January 16, 2012

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

Sup. Bell wondered how the Board should proceed concerning the issue of wetland determinations in the district due to a proposed improvement. He noted over the weekend he had a conversation with Theresa Reed who works at the N.R.C.S. Ellerhoff wondered if the N.R.C.S. had sent a letter to the individuals in the area of the improvement. Bell suggested the Board could send the individuals a letter and a form to be returned to the N.R.C.S. Further discussion was held. The consensus of the Board was to contact Paul Loete of MSA Professionals to discuss this matter.

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

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

The Board held a conference call with Paul Loete. Chairperson Deerberg asked Loete if he had talked to the N.R.C.S.'s engineer. Bell said it was indicated to him that the N.R.C.S. couldn't proceed until they had the project design. Loete told the Board it is his understanding that they would proceed with the wetland determinations. He is not aware of the N.R.C.S. needing a design. Further discussion was held. Loete thought the Board would need to provide the names of those with agricultural land that should be sent a letter. Loete will contact Jon Matz at the N.R.C.S. to discuss this matter and then report back to the Board.

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

January 23, 2012

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

Bell would like to have Asst. County Attorney Tamara Roberts, Devalyn Wilson, Farm Service Agency, and Paul Loete, MSA Professionals meet with the Board. They would like Wilson to go over what exactly needs to be filled out on the document that will be sent out to owners in the wetlands area of the Stanwood Drainage District. They would like to know who will do the letter explaining what this form is about and giving a time line to return it. The Board has questions for Loete regarding how many people in the wetlands area and does he have a map of the area. Bell said he has some follow up questions for Loete also.

Moved by Bell seconded by Gaul to approve the Stanwood Drainage District minutes of 1-16-2012.
Ayes: All

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

January 30, 2012

Moved by Ellerhoff seconded by Gaul to convene as the Stanwood Drainage District Board.
Ayes: All
Absent: Bell

Devalyn Wilson of the Farm Service Agency, Jon Matz of the Natural Resource Conservation Service and Assistant County Attorney Roberts met with the Board to review forms, letters and maps concerning wetland determinations regarding a proposed improvement. Chairperson Deerberg felt the 1026 wetland determination form is complicated, and he wondered how they could keep it simple. Devalyn Wilson said mitigation could be done if there's a wetland determination. She noted the form has to have a farm and tract number. Producers/owners can stop in to her office for assistance. Wilson indicated if the individual is a program participant, they may already have a form on file, but if there are improvements, a form needs to be completed. The N.R.C.S. needs to know what farm to look at. Atty. Roberts asked if this would affect a neighbor up the hill. Wilson indicated it could, but that would need to be determined. Roberts noted the neighbor may have no control on the changes. Wilson referenced a drainage district manual, which she will email to Atty. Roberts. Chairperson Deerberg noted the proposed improvement is in Area C-D. Wilson said only those with agricultural ground would need to receive correspondence concerning the wetland determinations. Jon Matz presented a sample letter which the Board could use. Wilson asked if the Board has received permission from the landowners. She has an owner/operator list. Some of them have a wetland determination. She noted they can do maintenance, not an improvement, and continue to farm the ground. Wilson stated if there is an improvement, those that already have wetland determinations, can be mitigated. Sup. Boedeker asked if the producer/owner would be signing that they would not be eligible for benefits. Wilson indicated the form is for wetland determinations. Boedeker felt these people may not understand, and he wants to make sure they know they won't lose benefits. Wilson felt producers would be familiar with the form. Boedeker doesn't want owners to panic. Wilson noted the producer would be the one that may lose benefits. Roberts noted the loss of benefits runs with the land. Boedeker wondered how long the determinations would take. Matz felt it depends on each situation. Deerberg referenced being grandfathered in prior to a certain date. Matz stated if they found a spot that meets wetland criteria, the operator/owner would have an opportunity to show N.R.C.S. the tile records and that it was enough to drain, and if so, they'll switch it to "prior converted" (there would be no farm bill restrictions). Matz noted there could be farmed wetlands. Sup. Ellerhoff felt the letter should be a little more detailed, with information on the history of the district and this issue coming up later. She felt the letter should come from the Drainage District Board. Ellerhoff would like to make it easier for the individuals to fill out. She fears they won't get people in there in a timely manner to complete the form. Atty. Roberts wondered if they could hold a clinic in Stanwood to assist with completion of the 1026 form and to answer questions. Devalyn Wilson said yes. Roberts wondered if there would be any adverse affects of this wetland determination. Matz said it would

