS, the Board intends to issue warrants in an amount not to exceed \$2,400,000 to pay the cost of the Project; and

WHEREAS, it is necessary to fix a date of meeting of the Board at which it is proposed to take action to hold a public hearing on the proposed warrants and to give notice thereof as required by federal law;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Cedar County, Iowa, as follows:

Section 1. This Board shall meet on the 28<sup>th</sup> day of April, 2015, at the County Courthouse, Tipton, Iowa, at 10:00 a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to authorize the issuance of warrants.

Section 2. The County Auditor is hereby directed to give notice of the proposed hearing, setting forth the amount and purpose thereof, the time when and place where the said

meeting will be held, by publication at least once and not less than 4 nor more than 20 days before the meeting, in a legal newspaper of general circulation in the County.

Section 3. The notice shall be substantially as follows:

**NOTICE OF PROPOSED ACTION TO HOLD HEARING ON ISSUANCE OF DRAINAGE WARRANTS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,400,000**

The Board of Supervisors of Cedar County, Iowa, will meet on the 28<sup>th</sup> day of April, 2015, at the County Courthouse, Tipton, Iowa, at 10:00 a.m. for the purpose of holding a public hearing on a proposal to issue warrants (the "Warrants") in a principal amount not to exceed \$2,400,000 for the purpose of paying the cost, to that extent, of improvements in the Stanwood Drainage District.

The Warrants are proposed to be issued pursuant to authority contained in Section 468.70 of the Code of Iowa and will not constitute general obligations of the County, but will be payable from assessments levied against property located in the Stanwood Drainage District.

At that time and place, oral or written objections may be filed or made to the proposal to issue the Warrants. After receiving objections, the County may determine to issue the Warrants, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Cedar County, Iowa.

Cari Gritton  
County Auditor

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved April 20, 2015.

Moved by Smith seconded by Gaul to approve and authorize Chairperson Pro Tem Kaufmann to sign the resolution to set the public hearing date for April 28<sup>th</sup>, at 10:00 a.m.

Ayes: All

Absent: Bell, Deerberg

Moved by Smith seconded by Gaul to adjourn at 7:48 a.m.

Ayes: Smith, Gaul, Kaufmann

Absent: Bell, Deerberg

# **Stanwood Drainage District**

April 21, 2015

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

Ayes: Kaufmann, Bell, Smith, Gaul, Deerberg

Sup. Gaul delivered the check to BWC in Solon. Sup. Gaul apologized to contractor Shawn Witten for the delay in payment. Witten stated that he understood that it wasn't the Board's fault. Witten estimated that the project should be completed by October. Brief discussion was held regarding the April 20<sup>th</sup> meeting.

Moved by Smith seconded by Gaul to approve the Board Minutes of April 14, 2015 and April 20, 2015.

Ayes: Smith, Gaul, Bell, Kaufmann, Deerberg

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

Ayes: Kaufmann, Bell, Smith, Gaul, Deerberg

# Stanwood Drainage District

April 28, 2015

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

Moved by Bell seconded by Kaufmann to approve the Claims #200032-#200033.  
Ayes: Bell, Kaufmann, Smith, Gaul, Deerberg

Moved by Kaufmann seconded by Gaul to approve the Board Minutes of April 21, 2015.  
Ayes: Kaufmann, Gaul, Bell, Smith, Deerberg

Brief discussion was held on work progress.

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

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

A Public Hearing on the Resolution authorizing issuance of drainage district warrants for Stanwood Drainage District was held. Duane Diercks, Rick Pruess, and Royce Lehrman were in attendance. Sup. Deerberg asked if the public wanted the Resolution read. No one replied. Sup. Kaufmann gave a review of the tax exemption letter status between Engineer Don Etlar and Attorney's Hudson and Josten. Josten feels that this hearing would give him confidence enough to put together that letter. Questions and comments were answered from the public. Diercks and Pruess expressed their frustrations with this project. Discussion was held. Don Etlar was called. Etlar answered questions from the Board and the public. Etlar stated that the City of Stanwood is hooked into the main ditch and that they are getting a free ride. Discussion continued. Cleaning out the ditch will be at the expense of all the drainage district. Sup. Bell questioned Etlar on why the ditch will take a year to be cleaned out. Etlar stated that it could be done earlier maybe this fall. Damages to crops will be assessed by the Drainage Board. Etlar will make arrangements with the Auditors office to come to the job site this week. Discussion continued.

Moved by Kaufmann seconded by Gaul to approve the following Resolution authorizing issuance of drainage district warrants for Stanwood Drainage District.

WHEREAS, the Board of Supervisors (the "Board") of Cedar County, Iowa (the "County") is responsible for the management of the Stanwood Drainage District (the "Drainage District"); and

WHEREAS, Section 468.70 of the Code of Iowa authorizes counties to issue warrants payable from assessments against property owners in order to pay the costs of certain drainage projects; and

WHEREAS, the Board has undertaken a project in the Drainage District known as 2015 Drainage Improvements (the "Project"); and

WHEREAS, the Board has published notice and held a hearing on the question of issuing warrants in an amount not to exceed \$2,400,000 to pay the cost of the Project (the "Warrants"); and

WHEREAS, it is necessary to authorize the issuance of the Warrants and to establish compliance with federal income tax laws related to the exemption from federal income taxation of interest income to holders of the Warrants;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Cedar County, Iowa, as follows:

Section 1. The Warrants are hereby authorized to be issued in an amount not to exceed \$2,400,000, at such times as the Board may determine to be necessary.

Section 2. It is the intention of the County that interest on the Warrants be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Warrants will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Warrants as "Qualified Tax Exempt Obligations" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved April 28, 2015.

Ayes: Kaufmann, Bell, Smith, Gaul, Deerberg

Moved by Bell seconded by Kaufmann to approve invoice #245 for \$3840.00 and #246 for \$1720.00.

Ayes: Bell, Kaufmann, Gaul, Smith, Deerberg

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

Ayes: Gaul, Smith, Bell, Kaufmann, Deerberg

# Stanwood Drainage District

May 1, 2015

The Cedar County Board of Supervisors acting as the Stanwood Drainage District Board met at the HWY 38 Bridge in Stanwood Iowa in special session at 8:00 a.m. on May 1, 2015. The following Board members were present Bell, Kaufmann, Smith, and Deerberg. Sup. Gaul was absent. Others in attendance were: Administrative Assistant Wright, Engineer Don Etlar, Sue Hall, Rick Pruess, Linda Coppess, Teresa and Rodney Wendt, Robert Dircks, Kirk Weih, Royce Lehrman, Duane Dierks, and Dave Siebles.

Bolton- Menk Engineer Don Etlar answered questions from Drainage District landowners. Etlar explained the progress of the project. Etlar stated that his understanding was that the contractor BWC was to start boring through the highway on April 1<sup>st</sup>. Etlar now knows that this was not the case. BWC will begin to bore the 42 inch pipe under the highway Tuesday or Wednesday of next week. (May 5 or 6<sup>th</sup>) Etlar estimates that boring through the highway work will take a couple of days. BWC will bore the holes on Monday. Etlar explained the reasoning of why the water was pooling at the outlet. The Contractor was made aware at the hearing that they had to work and manage the water. Etlar said that the water in the outlet ditch will be at the top of the pipe in the spring time. Duane Dierks expressed his concerns with the water in the tile being backed up. Etlar confirm that not boring though the highway was “a screw up.” Discussion continued. Etlar addressed issues relating to the ditch being cleaned out. Etlar stated that the whole Drainage District is responsible for the costs involving the ditch being cleaned out. Etlar stated that the contractors are keeping a record of the connections. Crawford Engineering has these records. Etlar will look at these records. The City of Stanwood water comes in the lower end, Etlar did not include that small area in the benefited area for this lateral for convenience in making the decision. The assessments for the lots in town are \$20 per lot. Stanwood’s water was supposed to go into the old main. Stanwood will have to make a decision on what they are going to do with the old main by the end of this year. Discussion was held regarding the Ditch Study completed by Crawford Engineering. A hearing about the ditch study results will be set sometime this fall. The Board will have to take bids on the project. Etlar estimates that this project will be finished next year. Etlar discussed the Completion Hearing process in reference to damages assessed. Etlar answered questions from landowners Rick Pruess and Teresa and Rodney Wendt. Reclassification can be brought up at the Completion Hearing. Sup. Bell stated that there needs to be better communication with the land owners and the contractors. Etlar will mail out a follow up summary of today’s meeting. The letter will ask the landowners for their email addresses in order to send out project updates. The Board, Etlar, Wright, Dierks, Pruess, Lehrman, Siebles and the Wendts went to the lower west end of drainage district to view the old main and the new line.

# Stanwood Drainage District

May 5, 2015

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

Ayes: Kaufmann, Smith, Gaul, Bell, Deerberg

Sup. Deerberg stated that Daune Dierks had called him about the sump pumps not working. Sup. Deerberg called the contractors. The contractors were aware of the problem and were heading up to the site to put more gas into the pump.

