

January 3, 2011  
Stanwood Drainage District Board  
Tipton, Iowa

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

Ayes: All

Moved by Ellerhoff seconded by Bell to approve payment of a claim to The Sun news in the amount of \$66.77 for publication of minutes.

Ayes: All

Moved by Bell seconded by Ellerhoff to authorize the Chairperson to review and sign claims for payment of the bills as they come in.

Ayes: All

Moved by Bell seconded by Gaul to approve the minutes of November 29, 2010.

Ayes: All

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

Ayes: All

January 17, 2011  
Stanwood Drainage District Board  
Tipton, Iowa

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

The Board reviewed the proposed agreement with MSA Professional Services, Inc. concerning a Stanwood Drainage District Evaluation. Discussion was held.

Moved by Bell seconded by Boedeker to approve and authorize Chairperson Deerberg to sign the Professional Services Agreement with MSA Professional Services, Inc.  
Ayes: All

Moved by Ellerhoff seconded by Bell to approve the minutes of January 3, 2011.  
Ayes: All

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

March 15, 2011  
Stanwood Drainage District Board  
Stanwood, Iowa

The Board convened at 6:00 p.m. at the Union Church in Stanwood to meet with landowners and MSA Professional Services, Inc. regarding a study, evaluation and proposed improvements within the district. The following members were present: Boedeker, Ellerhoff, Gaul and Chairperson Deerberg. Sup. Bell was absent. Approximately nineteen other individuals were in attendance. Paul Loete of MSA Professional Services presented a proposed scope of work. Time was allowed for input from landowners or their representatives. Discussion was held. The consensus of the landowners was to proceed with the scope of work as proposed.

March 17, 2011  
Stanwood Drainage District Board  
Tipton, Iowa

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

Ayes: All  
Absent: Bell

Moved by Gaul seconded by Ellerhoff to proceed with the proposed agreement in the amount of \$17,600 as listed below, with MSA Professional Services, Inc. concerning a Stanwood Drainage District Evaluation.

- |                              |         |
|------------------------------|---------|
| • Procurement of Data        | \$1,440 |
| • Reconnaissance and Mapping | \$2,000 |
| • Evaluation                 | \$7,840 |
| • Reporting                  | \$5,120 |
| • Public Involvement         | \$1,200 |

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

Ayes: All  
Absent: Bell

April 14, 2011  
Stanwood Drainage District Board  
Tipton, Iowa

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

Ayes: All

Moved by Bell seconded by Boedeker to approve payment of \$600.00 to the Stanwood Fire Department for burning the open drainage ditch.

Ayes: All

Moved by Ellerhoff seconded by Gaul to approve the minutes of January 17<sup>th</sup>, March 15<sup>th</sup> and March 17<sup>th</sup>, 2011.

Ayes: All

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

Ayes: All

July 11, 2011  
Stanwood Drainage District Board  
Tipton, Iowa

Moved by Ellerhoff seconded by Boedeker to convene as the Stanwood Drainage District Board to discuss a payment to MSA Professionals.

Ayes: All

Moved by Bell seconded by Gaul to approve the minutes of April 14, 2011.

Ayes: All

Discussion was held regarding an invoice from MSA Professional Services in the amount of \$5,232.16 for reconnaissance, mapping and evaluation tasks associated with the drainage district evaluation. The Stanwood Drainage District Fund balance is \$3,814.79. Auditor Gritton noted dollars could be transferred when a budget amendment is done. Sup. Bell said he would like more communication and an update on the project. Sup. Boedeker asked Auditor Gritton what the process is for an assessment to the property owners. Auditor Gritton said she would check the Code of Iowa and talk to County Attorney Renander. Chairperson Deerberg called Mr. Loete at MSA to ask when he could meet with the Board for an update. He will meet with the Board on July 25<sup>th</sup> at 9:00 a.m.