have nothing to do with anything beyond the U.S.D.A. benefits. Wilson felt it could matter to the producer or landowner. She noted the violation comes from planting and harvesting a wetland. Wilson indicated the individual would keep benefits if they left that wetland area. Roberts wondered about requirements on the landowner going forward. Matz indicated there are requirements for any ground, and he indicated it protects someone if they didn't know about something. Deerberg asked if both the owner and tenant would need to sign the form. Matz said someone associated with the land would need to sign. Wilson noted the wetland determination stays with the farm. Deerberg stressed being up front with them. Wilson noted corporations or trusts could be affected by this determination, indicating all benefits could be taken away. Matz said there are several options for the producer/owner. Sup. Boedeker said the proposed ditch improvement will make the tiles more effective. Discussion continued. A sample letter from Paul Loete of MSA Professionals was reviewed. Atty. Roberts wondered if there would be any monetary assistance to help pay for wetland mitigation. Matz said they would help them find a spot. He indicated they could determine what extent drainage is affected, after wetland determinations are made. Jon Matz referenced a release of information by the landowner. Wilson felt that may be something the Board would want to have in order for them to monitor the progress of this project. They will forward the release form to Atty. Roberts. Deerberg felt they should send a letter and hold a meeting with the producers and owners. Wilson said that she and Jon Matz could attend the meeting. Ellerhoff would like to give them the option of coming into the F.S.A. Office to fill out the form or filling it out at the meeting. It was noted the agricultural landowners in Area C-D would receive a letter, and a notice would be put in the newspapers to notify tenants. Atty. Roberts will prepare a letter and review it with the Board. Sup. Boedeker referenced frustration by the Board, and he requested that in the future if the F.S.A. or N.R.C.S. sees something, to let the Board know sooner. Matz indicated they may have enough drainage. He noted when he realized by reading minutes that there was an improvement planned, he became involved. Brief discussion continued.

Moved by Boedeker seconded by Ellerhoff to approve the minutes of January 23, 2012.
Ayes: All
Absent: Bell

The Board discussed tentative dates to hold a clinic (Febr. 29th & Mar. 7th).

Moved by Ellerhoff seconded by Gaul to return to regular session.
Ayes: All
Absent: Bell

February 13, 2012

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

Assistant County Attorney Roberts met with the Board to review a letter and Notification and Authorization to Release Information form. These items will be sent to landowners in the Watershed CD Area to inform them that the proposed project in that area requires a certified wetland determination on all parcels in the affected area. A notice will be published in the Sun News and Conservative. Discussion was held.

Moved by Bell seconded by Ellerhoff to set April 1st as the deadline to obtain the wetland determinations and to set February 29th at 6 p.m. as the time for a workshop for landowners/tenants to receive assistance to complete the wetland determination form.
Ayes: All

Moved by Ellerhoff seconded by Gaul to approve the minutes of January 30, 2012.
Ayes: All

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

Stanwood Drainage District Meeting
At North Cedar High School Cafeteria, Stanwood
February 29, 2012
6:00 p.m.

Supervisors Gaul, Bell and Chairperson Deerberg were in attendance at the start of the meeting. Others in attendance were: Assistant County Attorney Roberts; Kristen Crawford, an Engineer with MSA Professional Services; Devalyn Wilson of the Farm Service Agency; Jon Matz of the Natural Resource Conservation Service and approximately 13 other individuals.

The main purpose of the meeting was for a workshop for landowners/tenants to receive assistance to complete the wetland determination form concerning a proposed project in the Watershed CD Area.

Moved by Bell seconded by Gaul to convene as the Stanwood Drainage District Board.
Ayes: All
Absent: Ellerhoff, Boedeker

Moved by Bell seconded by Gaul to approve the February 13, 2012 minutes.
Ayes: All
Absent: Ellerhoff, Boedeker

Moved by Bell seconded by Gaul to approve payment of Invoice No. 7 From MSA Professional Services Inc. in the amount of $360.75.
Ayes: All
Absent: Ellerhoff, Boedeker

Chairperson Deerberg gave introductions. He noted there are some individuals in the CD Area that still need to complete the wetland determination form. Jon Matz explained the reason for the determinations. He noted they can't improve drainage without the appropriate certification because it could be a violation if the drainage is improved. Matz thanked those that have come into the office to complete the paperwork, and he said quite a few are already finished. He handed out completed certifications to some individuals that were present. Matz noted a couple certifications are still needed.
Sup. Dennis Boedeker entered the room at some point during the discussion.
Mr. Matz said the determinations they have done are considered to be non-wetlands, but there may be one that is, therefore they will have to mitigate it somewhere on the farm. He indicated that is all that is needed to meet the requirement. Deerberg asked if an individual doesn't complete the determination, then what happens? Matz said he could give them a call and let them know that they may receive a potential violation letter. The length of time for the process to be complete could depend on whether anyone files an appeal. Devalyn Wilson said they could assist with completion of the form at this workshop. She could not say the names of those that have not yet completed the required paperwork. Wilson did indicate that they are not sure if a couple of small parcels drain