Moved by Smith seconded by Kaufmann to approve the Board Minutes of April 28, 2015 and May 01, 2015.

Ayes: Gaul, Bell, Smith, Kaufmann, Deerberg

Wright stated that Auditor Gritton was working with Attorney Bob Josten on an IRS form that is required for the money to be tax exempt for the banks.

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

Ayes: Kaufmann, Bell, Smith, Gaul, Deerberg

## **Stanwood Drainage District**

May 19, 2015

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

Ayes: Kaufmann, Bell, Gaul, Smith, Deerberg

Sup. Smith asked if the sump pumps were still pumping. Brief discussion was held. Supervisors were not aware of any updates. Don Etler and BWC will be contacted and report back to the Board with an update.

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

Ayes: Smith, Bell, Gaul, Kaufmann, Deerberg

# Stanwood Drainage District

May 26, 2015

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

Moved by Gaul seconded by Kaufmann to approve Claim Disbursements #401085 - #401092.  
Ayes: Bell, Gaul, Smith, Kaufmann, Deerberg

Moved by Kaufmann seconded by Smith to approve the Board minutes of May 05, 2015 and May 19, 2015.  
Ayes: Bell, Kaufmann, Smith, Gaul, Deerberg

Discussion was held on the Des Moines Waterworks Lawsuit fundraising. Sup. Bell feels that this decision should be left up to the drainage district landowners. A public meeting should be held with the landowners.

Moved by Smith seconded by Gaul to email the Iowa Drainage District Association with the Board decision to discuss the Des Moines Waterworks lawsuit fundraising at a public meeting with Stanwood Drainage District landowners.  
Ayes: Bell, Kaufmann, Gaul, Smith, Deerberg

Sup. Kaufmann read an email from Don Etler regarding work progress. Sup. Kaufmann would like further information on the lower ditch work progress and timeline. Etler and BWC contractors will be contacted. Information will be brought back to the Board.

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

# Stanwood Drainage District

June 2, 2015

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

Ayes: Smith, Gaul, Bell Kaufmann, Deerberg

Moved by Smith seconded by Kaufmann to approve Claim Disbursements #200037 - #200039.

Ayes: Bell, Gaul, Smith, Kaufmann, Deerberg

Moved by Gaul seconded by Bell to approve the Board Minutes of May 26, 2015.

Ayes: Bell, Gaul, Kaufmann, Smith, Deerberg

Sup. Smith went to the work site to check on the work progress. Smith reported that the sump pump had been moved and was still pumping out water. Sup. Smith expressed her concern of the ditch clean out progress. Don Etler was called. Etler stated that he has been in the process of moving his office and family and has not had time to respond to the Board request of a update on ditch work progress. Etler explained that Crawford Engineering had completed the survey. Etler has not received the data from the survey. Etler will contact Crawford to have them send a copy of the survey. Once Etler gets the data from Crawford he then can design the grade, develop the plan and then process the report. Etler stated that last he knew they were 80% done with boring the hole under the highway. Etler will contact the contractors to get an update on work progress and will email the Board. Discussion was held on the lower ditch clean out. Etler said that the ditch clean out could begin in the fall. The report would be filed in August and the public hearing would then follow in October, then they would take bids. The ditch clean out could start before harvest but it wouldn't get done. Sup. Bell expects that the survey be completed and submitted by July so the public hearing could be held in late August or early September. Etler stated that he would work on it but he couldn't promise anything because he has to get the report from Crawford. Etler will gather information and get back to the Board.

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

Ayes: Bell, Kaufmann, Smith, Gaul, Deerberg

# **Stanwood Drainage District**

June 16, 2015

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

A phone call was placed to Dan Crawford with Crawford Engineering and Surveying Inc. The Board was under the impression that all bills from Crawford Engineering were being reviewed by Engineer Don Etlar before being sent to the Board for payment. Crawford was unaware that was supposed to be happening and would send future bills to Etlar first. The Board reiterated that any delay in payment is from a lack of communication from Etlar, not the Board. Crawford stated that he would be willing to meet with the Board every other week to discuss work progress. Discussion was held on billing statements.

Moved by Bell seconded by Smith to approve the Board Minutes of June 2, 2015.  
Ayes: Bell, Gaul, Smith, Kaufmann, Deerberg

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

# Stanwood Drainage District

**June 23, 2015**

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

Dan Crawford, Engineer from Crawford Engineering & Surveying, Inc. met with the Board. Discussion was held on the Stanwood Drainage District work progress. BWC contractors report that they are approximately 1/3 done with the project and expect to be completed by the end of this year. Because of weather constraints BWC is behind schedule. Discussion was held regarding Phase II cleaning out the lower ditch. Crawford stated that his firm has completed the survey. A copy of the survey has been sent to Engineer Etler for his review. Lateral A work has been completed. Lateral B is half way finished. Lateral B1 has been completed up to Hwy 38. This will enhance the individual drainage lines. BWC has two crews working. One crew is working on Lateral B3 and the other is completing work on the open channel. Work on the open channel has been halted because of weather. 48' pipe has been bore under the highway. Crawford reported that there is not as much standing water in that area. Sup. Kaufmann read an email from Don Etler regarding the Main Open Ditch clean out. Etler had stated in the email that it would be improbable that his firm would be able to complete the Engineer's report, public hearing, and bid letting in time to see work begin this fall. Sup. Kaufmann ask Crawford if he agreed with Etler's email. Crawford was in agreement with Etler. Sup. Kaufmann question why the bid letting would be delayed till December. Sup. Kaufmann felt that farmers wouldn't mind attending a public hearing during harvest if they knew work would be completed. Crawford stated that there are required time constraints and working with the railroad is difficult. Discussion was held regarding Iowa Drainage Law and railroads. Sup. Bell asked Crawford when the survey was filed and given to Etler. Crawford stated that the survey was completed in April, and was given to Etler last week. Crawford will meet with the Board when he is in the area.

Discussion was held regarding Etler approving Claims. Crawford Engineering will send Etler and the Board a copy of the Claim. The Board will receive a recommendation from Etler prior to approving the Claim.

Moved by Bell seconded by Smith to approve payment of \$2,907.80 to Crawford Engineering & Surveying, Inc. for invoice #8287.

Ayes: Bell, Smith, Gaul, Kaufmann, Deerberg

Moved by Kaufmann seconded by Gaul to approve the Board Minutes of June 16, 2015.

Ayes: Kaufmann, Gaul, Smith, Bell, Deerberg

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

Ayes: Smith, Kaufmann, Bell, Gaul, Deerberg

# **Stanwood Drainage District**

**July 7, 2015**

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

Moved by Smith seconded by Gaul to approve payment of \$5,641.95 to Crawford Engineering & Surveying Inc. and \$44,983.35 to BWC.  
Ayes: Bell, Gaul, Smith, Kaufmann, Deerberg

Moved by Kaufmann seconded by Smith to approve the Board Minutes of June 30, 2015.  
Ayes: Bell, Gaul, Kaufmann, Smith, Deerberg

Administrative Assistant Wright gave an update from Engineer Dan Crawford. Crawford was contacted on July 1<sup>st</sup>. Crawford stated the reason that BWC is jumping around on the work site is because they are trying to find a dry place to work. The wet weather conditions have stalled work progress. There are two crews working at the job site so Crawford would assume there would be a lot of traffic going through there. The contractors have installed a 16 inch pipe north of Stanwood under Hwy 38. Crawford had received permission from Robert Dircks a while ago for the vehicles/equipment to be on his farm land. Dircks knew that his farm ground would be a mess, but agreed to it because the water runoff from his farm land was way better than before. Crawford had also spoken to Doug Hoffman who farms that ground a couple weeks ago and he didn't have any concerns. Crawford agreed to call Duane Dierks to answer his questions/concerns. Crawford did want the Board and the landowners know that the landowners will be able to file for compensation for crop damages. Crawford will make arrangements to get on the Boards agenda in July.

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

# Stanwood Drainage District

**July 14, 2015**

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

Ayes: Smith, Kaufmann, Gaul, Deerberg

Absent: Bell

Moved by Kaufmann seconded by Smith to approve payment of \$103,135.50 to BWC Excavating LC.

Ayes: Kaufmann, Smith, Gaul, Deerberg

Absent: Bell

Moved by Smith seconded by Gaul to approve the Board Minutes of July 07, 2015.

Ayes: Smith, Gaul, Kaufmann, Deerberg

Absent: Bell

Moved by Smith seconded by Gaul to approve Stanwood Drainage District Warrants #401666- #401671 for \$56,532.78 to Bridge Community Bank.

Ayes: Smith, Gaul, Kaufmann, Deerberg

Absent: Bell

Moved by Kaufmann seconded by Smith to approve Stanwood Drainage District Warrants #401672- #401674 for \$10,796.00 to the Cedar County Treasurer.