into the area. Doug Hoffman asked who makes the determinations. Matz said someone in his office. Dennis Coppess wondered if they are removing the tile or changing the waterway. Deerberg said the proposal is to remove the tile and create an open ditch with tapered sides. Coppess wondered why they wouldn't cover up a big tile and protect what's there, which would allow them to move over the tile. Crawford thought the request was for maintenance on the stream bank. Coppess asked what would happen if the landlord refuses an open ditch. Crawford indicated she would take that question back to Paul Loete at their office. Jon Matz felt it might be an issue of grade. He thought he had read that the tile is only 24 inches and that it is blowing out of the ground. Matz thought if there is an open ditch, they could make the grade over a longer distance and for a larger capacity. D. Coppess thought it would silt in. Matz felt proper vegetation and maintenance would be required. Jim Tenley wondered what would happen when it freezes, indicating there is currently a similar issue in a barnyard north of the school. Coppess wondered what the slope would be. The proposed slope is 5 to 1, eight feet deep with a 25-foot bottom for 5,000 feet. Discussion continued regarding current tile sizes, outlets and drainage. It is thought the current tile runs 2,000 feet east of Hwy 38. Deerberg noted there would be another meeting on the project plans before anything goes ahead. Doug Hoffman wondered about obtaining a second engineering opinion. Deerberg noted bids/proposals were requested and only one was received. Atty. Roberts indicated a plan was received, and the Board is considering a less expensive option. Mr. Coppess wondered if there would be a steel tube to tie into the ditch. The Board and Crawford said yes. Jim Tenley wondered why tear it up. Someone noted the tile is not currently working properly. Crawford thought more capacity is needed. Further discussion was held. The consensus of the Board was that the next meeting would be held after Spring fieldwork is finished. It was noted anyone could give their email to Kristen Crawford, and she would send the proposed project plans to them. There is also a copy of the proposal at the Auditor's Office. Questions were raised about the size of the tiles. Someone wondered if the ditch is taken out of production, what is the wetland determination of that? Jon Matz noted it would go through the same determination process. Devalyn Wilson felt it would come out of cropland. D. Coppess wondered if it would be conservation use acres. Wilson was not sure it would be hay ground. Coppess thought it should be mowed or it would silt in. Atty. Roberts advised there is a Code Section that allows entry to maintain. Wilson said typically waterways are left as farmland. D. Hoffman said this wouldn't be farmed. Jim Tenley wondered if an open ditch may be old fashioned indicating he thought people were trying to eliminate creeks. Brief discussion continued.

Moved by Gaul seconded by Bell to go out of the Stanwood Drainage District Board session.
Ayes: Bell, Gaul, Deerberg
(Boedeker was at the back of the room.)
The time was 6:45 p.m.

March 5, 2012

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

Sup. Bell suggested contacting the Stanwood Fire Department about burning the main drainage district. Mike Dauber, Fire Chief briefly met with the Board. He said the Fire Department would do the burning for an amount of $600. Dauber was asked to take pictures of an area north of the railroad bridge. He has been told there are beaver dams in the drainage ditch, which he said he could remove. The Board had no objection.

Moved by Bell seconded by Gaul to hire the Stanwood Fire Department to burn the main drainage ditch for an amount of $600.
Ayes: All

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

April 23, 2012

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

Auditor Gritton, Treasurer Jedlicka and Deputy Treasurer Helmold met with the Board to discuss an assessment for the $17,600 loan from the General Fund for an evaluation/study of the District. This amount is to be payable in FY12-13. Gritton noted the Auditor and Treasurer need to know how much to charge each property owner so that the amounts can be included on the property tax statements. Deputy Helmold asked if the Board would be doing a Special Assessment. If so, the property owners would need to be given 30 days to pay the full amount back to the County by May 31st. Sup. Bell felt this assessment would be on the original district. Gritton noted there may have been property splits. Bell felt the percentages to be used would be as were used in the 1990's. New percentages would be used for the upcoming maintenance assessment, and it was noted the property owners in Area C-D would be assessed for the improvement project. There was a question as to whether a notice would be required to be published in the newspaper. Assistant County Attorney Roberts joined the discussion, as requested. Roberts indicated the initial costs can be assessed to the existing owners in the district. She asked if the wetland determinations have been completed. Sup. Ellerhoff talked to Devalyn Wilson of the Farm Service Agency, and Wilson indicated an outstanding issue had been resolved and that she would send something to the Board. Deerberg told Roberts the Board needs to know whether the assessment for the $17,600 will be a Special Assessment, requirements concerning owners paying in advance, the breakdown for each owner, and whether the assessment should be paid by owners in the original district. Roberts indicated she would do research, indicating she didn't want someone to file a claim for overtaxing. Bell noted it was voted to do this study before the annexation. He said the Board originally only wanted to do one assessment, but due to the delay because of the wetland determinations, the Board is now in the situation of having to do only one assessment. Helmold noted the Treasurer's Office can charge $5/year/per owner for each assessment. Rob Fangmann entered the room while discussion was in progress. Roberts reviewed the Code. Discussion was held. Auditor Gritton noted she would like to be able to give owners an explanation of the percentages used for the assessment, if she is asked. Boedeker noted at a meeting the property owners voted to proceed with the study. Bell felt the way percentages would be calculated would be based on the percentages given to those in the drainage district due to the benefit received. Discussion continued. Roberts will do further research and report back to the Board.

Moved by Bell seconded by Ellerhoff to approve the minutes of February 29th and March 5th.
Ayes: All

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

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

Assistant County Attorney Roberts met with the Board to relay information. Auditor Gritton was present. Atty. Roberts noted if there is an increased assessment, notice must be given. Roberts stated the options for notice are: newspaper, mail, certified mail or personal service. She would like to do further research concerning the last assessment, a couple forms, an interest rate and minimum assessment requirements. It was noted in the past, the City of Stanwood was notified and they passed the amount on to the appropriate property owners. Auditor Gritton noted the City of Stanwood has already certified their budget, so they have no knowledge of this assessment. Previous drainage district minutes were reviewed. Discussion was held. The Board agreed the August 24, 2010 minutes indicate the approval given by property owners to proceed with the study.

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

_____ _____

Cari Gritton, Auditor Wayne Deerberg, Chairperson

May 24, 2012

Moved by Bell seconded by Gaul to convene as the Stanwood Drainage District Board.
Ayes: All
Absent: Deerberg

Discussion was held regarding documentation received from Linda Coppess concerning a special assessment to Fremont Township. Assistant County Attorney Roberts will do some research concerning this matter. Further discussion was held. A call was placed to Devalyn Wilson at the Farm Service Agency to inquire about the wetland determinations process. The Board left a message for Wilson to contact them with an update. Members noted at some point there will be a meeting with the landowners.

Moved by Boedeker seconded by Bell to approve the minutes of April 26, 2012.
Ayes: All
Absent: Deerberg

Moved by Bell seconded by Boedeker to return to regular session.
Ayes: All
Absent: Deerberg

May 31, 2012

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

Assistant County Attorney Roberts met with the Board to report on her review of correspondence from Linda Coppess, Fremont Township Clerk concerning the assessment in the amount of $135.00 to Fremont Township. The assessment was done as the original assessment was done and paid. The Iowa Code indicates primary roads should be assessed to the State and county roads should be assessed to the County, however there were no references on what roads were included in the original assessment or if they even exist anymore. They may have been township roads at that time, and there are no longer township roads. Atty. Roberts doesn't feel they should assess Fremont Township. Roberts doesn't know who should get the assessment bill, until the reclassification is done, or who is benefiting.

Moved by Bell seconded by Gaul to rescind the special assessment in the amount of $135 to Fremont Township.
Ayes: All

It was noted Devalyn Wilson of the Farm Service Agency will be discussing the wetland determinations status with Jon Matz of the Natural Resource Conservation, and then give the Board an update soon.

Regarding another matter, Roberts noted the Treasurer's Office has asked if there will be a grace period to pay the special assessment for the study, prior to certifying the amounts still due on tax statements. Deputy Treasurer Helmold met with the Board, as requested, to discuss this matter. It was noted May 30th was the deadline to pay the special assessment. There are still 14 owners that have not paid. Discussion was held. Supervisors Ellerhoff and Boedeker were not in favor of sending another notice to the owners. Sup. Bell was not opposed to giving a small grace period, but didn't feel a notice should be sent. Sup. Gaul felt there should not be an extension. The consensus was to leave the deadline as is, accept payments if postmarked May 30th but to not accept any further payments at the counter.

Moved by Ellerhoff seconded by Gaul to approve the minutes of May 24, 2012.
Ayes: All

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

July 12, 2012

Assistant County Attorney Roberts met with the Board to discuss matters concerning the Stanwood Drainage District.

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

Atty. Roberts asked if the Board would like to hold another public hearing, and she asked if they have talked to Paul Loete, the engineer from MSA Professionals, regarding other feasible options for improving the district. Chairperson Deerberg recalled that some owners wanted the Board to check on options, or he wondered if they should proceed with a hearing on the proposed improvement. He referenced doing another study on the tile lines. Atty. Roberts noted if another study is done, there would need to be another hearing within 45 days of when the study is filed. Sup. Ellerhoff thought they should follow through on the current study and recommendation, noting it was the best solution per the study. Atty. Roberts advised having another meeting and sending notices. Discussion was held. Auditor Gritton joined the discussion, as requested. Atty. Roberts mentioned having Paul Loete determine if it would be desirable or feasible to pursue another drainage option. Sup. Bell wondered if the ditch is put in, does the first landowner receive restitution for ground taken out of production? Roberts would need to research that, but she thought the owner could ask for money if there is a taking. The publication of the notice has to be 20 days before the hearing. When asked who would need to be sent a notice, Roberts stated everyone if they are combing this with the reclassification. Bell felt that reclassification needs to be done to maintain the current district. Roberts said they could do all of the assessments at once if the hearing includes the improvement and the reclassifications, or they could do the assessments and then reassess for the improvement later. Bell is afraid they may not get anything done and then they will need funds for a maintenance item. Discussion continued. Atty. Roberts suggested having a combined hearing, getting the reclassification started and then do the portion for the proposed improvement in Area C-D. She noted the board that would do the reclassification could be appointed soon after.

Moved by Bell seconded by Ellerhoff to set August 21, 2012 at 6:30 p.m. as the time for a public hearing on proposed improvements and reclassification.
Ayes: All

Moved by Ellerhoff seconded by Bell to approve the minutes of May 31, 2012.
Ayes: All

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

July 26, 2012

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

The Board reviewed Invoice No. 8 from MSA Professionals. Some members felt the individual that was sent to the last meeting was not able to answer questions. A call was placed to Paul Loete at MSA Professionals to ask if he would reduce the amount of the invoice. A message was left to return a call to the Board.

Moved by Bell seconded by Ellerhoff to approve the minutes of July 12, 2012.
Ayes: All

The Board discussed preparations for the August 21st meeting/public hearing. The Assistant county Attorney will be consulted.

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

July 30, 2012

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

The Board's Clerk noted Paul Loete agreed to reduce the MSA Professional Services Invoice No. 8 from 3 hours to one and a half hours.

Moved by Ellerhoff seconded by Gaul to approve the reduction on Invoice No. 8 from three hours to one and a half hours.
Ayes: Bell, Ellerhoff, Boedeker, Gaul, Deerberg

Moved by Bell seconded by Gaul to approve the minutes of July 26, 2012.
Ayes: Ellerhoff, Boedeker, Gaul, Bell, Deerberg

Brief discussion was held regarding recontacting two individuals that previously agreed to serve on the reclassification committee.