Ayes: Kaufmann, Smith, Gaul, Deerberg

Absent: Bell

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

Ayes: All

Absent: Bell

Moved by Smith seconded by Kaufmann to reconvene as the Stanwood Drainage District Board.

Ayes: Kaufmann, Smith, Gaul, Deerberg

Absent: Bell

Engineer Dan Crawford met with the Board regarding Stanwood Drainage District work progress. Crawford distributed and reviewed Construction Progress logs. Laterals A and B1 have been completed. Discussion was held regarding a land owner compaction complaint. Discussion continued. Cleaning out the lower ditch is in the design stage with Engineer Etler. Crawford will be going to the work site today.

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

Ayes: Gaul, Smith, Kaufmann, Deerberg

Absent: Bell

# **Stanwood Drainage District**

**July 21, 2015**

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

Moved by Kaufmann seconded by Smith to approve and authorize Chairperson Deerberg to sign the General Form Status Inquiry from United Fire and Casualty Company.  
Ayes: Kaufmann, Smith, Gaul, Bell, Deerberg

Moved by Smith seconded by Kaufmann to approve the Board Minutes of July 14, 2015.  
Ayes: Smith, Kaufmann, Gaul, Bell, Deerberg

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

# **Stanwood Drainage District**

**August 04, 2015**

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

Ayes: All

Absent: Bell

Moved by Smith seconded by Gaul to approve the Board Minutes of July 21, 2015.

Ayes: All

Absent: Bell

Moved by Gaul seconded by Smith to approve payment of \$3,206.20 to Crawford Engineering & Surveying, INC., \$1,983.50 to Bolton & Menk, INC. and \$86,786.55 to BWC Excavating.

Ayes: All

Absent: Bell

Moved by seconded by to approve Stanwood Drainage District Warrants #401945- #401956 for \$103,135.50 to Bridge Community Bank (Stamped Warrants) and \$103,135.50 to BWC Excavating LC.

Ayes:

Absent: Bell

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

Ayes: All

Absent: Bell

## **Stanwood Drainage District**

**August 18, 2015**

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

Ayes: Bell, Gaul, Kaufmann, Smith

Moved by Bell seconded by Gaul to approve the Board Minutes of August 04, 2015.

Ayes: Kaufmann, Gaul, Bell, Smith

Discussion was held on replacement checks #402150-#402187. Sup. Smith asked for clarification on the reason the checks were reissued. Auditor Gritton was called. Deputy Auditor Carpenter will gather information and report to the Board.

Sup. Bell stated that he had received a phone call regarding the upper ditch progress. The land owner wants to put in a crossing. Sup. Bell questioned if the study was completed by Engineer Etler. A phone call was placed to Don Etler. Sup. Bell asked Etler if the study was complete so the Board could start setting Public Hearing dates. Etler replied that he and his firm are working on that project but has 12 other things that he is working on at the same time. Etler stated that they will not be able to get it to the Board by the end of the month. Sup. Bell reminded Etler that he was in agreement with the Board to have that survey completed by the end of August so the public hearings could be held in September before harvest. Etler continued I know that was our goal but I cannot say today that we will make it by the end of August. Sup. Smith asked how close are we to having the survey completed. Etler stated he couldn't say for sure. Further, Etler feels that even if the public hearing was held today no dirt would be able to be moved until next year. Sup. Bell told Etler this is something this Board told you to do and you agreed to have the survey completed and to the Board by August. Farmers have been coming to the Board frustrated with the work progress, it is a disaster. The survey needs to be done so the public hearing can be held in the first half of September. Sup. Bell vocalized to Etler "there is no need to speculate, you need to get your job done." Sup. Smith stated that her concern is that if this gets pushed back it delays the whole project. Etler stated that he understands. Etler will continue to do what he can. Etler has been delayed by the Clean Water Act rule. Etler feels that it is more likely that if the public hearing is held in after harvest and then accept bids then the Board will get the best price of the work next year. Sup. Bell replied that the farmers in the Stanwood Drainage District would not want their crops to sit idle and they would preferred to have the work completed even if it costs a little bit more in the off season. Etler stated that his firm will submit the survey to the Board in September. Sup. Kaufmann reminded Etler that the public hearing could be held in the middle of harvest so the work could continue in 2015. Etler will send the Board an email with an update.

Deputy Auditor Carpenter explained that the checks were reissued because the tax exemption forms were not submitted. Those checks submitted prior to April 24th needed to be reissued for the tax exemption.

Moved by Bell seconded by Kaufmann to approve replacement checks #402150-402187 dated 08/13/15.

Ayes: Gaul, Bell, Kaufmann, Smith

Engineer Dan Crawford met with the Board to give an update on Stanwood Drainage District work progress. Crawford distributed construction progress logs. Lateral A and Lateral B Tiles have been completed. Work is continuing on the Lateral C tile. Crawford estimates the final completion date of the project will be December 31, 2015. The crew is still behind schedule at this time. Excavation work can continue into the winter if the conditions are mild.

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

Ayes: Smith, Gaul, Bell, Kaufmann

# Stanwood Drainage District

## August 25, 2015

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

Ayes: Gaul, Bell, Kaufmann, Smith

Moved by Kaufmann seconded by Gaul to approve Warrants #402191 - #402199, and #402203-#402212.

Ayes: Kaufmann, Bell, Gaul, Smith

Moved by Bell seconded by Gaul to approve the Board Minutes of August 18, 2015.

Ayes: Gaul, Bell, Kaufmann, Smith

On August 18, 2015 Engineer Don Etlar stated that he would email the Board an update on the Engineers report progress. The Board had not received an email from Etlar. A phone call was placed to Etlar. Chairperson Smith asked Etlar the status of the Engineers report. Etlar replied "exactly where I was at last time. I haven't even looked at it." Etlar then asked, "what was I supposed to report back on." Chairperson Smith reminded Etlar that he was supposed to have an update on the study. Etlar was supposed to have the study done by the first week of September. Etlar stated no, I know we cannot do that. Chairperson Smith asked Etlar for a deadline so the Board can schedule upcoming public hearings. Etlar replied that the first week of September "no way." Sup. Bell asked Etlar if the Board needed to go with another Engineer. Etlar did not reply back. Etlar stated that he will get the report to the Board by September 23<sup>rd</sup> or 30<sup>th</sup>. Sup. Kaufmann asked Etlar to give a timeline if the report is submitted on September 30<sup>th</sup>. Etlar replied if the report is submitted by September 30<sup>th</sup> and the report is approved at the public hearing then the Board would be able to take bids after the notice requirements are met. Etlar has brought the specs to the hearing knowing that the project would probably be approved. If the Board waits until the approval of the project then the specs wouldn't be approved for another two weeks. The Board would then be able to take bids the first week of November. If Etlar is able to get a rush, then the Board could take bids in the middle of October. Sup. Kaufmann asked what constitutes a rush. Etlar can attend the public hearing with the documents the Board needs to approve to go to bids right away. Typically, the Engineer attends the hearing with a skeleton plan, a plan without details for the landowners to ok. Then if the plan is ok'd, then the Engineer makes another more detailed plan with details and construction notes added. The detailed plan would then need to be approved before any bids could be taken. However, Etlar could bring the more detailed plans to the public hearing to be approved and then the Board could proceed with the bid process. Etlar reminded the Board that the contractors will be busy and the Board should give them all of next season to do the work. The contractors could start right away after the bids are approved. Chairperson Smith asked Etlar if the specs would be completed by the hearing date. Etlar replied yes. Etlar continued that there is a 40 day waiting period for the hearing. Etlar then realized that his schedule was off two weeks. Etlar continued that if the report is filed by September 30<sup>th</sup> then the public hearing wouldn't be until the middle of November so then bids wouldn't be until December 1<sup>st</sup>. Etlar stated that it wasn't possible to have work start even if the report was filed by September and the hearing was in the middle of October. Chairperson Smith asked Etlar for a drop dead date. The Board would like the report submitted by September 30<sup>th</sup>. Etlar replied "I believe we can make that." It is possible that the report could be submitted before that, but Etlar couldn't state for sure that would happen. Chairperson Smith reiterated that September 30 is the Board's drop dead date. Chairperson Smith requested that Etlar supply the Board a timeline of when the public hearings would be and when public notifications need to be in. Etlar replied "ok." The phone call was ended. Sup. Bell said the Board needs to make it clear to the Stanwood Drainage District land owners that they are not going to have work done in the off season and it is due to the Engineers lack of progress on the project. Sup. Bell suggested that the Board review Etlar's contract to see if there is a breach of contract. A copy of Etlar's contract will be given to the County Attorney's office for their review.

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

Ayes: Smith, Kaufmann, Bell, Gaul

## **Stanwood Drainage District**

**September 1, 2015**

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

Discussion was held regarding Engineer Etler's contract. Etler does not have a contract with the Board. The Engineer was appointed. An email will be sent to Etler requesting an update on the Engineers Report and when the report will be submitted to the Board. The Board has given Etler the drop dead date of September 30, 2015.