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

August 21, 2012
6:30 p.m.

The Cedar County Board of Supervisors convened as the Stanwood Drainage District Board at the North Cedar High School cafeteria in Stanwood for public hearings for a proposed improvement relative to the Engineer's Report and reclassification of all lands within the Drainage District. The following members were in attendance: Gaul, Bell, and Chairperson Deerberg. Ellerhoff and Boedeker were absent. Assistant County Attorney Roberts and Paul Loete of MSA Professional Services were in attendance. Others in attendance were: Sharon Fall, Linda Coppess, Sheryl Mullan, Sarah Gorman, Sue Hall, Rodne Wendt, Jim Tenley, Mike Gorman, Gordon Farrington, Mark Dewell for River Valley Coop and Fred Lehrman.

The public hearing was held concerning the proposed reclassification of lands within the Drainage District. Chairperson Deerberg noted the reasons for the proposed reclassification are: 1)the district has been expanded; 2) the original formula to compute the basis is unknown; and 3)there have been material changes to the highways since the original classification, and he noted the process. He noted the reclassification is for the formula to determine the assessments for maintenance. Deerberg stated eventually it would take in the proposed improvement, but that would only be in area C-D. Members reviewed maintenance items, such as burning the open ditch, main line tile repairs, publishing minutes and postage. An amount of $25,000 for maintenance was mentioned. Deerberg noted the number of acres is what is reclassified, not the landowners. Paul Loete said there is over 8,000 acres in the District since the annexation. He felt the reclassification is an administrative matter. Loete said if in future years it is determined no additional maintenance funds are required, there would be no assessments. He felt if future assessments are needed, there would be a public hearing, and he said this reclassification does not have anything to do with a proposed project. Sup. Bell stated the District has been living on funds that were assessed in the early 1990's. Jim Tenley asked where the annexed lands were added. Paul Loete said to the north and west. Deerberg said the reclassification formula allows for a fair distribution of expenses to the landowners in the district. Someone asked if the City of Stanwood is included. Assistant County Attorney Roberts said part of the City is included, but not all. Bell noted there is close to 9,000 acres in the District after the annexation. Duane Dierks entered the room. A proposed resolution was read by Chairperson Deerberg.

Moved by Bell seconded by Gaul to adopt the following resolution:

STANWOOD DRAINAGE DISTRICT RESOLUTION

On this 21 day of August, 2012, the Board of Supervisors acting as Trustees of the Stanwood Drainage District convened.

Whereas, the current assessments are generally inequitable as a basis for payment for maintenance because, the district has been expanded, the original formula to compute the basis is unknown, and there have been material changes to the highways since the original classification.

Therefore, under Iowa Code§ 468.65, the board of Supervisors as trustees of the Stanwood Drainage District orders a reclassification of the lands, highways and railroads in the Stanwood Drainage District.

Therefore, the Board will appoint three commissioners possessing the qualifications prescribed in Iowa Code § 468.68 at a later meeting and those commissioners shall begin the reclassification within 20 days of appointment. At the time of appointment, the board will further set a deadline for the reclassification to be complete.
Ayes: Gaul, Bell, Deerberg
Absent: Ellerhoff, Boedeker

The reclassification hearing ended at 6:42 p.m.

The public hearing was held concerning the proposed improvement. The Board members listed above as well as the Assistant County Attorney and Paul Loete were present. Others in attendance were: Sue Hall, Duane Dierks, Sharon Fall, Sarah Gorman, Michael Gorman, Rodne Wendt, Mark Dewell for River Valley Coop, Sheryl Mullan, Jim Tenley, Linda Coppess, Fred Lehrman, Gordon Farrington and Daren Lehrman. Chairperson Deerberg read letters submitted by the following expressing their comments, objections and/or concerns:

1) Tom Bjelland, managing representative for: Greg Hoyman Trust, Kathryn Hoyman, and Thomas and Mary Bjelland Trust
2) Sheryl Mullan, Vice President, Voelker Family Farm Corp.
3) Jim Tenley
4) William J. Tenley, Executor, Gregory J. Tenley Family Trust.

Paul Loete gave a brief background concerning the proposed improvement. He felt he was hired by the District at the urging of landowners due to drainage issues. A report by his company was placed on file. They looked at several options. Some options were cost prohibitive. After an analysis, they recommended an improvement to the ditch in area C & D. The cost estimate for the proposed improvement is $120,000, which would be distributed among those landowners. Loete said he understands there have been other suggestions concerning an improvement. He noted they could do nothing, and he felt taking ground out of production is a valid concern. Loete indicated questions could be answered at this hearing. He noted this company's recommendation for an improvement will not solve all problems, but he felt the recommendation would help improve drainage so more land would be available for cropping more often. The proposed improvement is for a 5,000 feet ditch, and transverse tiles would be hooked in. Right now it is only a conceptual plan. Jim Tenley wondered why they would tear out tile. Loete noted the tile would tie back into the ditch. Tenley felt farmers would not drive over the ditch with large equipment. Loete acknowledged that would not be feasible. Tenley wondered how far east on the Voelker property would the 10' wide ditch go. Duane Dierks felt they should work together as neighbors to get the drainage outlet, and he questioned how the proposed improvement would help the northwest corner of the Voelker farm. Chaiperson Deerberg asked for a show of hands of how many individuals would like to proceed with the proposed improvement. No one raised their hand. Deerberg then asked for a show of hands of how many would not like to proceed with the proposed improvement. Five individuals raised their hand.

Duane Dierks indicated when he walks the ditch, there has been neglect of the tile, and the problem is on the lower end. He noted he and others fix the tile when there is a problem. Dierks indicated neighbors want to cut the ditch and dump water on the Voelker property. He referenced the State putting in a different tile, and he questioned how the water would hit the bridge opening unless the Highway Commission makes a change. Dierks felt Sheryl Mullan's ground is taking the water, but the improvement would not benefit her. Deerberg said the Board has not looked at the State bridge. He told those present it seems they do not want to proceed with the proposed improvement. Deerberg noted the Drainage District funds belong to the landowners in the District. He asked what they want the Board to do. Deerberg noted they could amend the proposal. Linda Coppess felt there is not an issue with water at a bridge on 130th Street. She thought work may be necessary further east, and she indicated the railroad culvert needs to be cleaned out. Deerberg said the Board could investigate that. Someone wondered if an outlet below may be needed to make this work. Deerberg noted the landowners could take over this entire matter. Tenley felt there should be more people at this hearing. Deerberg said notices were published and letters were sent to landowners. Loete noted a culvert could be undersized, which they could think about correcting with maintenance dollars. Regarding downstream issues, Loete said there could be flow restrictions we don't have control of. Coppess felt they could send a letter to the railroad company. Loete did not dispute that. Bell agreed they could send them a letter, but he felt the response may be bad. Deerberg said his feeling is that those present do not want the Board to proceed with the proposed improvement. He asked if they have another plan. Sheryl Mullan asked what the cost would be to amend the plan. Loete indicated there was a concern expressed so they looked at this, and they tried to get public input at several public hearings. He asked if there is something they want to see that hasn't been considered. Loete noted they looked at it to provide a channel that would convey a five-year rain event. He indicated a tile may improve drainage in the draw. Tenley wondered about compensation for the land. Assistant County Attorney Roberts said that for damages where the ditch would be, a claim could be filed with the Auditor, and then a Commission would decide the damages. Tenley asked if people in the district would contribute to that. Roberts said yes. Tenley indicated this would lower the land value, and he asked how someone would farm the other side. Loete indicated he was not trying to take advantage of anyone or benefit others. Dierks felt with the proposed improvement, Sheryl Mullan's ground would still be a pond after flash floods. Loete indicated that could be. Dierks said the improvement wouldn't benefit Mullan a bit. Loete said he didn't say that. Dierks said a 12-inch tile a half mile long will cost $17,000. He doesn't see what the ditches will gain them. Dierks said when they get flash floods, the water is only on there for so long, the standpipes are blown and it is underground water that can't get out. Loete asked if he felt a 12-inch tile would take care of that. Dierks thought it would take care of more than Loete thinks, and he thought rather than pay the engineer, if the farmers would work together they'd be better off. He asked where all the drainage funds have gone, since he thought it has been taxed (assessed) every year. Bell noted there had not been an assessment since the early 1990's. Dierks wondered where the "watchdogs" have been for the district. Deerberg noted the maintenance and improvement are two different things. Dierks couldn't believe they would dig ditches, and he referenced $10,000 per acre ground. Dierks felt if Gordon Farrington and others on top, were at the bottom, they'd be upset too. Gordon Farrington indicated he was present because of the taxes. Deerberg said they could just proceed with maintenance and not the improvement. Discussion continued. Linda Coppess said she did not want an open ditch. Deerberg said the Board is only doing what the landowners wanted them

to do. He said they can just fix a problem in the main line with their maintenance funds. Further discussion was held. Deerberg noted the 24-inch main tile line is 4,600 feet long. It was noted there is 18-inch tile also. Deerberg noted maintenance would be done to what the District originally put in with funds collected for maintenance. One individual felt there is no use feeding water faster. Bell felt it is apparent that those present don't want to go forward with the plan. He noted the Board could send a letter to the railroad company asking them to clear under the bridge, and then Bell said the landowners may want to take the District back over and that would be fine with the Board of Supervisors. He mentioned the Assistant County Attorney may be able to assist the landowners. Bell said the District has taxing authority. He said he knows the Supervisors are the watchdogs, but the watchdogs have been the landowners telling the Board where the problems are. Bell felt the communication has not been there. He said perhaps some permitting should have been required so that the Board knew what work was done. Bell thought if the landowners want to get together and go a different route, that wouldn't be a problem. Linda Coppess felt they would still have to hire an engineer for an improvement if the landowners take over the District. Chairperson Deerberg indicated the Board is hearing that those present do not want to proceed with the proposed improvement, the Board will go ahead with assessing for maintenance funds, the Board will send a letter to the railroad company, and the landowners can come to the Board with maintenance concerns.

The consensus of the Board was to not proceed with the proposed improvement, but to go ahead with the maintenance assessment.
The hearing closed at 7:28 p.m.

August 23, 2012

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

Chairperson Deerberg gave a report on the public hearings held on August 21, 2012. He said a show of hands that night indicated the owners did not want to proceed with the improvement. The reclassification will proceed and a decision will be needed for the amount of maintenance to assess for. Sup. Ellerhoff wondered if there should be a plan for what the maintenance will be. Sup. Bell felt that would be kind of an unknown. Deerberg thought the Board had agreed to start with a maintenance amount of $25,000. Others agreed. Bell noted a letter should be sent to the Union Pacific Railroad about cleaning out their culvert. The Board consensus was to have the Assistant County Attorney compose the letter to Union Pacific.