Moved by Gaul seconded by Kaufmann to approve invoice #8354 for payment of \$2,729.90 to Crawford Engineering & Surveying, INC.  
Ayes: Kaufmann, Bell, Gaul, Smith

Moved by Kaufmann seconded by Bell to approve the Board Minutes of August 25, 2015.  
Ayes: Gaul, Bell, Kaufmann, Smith

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

# **Stanwood Drainage District**

**September 15, 2015**

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

Engineer Dan Crawford met with the Board regarding Stanwood Drainage District work progress. Duane Dierks and Rick Pruess were present. Crawford distributed and reviewed the Construction Progress Log. Crawford reported that 6000 feet of pipe has been installed. Crawford estimates pipe installation will be completed in a month. Crawford will be at the job site today measuring for crop damages. Chairperson Smith stated that she noticed numerous over grown weeds along the northeast ditch. Crawford responded that he was made aware of that situation and was told that the weeds would be cut down this weekend. Rick Pruess questioned how deep the open ditch was going to be. Crawford responded the open ditch would only be a couple feet deep and the velocity would be less than 2 or 3 feet per second. Dierks vocalized his concerns with the water pooling in the open ditch, without an exit. Crawford stated that Phase II (the open ditch, clean out) is in design. Dierks question Crawford on the reasoning behind using his farmland as a “runway” for moving the tile. Dierks is concerned with compaction. Crawford will check with the contractors as to why they are using his ground as a “runway.’ However, Crawford reminded Dierks that there are provisions in place to compensate landowners for compaction. The contractors have moved to the east road in preparation to make three open cut crossings to install two laterals (C-6 and C-8) on that side. The road will have to be closed for approximately two weeks in order for the contractors to make those three crossings. Pruess asked when the Engineers Report for Phase II is supposed to be completed. Chairperson Smith stated that the Board has given Engineer Etlar a deadline of September 29<sup>th</sup> to submit that report. Sup. Bell reiterated that Engineer Etlar is the one holding up the work progress. A reminder of the deadline date will be emailed to Etlar.

Moved by Bell seconded by Kaufmann to approve the Board minutes of September 1, 2015.  
Ayes: Smith, Kaufmann, Bell, Gaul

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

# **Stanwood Drainage District**

**September 22, 2015**

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

Moved by Gaul seconded by Kaufmann to approve payment of \$1,317.50 to Bolton & Menk.  
Ayes: Bell, Gaul, Kaufmann, Smith

Moved by Kaufmann seconded by Bell to approve the Board minutes of September 15, 2015.  
Ayes: Kaufmann, Bell, Gaul, Smith

Engineer Don Etlar has received a reminder email regarding the Engineers report being submitted by September 29<sup>th</sup>. Auditor Gritton has submitted requested assessment schedules to Etlar.

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

# Stanwood Drainage District

## September 29, 2015

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

Moved by Kaufmann seconded by Gaul to approve payment of \$6,657.90 to Crawford Engineering & Surveying, Inc.

Discussion was held regarding the submitted claims. Claims being approved on today's date were submitted prior to the discovery of the contractor inadvertently installing 12" diameter RCP instead of the 12" diameter single wall HDPE (perforated) that was on the design plans beginning at Station 4+00 of Lateral C3.

Ayes: Kaufmann, Bell, Gaul, Smith

Moved by Kaufmann seconded by Gaul to approve payment of \$268,130.70 to BWC.  
Ayes: Smith, Kaufmann, Gaul, Bell

Moved by Gaul seconded by Kaufmann to approve payment of \$50,707.80 to BWC.  
Ayes: Bell, Gaul, Kaufmann, Smith

Moved by Bell seconded by Gaul to approve the Board minutes of September 22, 2015.  
Ayes: Gaul, Smith, Bell, Kaufmann

Engineer Don Etler met with the Board regarding the Engineers report for the open ditch repairs. The following were present for the discussion: Rodne & Teresa Wendt, Tom Weiland, Kirk Weih, Linda Coppess, Robert J. Dircks, Royce Lehrman, Rick Pruess, David Siebels, and Duane Dierks. Etler distributed copies of the Engineers Report for Proposed Main Open Ditch Repairs. Etler will mail additional copies of the Engineers Report to the Auditors office. Etler will also send the report on a PDF file to be displayed on the county website. Etler gave a history of the drainage district. In researching the records of the drainage district it was discovered that the district does not have a repair grade record of the bottom of the main open ditch. Etler reported that there is significant obstruction of sediment in the main open ditch channel. The sediment ranges from one foot near the outlet to three feet near the highway 30 crossing. Etler reviewed the established repair grade and cross section for drainage district #1 main open ditch. Etler referenced and reviewed Sheet A.02. Sup. Bell questioned Etler about missing the work being done in 2013 at the Lehrman farm and according to Crawford Engineering the survey of that upper ditch area grade was fine. Etler admits that he did not record that work in the history. Etler stated that the grade that is established is not accurate. Etler referred to sheet D.06. The survey shows that the current ditch is at five feet but needs to be at seven feet. Therefore, another two feet will have to be dug for that ditch. The work on that ditch in 2013 was not dug deep enough. Lehrman asked for clarification. Discussion was held. When the ditch is repaired to the design standards it will be able to pass a two year, forty-eight hour storm; one foot below the adjoining ground. Dierks voiced his concerns. Etler referred to Sheet D.03. The outlet at the Highway 30 railroad crossing currently is at 10 foot deep but needs to be another 3 foot deeper to achieve a 13 foot grade. Discussion continued. Etler discussed ditch crossings. There are two county and one state road crossings, one railroad crossing and two private crossings on the Main Open Ditch. The two private crossings are on the Lehrman and Seibels ground. The costs of the crossing pipe will be assessed to those land owners. This type of crossing is designed to pass a ten year storm with one foot of back water. During bigger storms the water will go into the ditch and then go around. Etler will have to research the bridge structure on the Seibel property. Etler explained the buffer strip/ CRP vegetation regulations of the Farm Program conservation rules. Buffer strips cannot be disturbed between the dates of May 15<sup>th</sup> - August 1<sup>st</sup>. Landowners, not the drainage district will have to request a waiver from the USDA Farm Service Agency. The proposed repairs indicate it is necessary to remove sediment for the Drainage District No. 1 Main Open Ditch. Three feet of sediment will be removed. The dirt will be place on the side of the banks and then leveled off in order to be farmable. This portion of pipe would include forty-six surface water pipes and twenty-two new tile outlet extensions. Farmers should anticipate farming

around those pipes. There will not be gates in place around the pipes, unless there is a problem. Discussion was held on work in the railroad right-of-way. The East bay of the bridge is full of dirt, which is common for dual pipe. The drainage district uses the west bay of the bridge. It is estimated that two feet of fill needs to be removed to repair the open ditch. There is approximately 24 feet of clearance between the west and central footings of the bridge. It is proposed to dig a 10 foot wide channel. The railroad is responsible for maintaining the bridge. However, Iowa code sections 468.109-133 establishes the formal procedure that will need to be followed. Chairperson Smith asked if the railroad would be assessed for those repairs. Sup. Bell remembered that Attorney Jim Hudson stated that the railroad would be responsible for the repairs, but the district was going to complete the repair work and then charge the railroad. Etler feels that if it is just dirt work, it is probably not worth the hassle to have the railroad complete the work. However, if there is rip rapping or sheet piling that needs to be completed then the railroad is responsible for those costs. Etler assumes that the railroad will want the district contractors to remove the dirt work. Discussion was held on right-of-way needs. Etler is recommending that the district acquire a right-of-way a 100 feet in width to maintain the open ditch. This right-of-way would be purchased from the land owners. Etler referred to appendix B. Etler used the Melvin & Martha Lehrman Trust as an example of the right-of-way tabulation. In addition there needs to be an additional 20 to 25 feet on each side of the channel for work space and maintenance access. Etler reviewed Appendix D, Proposed Costs.

Construction Cost Total - \$377,000

Total Estimated Project Cost - \$539,000

Less Ditch Crossings Costs by Others- \$41,120

Total Estimated Assessable Project Cost - \$497,880

Estimated Average Cost per Acre per year (10 Years) \$7.00

Estimated Average Cost per Acre per year (20 Years) \$4.00

Etler reviewed Appendix C that showed benefited lands not assessed. If the omitted lands benefit from the open ditch then they should be annexed and assessed. This would include the Union Pacific Railroad. The City of Stanwood's streets and alleys are included but not private properties. Annexation is a separate issue. Etler recommends that reclassification be done to make the assessment of benefits more equitable. Etler reviewed the three maps illustrating typical assessments included in Appendix C. Higher benefited lands could see assessments of twice the average while low assessment would be assigned to lands with low-relative benefits. Reclassification can be discussed at the public hearing. Discussion was held regarding assessments. Etler gave his recommendations:

1. Tentatively approve the Engineer's Report.
2. Conduct a public hearing on the recommendations made in the engineer's report, giving notice to the owners of the land on the existing assessment schedule.
3. Adopt the propose repair plan, modified as deemed appropriate to satisfy the needs of the district.
4. Direct the attorney and engineer to pursue UPRR participation in ditch repairs at the railroad bridge.
5. Direct the engineer to prepare the necessary plans and specifications and to proceed toward a bid letting.
6. Initiate acquisition of additional open ditch rights-of way by the appointment of appraisers.
7. Initiate procedures for annexation of benefited lands.
8. Initiate reclassification procedures for benefits derived from the main open ditch by the appointment of a classification commission.