Moved by Bell seconded by Ellerhoff to authorize Chairperson Deerberg to sign the letter to the Union Pacific Railroad.
Ayes: Boedeker, Bell, Gaul, Ellerhoff, Deerberg

Appointment of the reclassification board was discussed. An individual has agreed to serve. Deerberg has made some contacts, but no one has agreed to accept the other position. He will make some additional contacts. Bell noted he suggested at the hearing that the owners could take over as trustees of the district.

Moved by Gaul seconded by Bell to approve the minutes of July 30th and August 2st, 2012.
Ayes: Gaul, Bell, Boedeker, Ellerhoff, Derberg

Sup. Ellerhoff felt they should ask the Assistant County Attorney to put together information on how the owners could take over the district. Deerberg noted there was a disappointing turnout at the hearings. Bell thought they wouldn't know what that was due to, whether it was due to other activities or disinterest.

Assistant County Attorney Roberts joined the discussion. The Board asked her to compose a letter to the Union Pacific Railroad, and Bell felt the County Engineer could assist her with the address and the G.I.S. Tech could assist her with the location. The Board also asked her to put information together as to what the process would be for the owners to take over as trustees of the district. Roberts was also asked to research if a permit process could be required before landowners attach tile in the district. Discussion was held regarding the reclassification process.

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

September 6, 2012

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

Discussion was held concerning appointing the Reclassification Commissioners for the maintenance assessment. It was noted the Commissioners would need to meet within 20 days, and there would be a deadline for completion of the work. An extension could be given for that deadline.

Moved by Gaul seconded by Ellerhoff to appoint Engineer Paul Loete, Laurie Brandenburg and Don Young as Reclassification Commissioners.
Ayes: Gaul, Boedeker, Ellerhoff Deerberg
Absent: Bell

Moved by Ellerhoff seconded by Gaul to set the deadline of October 31, 2012 for completion of the reclassification work.
Ayes: Ellerhoff, Gaul, Boedeker, Deerberg
Absent: Bell

Moved by Gaul seconded by Ellerhoff to approve the minutes of August 23, 2012.
Ayes: Boedeker, Ellerhoff, Gaul, Deerberg
Absent: Bell

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

September 13, 2012

Steven R. Thompson of MSA Professional Services met with the Board to discuss the Stanwood Drainage District.

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

Mr. Thompson said he would be honored to be appointed to the Reclassification Board as the Engineer to replace Paul Loete. Thompson has been involved in the document preparation and has been advised by Paul Loete about the District. He is comfortable with the project. Chairperson Deerberg noted there would not be an improvement at this time, but there is a need for an assessment to build up the maintenance fund. Assistant County Attorney Roberts joined the discussion. She will talk to Mr. Thompson about the District.

Moved by Bell seconded by Ellerhoff to appoint Steven Thompson as a Reclassification Commissioner.
Ayes: Boedeker, Ellerhoff, Bell, Gaul, Deerberg

Mr. Thompson will contact Laurie Brandenburg and Don Young to set up a meeting of the Reclassification Board. Thompson was advised of the October 31st deadline for the reclassification work.

Moved by Bell seconded by Boedeker to approve the minutes of September 6, 2012.
Ayes: Gaul, Bell, Ellerhoff, Boedeker, Deerberg

Brief discussion was held concerning payment of the last invoice from MSA Professional Services.

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

October 29, 2012

Assistant County Attorney Roberts met with the Board to give them an update on the Stanwood Drainage District concerning the Reclassification Board meeting. Roberts felt the Board may need an extension on their deadline for reclassifying the properties.

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

Discussion was held regarding extending the deadline. The current deadline is October 31, 2012.

Moved by Bell seconded by Ellerhoff to extend the deadline to November 30, 2012.
Ayes: Gaul, Boedeker, Ellerhoff, Bell, Deerberg

Atty. Roberts will contact Mr. Thompson of MSA Professional Services to give him an update on the Board's action. The consensus was to encourage the Board to complete the reclassification in an expedient manner.

Moved by Bell seconded by Gaul to approve the minutes of October 1, 2012.
Ayes: Ellerhoff, Bell, Gaul, Boedeker, Deerberg

Moved by Ellerhoff seconded by Gaul to pay the MSA Professional Services Invoice No. 10 in the amount of $719.90.
Ayes: Bell, Boedeker, Gaul, Ellerhoff, Deerberg

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

November 19, 2012

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

Assistant County Attorney Roberts met with the Board to discuss the work of the Reclassification Commission for the assessment. Atty. Roberts has met with Steve Thompson, the Engineer with MSA Professional Services. She noted the City of Stanwood is in the Drainage District, but not the houses, garages and yards. Bell noted there are a few properties on the south side that have paid an assessment, so he wondered what the differentiation is. Roberts wasn't sure why they were previously included. Roberts noted the option of considering an additional annexation later. She met with Mr. Thompson, and they discussed things the Commission has to do. Roberts gave him information from the Auditor. Atty. Roberts had given information to the Geographic Information Systems Tech, and he prepared a map for the Commission with parcel ID'S and total acres for each. She felt this map would be helpful for this assessment as well as future years. Thompson felt they could be done with the work by the end of this month. Roberts said Thompson wasn't sure if the Commission duties are part of his contract, but indicated he would do the work on a voluntary basis. The Commission has been meeting weekly. Deerberg asked if the Commission would meet their deadline of November 30th. Atty. Roberts will ask.