Etler thinks it is possible to let this work this fall, but feels that the ideal time for reduced construction costs would be next year. Once the report is received the public hearing can be held at least forty days thereafter. Notices will have to be mailed to landowners and published in the newspaper twenty days before the public hearing. Discussion continued. Etler explained that procedurally the Board would tentatively receive (approve) the report and then set a hearing date. Sup. Kaufmann asked the landowners present if they did not want the Board to tentatively approve the report. There were no objections.

Moved by Kaufmann seconded by Bell to tentatively approve the proposed Engineer's report and to set Thursday, November 12, 2015 at 6:00 p.m. in the large meeting room at the Cedar County Courthouse as the public hearing date for open ditch repairs in the Stanwood Drainage District.  
Ayes: Gaul, Bell, Kaufmann, Smith

Duane Dierks asked Etler who maintains the 46 inch hump. Etler explained that it is supposed to be mounted but not excessively. Dierks is concerned with water pooling and damming up in that

area. Robert J. Dircks stated that he has the same concerns. Etlar will have Crawford look at it with the contractor. Damages can be assessed at the completion hearing.

Discussion was held regarding Lateral C3 tile. The contractor inadvertently laid 12" RCP instead of the 12" inch single wall HDPE perforated pipe that was shown in the design plans. Several hundred feet of the concrete pipe was installed on the Wendt farm and the upstream K Farms. The contractor (BWC) has agreed to complete the installation of the RCP for the price bid for the plastic. Etlar believes that the concrete pipe will benefit the district by providing a longer pipe life and better capacity at a better price. The Wendt's would like additional plastic pipe installed. Etlar proposes that the district reimburse the Wendt's at the completion hearing to put in another four inch line. Rodne Wendt would like a six inch plastic line put in on the North side of the trench. Chairperson Smith asked Etlar to clarify that he expects the district to pay for the contractor's error. Sup. Bell replied, not going to do it. Sup. Bell continued that someone is going to pay for it and it's not going to be the district or the Wendt's. Etlar stated that the contractor has acknowledged that he missed it, has agreed to install the concrete pipe at a reduced cost. Etlar continued that at the completion hearing when the Board approves damages, the Board also decides if that was the contractor's responsibility and then the Board could withhold paying them. Sup. Kaufmann asked Etlar if the contractor is assuming the responsibility. Etlar stated he doesn't know that. Sup. Kaufmann then asked Etlar what happens if the contractor's don't pay. Does the district then have to take legal action, and who then pays for that process? Etlar replied that he has never seen a contractor sue when damages are assessed. Sup. Kaufmann asked that Etlar get something in writing from BWC assuming responsibility and that their intention is to pay for the mistakes made. Etlar stated that he will ask them to do that. However, Etlar stated that the Board does have the ultimate power at the completion hearing to withhold the costs of the drain. Rodne Wendt stated that he does not expect or want the district to pay for the contractor's mistake. The Wendt's will get estimates on the additional tile. At the completion hearing the Board will withhold money from the contractor and then reimburse the Wendt's. Etlar estimates that the pipe installation will be completed any day. The surface drainage work will take another two weeks. The completion hearing will not be scheduled on the same day as the public hearing. Robert J. Dircks questioned Etlar about the 8 inch lines from the main drainage lines being torn out. Dircks would like to see a map of where the lines were taken out. Etlar thought this issue was taken care of. Dircks feels that this is a similar situation like he Wendt's and wants it to be addressed. Etlar wants these concerns addressed before the completion hearing.

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

Ayes: Gaul, Bell, Kaufmann, Smith

# Stanwood Drainage District

**October 6, 2015**

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

Moved by Bell seconded by Kaufmann to approve Warrants #402751- #402764 and #402766 - #402796.

Ayes: Gaul, Bell, Kaufmann, Smith

Engineer Etler has sent a PDF file of the Engineer's Report to the Auditors office. The public can view the report on the county website [www.cedarcounty.org](http://www.cedarcounty.org). Etler will be sending forty copies of the report to the Auditors office sometime this week. Sup. Bell has received several phone calls regarding the upper ditch. Sup. Bell questions why the upper end tile has to be installed so deep to acquire the grade the Engineer proposed. Discussion was held. Chairperson Smith was questioned by landowners about the Monroe Ave. road closure. Engineer Fangmann advised the contractors against closing the road during harvest. One mile of Monroe Ave. will be shut down at a time. One crossing has already been installed.

Moved by Bell seconded by Kaufmann to approve the corrected Board minutes of September 29, 2015.

Ayes: Smith, Kaufmann, Bell, Gaul

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

Ayes: Bell, Gaul, Kaufmann, Smith

# **Stanwood Drainage District**

**October 13, 2015**

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

Ayes: Gaul, Bell, Kaufmann, Smith

Engineer Dan Crawford met with the Board to give an update on work progress. Crawford introduced Engineer Brian Crawford. Dan Crawford distributed Construction Progress Logs. Laterals B and C have been completed. Grading work will still have to be done for the surface drain. Crawford Engineering will be on site today setting stakes for the Surface Drain. Dan stated that he has received phone calls regarding private tile being installed and being assessed to the district. Dan reiterated to the caller that the landowner is responsible for those install charges not the district. Chairperson Smith asked Dan if there were any other areas that concrete pipe was installed instead of plastic. Crawford stated, no. Lateral C6 tile was designated as flexible tubing. BWC hired a local contractor to install that flexible tubing. Crawford stated that the plan view of the drawing showed concrete tile but the profile showed flexible tubing. Therefore, concrete tile was inadvertently installed instead of the plastic. Crawford believes that the installation of the concrete will have better results. Dan explained that heavy grain cart loads can crush flexible tubing even at a three foot depth. The property owners can install flexible tubing in addition to the concrete tile that was already installed for surface drainage. Crawford has met with Robert J. Dircks regarding his tile. Crawford is preparing an as built drawing showing where the main is installed and the laterals that have hooked into the main tile. Dircks eight inch tile has been hooked into the main in a couple locations. Crawford is not sure that Dircks tile was obliterated. Crawford stated "time will tell." Crawford has a hard time believing that all claims are valid claims. Sup. Bell questioned if the concrete tile will draw as well as the plastic. Crawford replied "over the trench it will." Sup. Bell responded but it doesn't have the lateral draw. Crawford replied yes, I agree, but the laterals were connected to the concrete main and will function properly. Crawford suggested that Dircks construct and maintain a waterway over the top of the main for erosion control. Sup. Gaul asked what happens down the road if issues arise. Crawford suggested contacting Etlar or to refer to the as built drawings. The Board received verbal quotes from Teresa Wendt regarding the plastic tile estimates. Per Crawford the quotes will have to be in writing. Wendt would like BWC to do the installation instead of going through the damages process. Crawford stated that the Wendt's requested will have to be in writing.

Moved by Kaufmann seconded by Bell to approve the Board minutes of October 6, 2015.

Ayes: Smith, Gaul, Kaufmann, Bell

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

Ayes: Bell, Gaul, Kaufmann, Smith

## Stanwood Drainage District

October 27, 2015

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

Ayes: Gaul, Kaufmann, Smith

Absent: Bell

Robert Dircks was present. Dircks wanted clarification on the existing private tile mains located on his property. Dircks stated that there are two areas that Crawford Engineering did not hook back into the main. Dircks also was concerned with the private tile that was torn out by the contractors. Dircks received a letter from Engineer Etlar. Etlar recommended to Dircks that Dircks hire a local contractor to plan and install the drainage Dircks believes is needed for his farm. Engineer Etlar was called. A message was left for Etlar to return a phone call to the Board. Dircks wants Crawford to map or flag the areas that tile was removed in order to have a local contractor install private tile. Dircks will have to submit a damages claim during the completion hearing. The Board can withhold part of the contractors retained funds under the contract for damages. Sup. Kaufmann has spoken to the Wendt's regarding installing six-inch perforated HDPE tile alongside lateral C3. The Board would like clarification from Etlar on how these damages are going to be assessed. The Board, Dircks, and the Wendt's all agree that the drainage district is not responsible for damages payment. The damages responsibility relies on the contractor and the Engineer. Engineer Etlar called the Board. Chairperson Smith briefed Etlar on the Wendt estimates the Board received. Chairperson Smith asked Etlar to clarify if the contractor was going to put in the six-inch plastic tile or if the Wendt's needed to hire a local contractor to do the install. Etlar replied that he will review the estimates and then talk to B.W.C. to see if they wanted to do the install. Etlar feels that it would be better for the landowners to have a local contractor do the install and then assess for those damages at the completion hearing. Sup. Kaufmann reviewed the estimates from the Wendt's. The first estimate was for \$2.20 per linear foot which would be \$3,740 for 1700 feet. The second estimate was for \$2.35 per linear foot which would be \$3,995 for 1700 feet. Sup. Kaufmann stated that during conversations with Engineer Dan Crawford, Crawford stated that the BWC would be installing the tile at cost instead of the local tiler. Sup. Kaufmann continued that the Board is concerned with the Dircks property issues as well. The Board is worried that if the work is done that the damages will be assessed to the whole Stanwood Drainage District and not the contractors. The Board assumes that the responsibility of the damages relies with Crawford. Sup. Kaufmann asked Etlar for assurance stating that the Board can and will hold Crawford and the contractors responsible for those damages brought forth by Rodne Wendt and Robert Dircks. Etlar replied that Sup. Kaufmann raised the key point here "who is liable, responsible, and who is going to pay for this." Etlar continued that there are still a lot of pieces that need to be worked out such as: how much tile was taken out, and how much tile is left. The contractor would have the information regarding how much tile is left by reviewing how many connection points they have. Crawford Engineering would have the information on how much tile was taken out and how much was left. Etlar stated that all these issues need to be addressed prior to the completion hearing. Etlar reminded the Board that B.W.C. does not have the equipment to install the smaller tile. Therefore, local contractors would be the better option to install the smaller private tile instead of B.W.C. Sup. Kaufmann wanted Etlar to clarify that the Board is not getting into a situation where the Stanwood Drainage District is compelled to pay for those damages in order for the project to continue. Further, Kaufmann continued what would happen if at the completion hearing the Board still hasn't determined who is responsible for those damages, is there the possibility of litigation. Etlar replied that the drainage district does not have any liability in this situation, the engineers and contractors are the ones responsible. At the completion hearing the Board's contract is with the contractors. The Board can say that the contractors are the ones that tore the tile out so the Board will withhold funds from the contractors. The Board can also withhold funds from the engineers. Sup. Kaufmann asked Etlar if he would state publicly and support the Board in withholding the contractors and engineers payments until it is decided who is going to compensate those farmers. At 8:52 a.m. Etlar replied, "yes." Etlar continued that he would like the Wendt's and Dirck's install taken care of before the completion hearing. Etlar again stated that when it came to the completion hearing "yes that would be his position." The district will hold the contractors responsible, the contractor and the engineer will have to work that out. Ten percent will be withheld from the contractors. However, the rest of the project would still be paid. Dircks asked Etlar how to get the

contractors design/diagrams that show where they cut the flagged tile and where they hooked the tile back in. Dircks would like to proceed with installing the tile before the completion hearing. Etlar stated that Crawford was supposed to be gathering the information regarding the connection points for his review. Etlar has yet to see those documents. Etlar will contact Crawford to get a push on the documents in order for tile installation to be completed this fall. An additional email to Crawford requesting those diagrams will be sent from the Board. A copy of the letter sent from Bolton & Menk to Robert Dircks will be given to the Board. Attorney Hudson was called. Hudson was attending a meeting and would return a phone call to the Board at 10:00 a.m.

Moved by Gaul seconded by Kaufmann to approve payment of \$199.25 to Hudson Law Firm, \$7,361.50 and \$540.00 to Crawford Engineering.

Ayes: Gaul, Kaufmann, Smith

Absent: Bell

Moved by Kaufmann seconded by Gaul to approve the Board Minutes of October 13, 2015.

Ayes: Smith, Kaufmann, Gaul

Absent: Bell

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

Ayes: Gaul, Kaufmann, Smith

Absent: Bell

The Board recessed from the Stanwood Drainage District Board until 10:00 a.m.

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

Ayes: Smith, Gaul, Kaufmann

Absent: Bell

At 10:10 a.m. a phone call was placed to Attorney Hudson. There was no answer. At 10:15 a.m. Attorney Hudson returned a phone call to the Board. Chairperson Smith briefed Hudson on the situation. Chairperson Smith wanted Hudson to confirm that in no way the Drainage District is responsible to pay for those damages. Hudson asked, who ripped through the tile; the contractor? Smith replied "yes." Hudson replied then it is the contractors responsibility to pay for that. Hudson stated that it is obvious that the contractor was negligent in how they did the work; by ripping up the private tile. Sup. Kaufmann briefed Hudson on the conversations with Crawford and Etlar. Hudson stated that the completion hearing is supervised and conducted by Etlar, the site engineer (Crawford) would have to answer to Etlar and the Board. If at the completion hearing Crawford and/or the contractor do not admit responsibility then the Board can then decide to split the damages claim between the two (engineer and contractor.) Hudson stated that it is very clear that the Drainage District isn't responsible. The Dircks property was clearly flagged and the contractor went through the flagged area and ripped out the private tile. Regarding the Wendt's farm that the wrong tile was installed, Hudson stated that is again the contractor and site engineer's oversight. Hudson stated that the Wendt's should have the repairs completed by a local contractor and then file a claim for damages at the completion hearing. The contractor will pay the claim for damages. Hudson thinks that Dircks should install the private tile and then submit a damage claim since he would have the exact costs of the install. Hudson feels that regarding the Dirck's claim the contractor was negligent in two ways: 1. in cutting it, and 2. in not fixing it. Therefore, the Board will withhold payment from the contractor. Regarding the Wendt farm Hudson stated that the site engineer and the contractor were working off the design of Etlar. Hudson believes some of the responsibility may be on the site engineer as well as the contractor. Hudson explained that the Board could split the damages claim between the two. Etlar would advise the Board on how to split the damages claims. The completion hearing may be scheduled in 2015. A phone call was placed to Robert Dircks. Dircks was updated on the conversation with Hudson.

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

Ayes: Gaul, Kaufmann, Smith

Absent: Bell

# Stanwood Drainage District

**November 12, 2015**

At 6:00 p.m. the Board convened as the Stanwood Drainage District Board for a public hearing at the Cedar County Courthouse Large Meeting Room regarding the Engineer's report for the main open ditch repairs in the Stanwood Drainage District. Supervisors Agne, Bell, Gaul, Kaufmann, and Chairperson Smith were present. Also in attendance were Engineer Don Etler, Attorney James Hudson and approximately 25 other landowners and/or interested parties. Atty. Hudson addressed the unintentional miscommunication where not all landowners were notified of the hearing via letter. The wrong assessment schedule was used for those notifications. The requirements for notification for drainage hearings are: 1.) publish the notice in the newspaper and 2.) mail the notice to landowners. The unintentional missed landowners were called by Administrative Assistant Wright. However, since there was a disconnect in the mailings Atty. Hudson advised the Board to continue the public hearing till a later date in order for all landowners to be present. Notices will be sent. Atty. Hudson distributed and reviewed drainage law and procedures. Tonight's initial hearing can be continued as needed and the Engineer can amend his report. The Engineer has filed Amendment No. 1 to the Engineer's report. Copies were distributed. There are several other hearings in the process including: 1.) Right-of-way Acquisition-the Auditor will appoint two appraisers, who will file a right-of-way acquisition report, and recommendations. Those parties that right-of-way will be purchased from would be notified to attend the hearing. 2.) Annexation- the Engineer is recommending annexation. Annexation is done when there are lands that are benefitting by the district facilities. All lands within the watershed should be annexed. 3.) Bid Letting. 4.) Completion- Damages Claims will be awarded at this hearing. 5.) Reclassification- A new assessment schedule will be prepared. Assessments will be paid by 40 acre tracts by relative benefits. Relative benefits are determined by the Classification Commission. The Classification Commission is appointed by the trustees of the drainage district. The Classification Commission includes the Engineer, and two disinterested landowners (land owners within Cedar County, that do not own land within the drainage district. A levy will be made at the end of the project and will be paid by the landowner. Assessments can be paid three ways: 1.) One- time payment without interest. 2.) Two times, in the Spring and Fall without interest. 3.) Annual installments can be paid not less than 10 or more than 20 years at simple interest. The trustees determine the length of time and interest rate used. Only those assessments over \$500.00 are eligible for installment payments. David Siebels questioned assessments based on proximity. Hudson stated that proximity to the facility is only one factor. There are other factors that determine the assessment which would include: slope of the ground and soil types. Assessments would be lower for those landowners that are farther away, because the facility is less accessible. Etler explained the assessment process. Duane Dircks stated his concerns regarding tile not being connected. Etler will contact the construction Engineer Crawford to address those tiles not being connected. Discussion was held regarding surface water concerns. Etler reminded the landowners that the project is not done yet. A ¼ mile of the open ditch that is not fully dug yet and connects to the main and a surface drain still needs to be built to the highway within the next couple of weeks. Etler reviewed the Engineer's report. Etler reviewed sheet D.01 regarding tile grades. The repair grade line is set at 0.04% gradually increasing. Established Repair Grades and cross sections are shown on page 3 of the report. The railroad will be contacted after the Engineers report is approved. David Siebels voiced his concerns regarding water pooling by the railroad bridge. Discussion continued. Etler reviewed Amendment #1 regarding removing two private ditch crossings. Royce Lehrman voiced concerns about open ditch soil affecting his land. Attorney Hudson stated that open ditch right of ways are exempt from real estate taxes and drainage assessments. Under Iowa law, landowners have the right to the beneficial use of the spoil bank in the right of way subject only to the districts use of the right of way to protect and maintain the open ditch. The district is responsible for maintaining brush, weeds, trees, etc. ditch. At the districts expense they may use the County Engineer to spray and maintain the ditch. Etler stated that many counties have a spraying program. Discussion was held on rightof way needs (page 7-8). The engineer is recommending purchasing a hundred feet of right of way (50 feet on each side.) Landowners will be entitled to compensation for damages and are exempt from real estate taxes. The Engineer is recommending acquiring another 11.58 acres (20 parcels) of right of way.