Moved by Bell seconded by Ellerhoff to approve the minutes of October 29, 2012.
Ayes: Ellerhoff, Bell, Gaul, Boedeker, Deerberg

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

November 29, 2012

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

Assistant County Attorney Roberts met with the Board to discuss an Extension on Reclassification for the assessment. The deadline for filing the report is December 14, 2012. Atty. Roberts has met with Steve Thompson, the Engineer with MSA Professional Services. Roberts was able to figure out the basics of the calculations that were used a hundred years ago. Thompson and others on the committee are close to completing a new formula to assess all properties. There were some wrong acres for roadways that are being redone.

Moved by Bell seconded by Boedeker to extend the deadline for filing the Extension for Reclassification to December 14, 2012.
Ayes: Gaul, Bell, Ellerhoff, Boedeker, Deerberg

Moved by Bell seconded by Ellerhoff to approve the minutes of November 19, 2012.
Ayes: Boedeker, Bell, Gaul, Ellerhoff, Deerberg

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

December 10, 2012

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

Assistant County Attorney Roberts and Auditor Gritton met with the Board to discuss the Reclassification Report. Tim Malott, Robert Lynn Pruess, Larry Hodgden and Betty Lett were in attendance. Atty. Roberts said it appears the Reclassification Board went by acres which they can do per the Code of Iowa. They put in the 60% assessments rather than 100%. She indicated the Reclassification Board could go back and fix it or we could figure the 100% assessment to save dollars. Roberts said she understands that MSA Professional Services has sent an invoice. Roberts said she could probably get a spreadsheet from Steve Thompson and the 100% assessments could be calculated. Chairperson Deerberg noted they are trying to collect $25,000 over five years so whether 60% or 100% is used, they are still only collecting $25,000. Roberts noted the original assessment was 100%. She felt it may make it confusing using 60%, and it would be cleaner if 100% is used, then if there is an assessment for maintenance/repairs, we can figure out what 60% of the 100% is. Sup. Bell felt it would be best to base the assessment off of 100%. Auditor Gritton felt for the future it needs to be clearly stated 100%, and she felt the 100% assessment figures should come from the Reclassification Board. Atty. Roberts felt the basis wouldn't change, they would just figure out the numbers. She indicated there are G.I.S. photos and amounts for highways. Roberts thought this Reclassification Report is more comprehensive. Atty. Roberts said the Code of Iowa is unclear on what to do after the reclassification is finished. At some point the landowners have an opportunity to appeal. She advised the Board of Supervisors or Trustees for the Stanwood Drainage District would do a tentative adoption of the report and notify those in the district. There would be a public hearing and objections could be filed, and then final approval could be given at the hearing. Roberts advised changing the report to reflect 100% assessments first and then she can put together a resolution for the Board to consider. Once tentative approval is given, there needs to be at least 40 days before the public hearing. Bell asked about the appeal process. Roberts noted the Code doesn't set deadlines, so it is unclear to her. She has done research with other counties. Bell asked if they could set a deadline. Roberts felt there is nothing that prohibits that. Deerberg wondered about the deadline to get the assessment figures to the Treasurer for tax collections. Auditor Gritton thought it is April 2013 to be able to include the figures for the 13-14 property tax statements. Deerberg noted an invoice from MSA Professional Services in the amount of $1,708.73. Atty. Roberts and Auditor Gritton understood from conversation with Steve Thompson that he would be volunteering his hours. Roberts noted she and Gritton did a lot of legwork for this project. Atty. Roberts felt Steve Thompson of MSA Professional Services realized this wasn't part of their original contract. Roberts said she would email Mr. Thompson about changing the assessments to 100%, but she felt it is up to the Board of Supervisors to contact him about the last invoice. The consensus was that Atty. Roberts should contact Mr. Thompson about changing the assessments to 100% and Chairperson Deerberg should contact Mr. Thompson to discuss the invoice. Sup. Boedeker asked what the total acres are. Roberts said in the reclassification there are 6,741.17 acres. She noted that figure does not include most of the City properties. Assessments under $1 would be rounded to $5.

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Moved by Ellerhoff seconded by Gaul to approve the minutes of November 29th.
Ayes: Ellerhoff, Gaul, Boedeker, Bell, Deerberg

Atty. Roberts and Auditor Gritton left the room. Betty Lett asked where the drainage problem is located. Sup. Bell explained that the Stanwood Drainage District was implemented in 1916 due to poor drainage. Open ditches and tile were put in. The area runs northwest, northeast and along the edge of Stanwood. Bell explained the Code of Iowa allows the administration to be turned over to the Board of Supervisors. He felt it is fortunate there is only one drainage district in Cedar County. Deerberg noted the Stanwood Drainage District Fund pays for expenses to maintain the district. Bell referenced maintenance items such as burning the open ditch annually and maintaining tile. Sup. Boedeker noted only those in the district are assessed. Deerberg noted a study was done, but the consensus of the landowners was not to proceed with a proposed improvement, and to only proceed with a maintenance assessment.

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