The Auditor will appoint two appraisers (disinterested landowners) from Cedar County who would work with the Engineer to put a value on the right of way. The contractor will need approximately another 50 feet of right of way to work. Etler reviewed estimated costs of the project. (Appendix D) Discussion was held regarding assessments. (Pages 7-9) Etler reviewed appendix C. There are lands omitted that benefit from the open ditch. Etler recommends that they be annexed. There is a separate hearing for annexation. Currently the railroad is not assessed. The City of Stanwood's streets and alleys are assessed now, but the cities lots need to be assessed as well. Discussion was held. Etler recommends that all benefited lands not on the current assessment schedule be annexed and classified for relative benefits. Etler estimates reclassification would cost approximately \$4 per acre. A separate hearing regarding Reclassification will be held. Etler reviewed his recommendations. Etler and Hudson answered questions from landowners. Hudson read the written objection filed by Sheryl Mullan. Hudson advised the Board to continue the hearing to another date. The public hearing for action on the Engineers Report for proposed main open ditch repairs will be scheduled for December 3, 2015 at 6:00 p.m. Written objections and supporting statements can still be filed on December 3<sup>rd</sup> up until the Board makes the final decision. The Completion hearing will be held at another date/time.

The meeting concluded at 8:23 p.m.

# **Stanwood Drainage District**

**November 17, 2015**

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

Moved by Bell seconded by Kaufmann to approve payment of \$10,586.00 and \$1,642.50 to Bolton & Menk.

Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Sup. Bell wanted to clarify that Etlar stated that it was the Boards idea to hire Crawford Engineering. However, Etlar is the one that could not perform the duties. Etlar is the one who recommended that the Board hire Crawford Engineering.

Moved by Gaul seconded by Bell to approve the Board minutes of November 10, 2015, and November 12, 2015.

Ayes: Smith, Agne, Gaul, Bell, Kaufmann

David Siebels met with the Board to present pictures of the Stanwood Drainage District. Royce Lehrman was present. Siebels reviewed the photos. Siebels voiced his concerns regarding surface water damming at the bridges. Discussion was held.

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

Ayes: Agne, Gaul, Bell, Kaufmann, Smith

# **Stanwood Drainage District**

**November 24, 2015**

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

Sup. Bell reported on conversations with Mark Farrington regarding his mother Helen Farrington's farm in the Stanwood Drainage District. Auditor Gritton was present. In 2013 former G.I.S. technician Caleb Mackey had divided the Stanwood Drainage District parcels into which parcels drained into the district and those parcels that did not. The Farrington farm did not entirely drain into the district. The current assessment schedule in the Engineers report reflects that the Farrington farm is still within the Drainage District. In 2013, there were two assessments schedules. One assessment was done in April 2013 for \$18,506.69 for the Engineer's report and then another assessment was done in May of 2013 for maintenance in the amount of \$30,691.58. Auditor Gritton stated that the Treasurer's office did not send Farrington and assessment for the April assessment. For the Maintenance assessment for the amount it is assumed that Farrington did receive an assessment. Annexation was done after that timeframe. Auditor Gritton will email the correct assessment schedule to Engineer Etlar.

Moved by Gaul seconded by Kaufmann to approve payment of \$2,386.50 to Hudson Law Firm, \$309,092.40 to BWC, 2,696.40 and \$760.00 to Crawford Engineering.  
Ayes: Kaufmann, Gaul, Bell, Agne, Smith

The Board noted written objections from Jean Driscoll regarding the construction, repairs, and improvements being done in the Stanwood Drainage District

The Board noted written objection from Pamela Calderwood (Piney Knoll Farms) regarding the reclassification and determination of cost per acre for the dredging of the open ditch.

Moved by Bell seconded by Kaufmann to approve the Board minutes of November 17, 2015.  
Ayes: Smith, Agne, Bell, Gaul, Kaufmann

Moved by Bell seconded by Kaufmann to return to regular session.  
Ayes: Gaul, Bell, Kaufmann, Smith, Agne

# Stanwood Drainage District

December 1, 2015

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

Ayes: Smith, Agne, Bell, Kaufmann

Absent: Gaul

Moved by Agne seconded by Bell to approve payment of \$682.50 and \$1,210.00 to Bolton & Menk.

Ayes: Agne, Bell, Kaufmann, Smith

Absent: Gaul

Moved by Bell seconded by Kaufmann to approve Drainage Warrants #403563 - #403606.

Ayes: Smith, Agne, Bell, Kaufmann

Absent: Gaul

Chairperson Smith read the written objection filed by Rick Pruess. Rick Pruess was in attendance. Pruess voiced his opinion that those landowners within the Stanwood Drainage District that are zoned residential should be exempt from the main ditch assessment schedule and be exempt from paying for crop loss. Discussion was held. Sup. Bell had a follow-up conversation with Mark Farrington regarding the assessment schedule. Farrington understands that the assessment schedule used in the Engineers Report was from 2013. The Board has received numerous phone calls and counter traffic questions regarding the Engineer's report and assessments. Discussion was held regarding the public hearing scheduled for December 3, 2015 at 6:00 p.m. Engineer Etler has requested that he not be present for the hearing. Etler will be available for a conference call if needed. However, due to the meeting being held in the large meeting room a conference call is not available. It is estimated that it will cost \$1,000 to have Etler be present at the meeting. Sup. Bell suggested that at the public hearing the Board note any written objections and hear any other objections. Then at the regular Board meeting scheduled for Tuesday, December 8, 2015 the Board can make the final decision on the Engineer's Report. Etler would then be available for a conference call on that date.

Moved by Bell seconded by Agne to approve the Board Minutes of November 24, 2015.

Ayes: Smith, Agne, Bell, Kaufmann

Absent: Gaul

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

Ayes: Bell, Kaufmann, Smith, Agne

Absent: Gaul

# Stanwood Drainage District

**December 3, 2015**

At 6:00 p.m. the Board convened as the Stanwood Drainage District Board for a public hearing at the Cedar County Courthouse Large Meeting Room regarding the Engineer's Report for the Main Open Ditch Repairs in the Stanwood Drainage District. Supervisors Agne, Gaul, Kaufmann, and Chairperson Smith were present. Sup. Bell was absent. Also in attendance were approximately 25 other landowners and/or interested parties. Chairperson Smith read written objections and Engineer Etlar's responses to those objections. Those submitting written objections were:

- Sheryl Mullan-Voelker Family Farms Inc.
- Pamela Calderwood – Piney Knoll Farms
- Jean Driscoll
- Rick Pruess with signatures of Todd & Tracy Schroeder, Debra Farrington, Norman Farrington, Russell & Terry Harbaugh, Cindy Meyer, Connie Pruess
- Daren Lehrman
- John Donohoe
- Erwin Toerber
- James Hanson
- Royce Lehrman
- Royce Lehrman– Power of Attorney for Melvin Lehrman
- David Siebels- Siebels Split Creek Farm

Chairperson Smith asked those in attendance if there were any other objections or questions. There were none. Chairperson Smith advised that the Board would be voting on the Engineers Report on Tuesday, December 8, 2015 at 9:00 a.m. in the Board Room of the Courthouse. Engineer Etlar will be present via phone conference.

Moved by Gaul seconded by Kaufmann to adjourn at 6:46 p.m., to December 8, 2015.

Ayes: Smith, Kaufmann, Gaul, Agne

Absent: Bell

## Stanwood Drainage District

December 8, 2015

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

In attendance were approximately 12 landowners and/or interested parties. Chairperson Smith addressed the public for any comments or objections. There were none. Sup. Bell requested to review the written objections. Sup. Bell agreed with the objections stating that the Engineer's report is "overkill." Bell continued that he is concerned with the depth grade, the size and number of surface drainage pipes and the amount of right-of-way needing to be acquired. Discussion was held. Engineer Etler was called. Etler addressed concerns regarding the grade of the main open ditch. Engineer Etler stated that they do not know the original bottom depth of the ditch. However, the Engineers report is a way to attempt to get to the original depth. If the depth is deeper than originally designed Etler is confident that it will provide the capacity needed. Etler stated that this grade is not excessive. Etler continued that his concern with changing the grade of this crossing would be how Siebel's Split Creek Farms access the crossing. David Siebels voiced his concerns regarding the recommendation to remove another 4 feet near station 196. Etler reference sheet X.03. Discussion was held. Etler stated that the previous Engineer (MSA) surveyed the bottom of the ditch, However, MSA surveyed every 300 to 400 hundred feet. The areas in between the places where the cross section was drawn by the computer to the approximated elevation lines. Sup. Bell stated that this is the first time this has been brought to the Boards attention. Etler replied that this is standard practice. Sup. Kaufmann questioned Etler on the procedural process if the report is wrong and an objection was filed. Etler responded that it would depend on who was liable. Etler stated that he is confident that nothing will happen. Royce Lehrman asked if the private crossing at Station 159+00 is negotiable. Etler responded that the crossing pipes are the responsibility of the land owner. Lehrman asked if a bridge could be installed instead of the 5 foot culvert recommended in the report. Etler stated there are a couple options: 1. The District could install the crossing pipes and then Lehrman would be assessed for that cost of installation or 2.the crossing could be omitted from the Engineers report and Lehrman can have a private company install the crossing at his expense or 3. Etler can change the design. Lehrman will get estimates on installation of a rail bridge. Discussion was held. Duane Dierks voiced his concerns regarding excessive amounts of water pooling on the Voelker Farm. Etler stated that Crawford needs to be contacted because there may be tile not hooked up.

Moved by Gaul seconded by Kaufmann to approve the Engineers Report for Proposed Main Open Ditch Repairs, omitting a private crossing at Station 159+00 on the Lehrman Farm for Drainage District No. 1 in Cedar County, Iowa and to direct the Engineer to prepare plans and specifications for bid letting.

Sup. Bell stated that he cannot vote for this because of previously stated reasons and because it is setting the district up for added expenses for maintenance, and is inconvenient to the land owners. Discussion was held.

Ayes: Kaufmann, Gaul, Agne, Smith  
Nay: Bell

Moved by Kaufmann seconded by Agne to approve the Board Minutes of December 1, 2015 and December 3, 2015.

Ayes: Agne, Gaul, Kaufmann, Bell, Smith

Sup. Bell suggested that the Board will need to discuss Maintenance assessments at some point. Robert Dircks wanted clarification on who the landowners are supposed to contact if there are issues. Engineer Crawford was called. Chairperson Smith updated Crawford on the landowners concerns with crushed tile and missed tile hook ups. Engineer Crawford will contact B.W.C. to set up a meeting with the Board and Crawford. Sup. Bell reminded the landowners to contact Engineer Crawford if they have tile issues.

Auditor Gritton has appointed Robin Braddock and Jeff Meier as Right of Way Appraisers. Rick Pruess requested a copy of Etler's response to his written objection.

Moved by Bell seconded by Kaufmann to return to regular session.  
Ayes: Agne, Gaul, Bell, Kaufmann, Smith

# **Stanwood Drainage District**

**December 15, 2015**

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

Ayes: Smith, Agne, Bell, Gaul

Absent: Kaufmann

Dan and Brian Crawford from Crawford Engineering, Josh Dykstra, Jeff Zachmann, and Shawn Whitten from B.W.C. and landowners Robert Dircks, Duane Dircks and Sheryl Mullan were in attendance. Chairperson Smith reviewed landowners concerns with crushed and missing tile not being reconnected. Robert Dircks and Sheryl Mullan voiced their concerns. Dan Crawford and Jeff Zachmann will be going to the work site after the Board meeting to investigate concerned areas. Dan Crawford explained that if a subsurface tile is not connected right, we will know it because it will “bubble up.” Crawford explained Maintenance Bonds. Once the Board accepts and approves the completed work, the Maintenance Bond will cover any missed tile. Robert Dircks reviewed a list of concerns. Discussion was held. Duane Dircks voiced his concerns. Discussion continued. Landowners were advised to flag concerned areas so B.W.C. and Crawford engineering can investigate those tile connections. Duane Dircks stated concerns with Volker Family Farm tiles being backed up because of the main ditch not being dug out. Whitten stated that B.W.C. noticed the first week of construction that the 3 foot of pipe was lower than the creek bed and called Engineer Etler immediately. Etler directed B.W.C. to refer to a footnote on C.01. Discussion was held regarding bid letting timeline. Engineer Etler was called at 11:37 a.m. Etler estimates that bid letting would begin in February. Etler doesn't think that bid documents would be completed until the beginning of January so bid letting at the earliest would be mid-January. A copy of the Board minutes will be sent to Etler. Whitten stated that B.W.C. will work diligently to get any of the landowners concerns addressed. A copy of the list of concerns supplied by Robert Dircks was given to the Board.

Sup. Bell reviewed suggested changes to the minutes.

Moved by Gaul seconded by Agne to approve the amended Board minutes of December 8, 2015.

Ayes: Smith, Bell, Gaul, Agne

Absent: Kaufmann

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

Ayes: Smith, Bell, Agne, Gaul

Absent: Kaufmann

# Stanwood Drainage District

**December 22, 2015**

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

Ayes: Smith, Bell, Gaul, Kaufmann

Absent: Agne

Chairperson Smith reviewed the email sent by Crawford Engineering regarding field observations and recommendations. Engineer Etler had sent an email to the Board requesting that the Board direct the Engineer to report lands that are benefited by the Lateral A system of drainage improvements but are not now in the district for possible annexation to Drainage District No. 1. or to Direct the Engineer to report lands that are benefited by the Main open ditch but are not now in the district for possible annexation to Drainage District No. 1. Chairperson Smith read the email. Sup. Bell questioned why not direct the Engineer to report lands that are benefitted by both the Lateral A system and the main open ditch.

Moved by Bell seconded by Kaufmann to direct the Engineer to report lands that are benefited by the Main open ditch including the Lateral A system but are not now in the district for possible annexation to Drainage District No. 1.

Ayes: Gaul, Bell, Kaufmann, Smith

Absent: Agne

The Board received a phone call on December 17th from Michelle at Bolton & Menk regarding accepting the plans and specs for the Main open ditch repairs. The bid letting date will be scheduled for January 26, 2015 at 9:00 a.m.

Moved by Gaul seconded by Bell to approve the Board minutes of December 15, 2015.

The Board noted Engineer Etler's recommendation that the Boards minutes of December 8, 2015 be amended to show that MSA be changed to Crawford Engineering, and add the sentence Etler stated that he is confident that nothing will happen in excavating the ditch to the design grade under the Siebels bridge.

Ayes: Smith, Kaufmann, Bell, Gaul

Absent: Agne

Sup. Bell asked for clarification on how the main open ditch project was going to be funded. Auditor Gritton was called. Gritton stated that Treasurer Jedlicka had previously agreed to fund the project. Estimated cost for the main open ditch is \$537,880.

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

Ayes: Gaul, Kaufmann, Bell, Smith

Absent: Agne

## **Stanwood Drainage District**

**December 29, 2015**

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

Chairperson Smith reviewed a letter the Board received from Attorney James Hudson regarding Stanwood Drainage District Annexation and Reclassification. Reclassification is done by a reclassification committee; appointed by the Board. The reclassification committee includes two disinterested landowners (not owning/or related to those who have land in the drainage district) in the county and the Engineer.

Moved by Bell seconded by Gaul to appoint Robin Braddock, Jeff Meier, and Engineer Etlar to the Annexation and Reclassification Committee.  
Ayes: Kaufmann, Bell, Gaul, Agne, Smith

Discussion was held regarding an Eastern Iowa Drainage Service Inc. invoice #9830 for the amount of \$830.75 submitted by Hertz Farm Management in care of Donna L. Oldorf Revocable Trust. This invoice will be added to the other invoices submitted for the completion hearing.

Moved by Kaufmann seconded by Gaul to approve the Board minutes of December 22, 2015.  
Ayes: Agne, Gaul, Bell, Kaufmann, Smith

Engineer Etlar will be contacted as a reminder to have the plans and specs for the main open ditch prepared and sent to the Board before January 5, 2015. Royce Lehrman and David Siebels will be given a copy of Attorney Hudson's letter regarding Annexation and Reclassification.

Moved by Bell seconded by Agne to return to regular session.  
Ayes: Smith, Kaufmann, Bell, Gaul, Agne