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

Ayes: All

July 28, 2011

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

Ayes: All

Paul Loete of MSA Professionals presented and reviewed an evaluation of the district. Engineer Fangmann was in attendance. He reviewed concerns expressed at a meeting held with landowners in the current district. Tim Malott entered the room while discussion was in progress. Mr. Loete said his intent is to be able to upload point data to the County's Geographic Information System. He felt it would be good data to have. Loete would have our G.I.S. Tech coordinate with his company to get the data into the proper form for our system. Most of the drainage in the district comes from the Rock Creek. Mr. Loete said there is 8,960 acres that drain into the watershed. The current district is 6,900 acres. He reviewed a map of sub-watersheds within the district. They determined flow rates to determine capacities of ditches. The range of slopes presents some problems. Generally speaking, the existing drainage district can accommodate a five-year rain event. He does not recommend excluding any ground currently in the district. Loete advised using recognizable and distinguishable boundary lines for any annexation to the district. Bell wondered about including an area on the east side. Loete referenced developing a pro-rata ratio for how much the property contributes to the district. For example, on a scale of 0 to 100, how much does their land drain into the district relative to ground owned by others. That would correlate to how assessments are made. There would be a name and a percentage assigned to them. Mr. Loete asked if there is currently annual maintenance. Bell said the ditch is burned. Loete recommended that if they implement annual maintenance or a project, to annex the property into the district. However, he stated if they are not assessing anything, there is no reason to annex the property in. Bev Penningroth asked if Loete would assist the Auditor with the calculations. Loete indicated yes, and he advised having the County Attorney involved. He noted the Code indicates a three-person board needs to be appointed to make the classifications and annexation. The Board would include an engineer and two others (not landowners in the district). MSA would provide documents to assist. Loete advised there would need to be a resolution of necessity to make the annexation, and a petition by owners. The annexation doesn't have to be voluntary. Loete indicated the annexation can be challenged at the owner's expense. An option to improve the district is to widen the ditch bottom to 25 feet with a five to one slope, but Loete felt that would be impractical and a challenge. He referenced putting in an open channel. There are currently some exposed and undersized tile. Loete felt a larger tile wouldn't help drain the surface water on top. The cost estimate to improve certain portions of the stream channel includes contractor costs, but Loete said perhaps the County Engineer could do some of the work. Discussion was held regarding the option of working on a certain

watershed within the district. They would classify subdistricts only if doing a specific project in the district. Loete said they could do an assessment for maintenance and an assessment for a project. The legal classification of a district has a certain process. Loete advised annexing and reclassifying a district so the allocation of benefit is evenly distributed. He referenced tying in channels to existing channels. Sup. Boedeker wondered if drainage problems in the City of Stanwood could be addressed. Mr. Loete felt that is a localized problem, and the topography is flat and doesn't drain well. He indicated a solution is new subsurface tiles. Sup. Bell wondered if it could be addressed in conjunction with the other property, and he thought the City should be concerned. Loete noted the reason he didn't address it, is that there could be several different areas that people may think should have better drainage. Loete acknowledged the City could be included in a project. Sup. Boedeker felt the City could pick up the whole cost for their portion, since it would be a benefit to them. Loete said there may be one culvert on 130<sup>th</sup> Street that is undersized. He indicated the Board could consider annual maintenance to minimize erosion and to clean up channels. Deerberg wondered if the City would be classified differently. Loete said yes, indicating it should be higher. Bell asked if Loete would charge additional fees to classify the district. Loete said yes. Bell felt Loete would be the best one to contribute the percentages to the properties. Other members agreed. Loete will give the Board a revised map and a recommendation. A possible meeting date with landowners was discussed. Discussion was held regarding the size of tiles. Loete will address matters in a memo.

Moved by Bell seconded by Boedeker to approve the minutes of July 11, 2011.

Ayes: All

Moved by Ellerhoff seconded by Gaul to pay MSA Professional invoices no. 2 & 3 totalling \$8,246.91.

Ayes: All

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

Ayes: All



August 1, 2011

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

Ayes: All

Discussion was held regarding payment of MSA Profession Services Invoices No. 2 & 3 totaling \$8,246.91. The amount in the Drainage District Fund is \$3,816.67. These invoices need to be paid. Auditor Gritton joined the discussion, as requested. Gritton said a loan was discussed, and it could be included in the next budget amendment. She asked if the Board would like her to do a transfer. It was the consensus to do a transfer for now for the full amount of the project, which is over \$17,600. Deerberg mentioned the Board could do an assessment for a project and one for maintenance. Possible future maintenance was discussed.

Moved by Bell seconded by Gaul to approve the minutes of July 28, 2011.

Ayes: All

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

Ayes: All

August 22, 2011

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

Ayes: All

Moved by Bell seconded by Gaul to approve the minutes of August 1, 2011.

Ayes: All

The Board reviewed and approved proposed correspondence to landowners in the current and proposed Stanwood Drainage District area concerning a public meeting on September 7, 2011 at 6:00 p.m. at the Stanwood Union Church. Discussion was held. The Church will be contacted to reserve the room, and if that date is not available, the Board would like to reserve a room on September 14<sup>th</sup>.

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

Ayes: All

August 25, 2011

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

Ayes: All

Absent: Bell

Invoice No. 4 from MSA Professionals was reviewed in the amount of \$7,481.95. The total amount that has been paid to them prior to this invoice is \$9,763.92. The amount in there proposal is \$17,600.

Moved by Ellerhoff seconded by Gaul to approve payment of Invoice No. 4 in the amount of \$7,481.95 and to authorize Auditor Gritton to transfer adequate funds to the Stanwood Drainage District Fund.

Ayes: All

Absent: Bell

It was noted the meeting with landowners in the district will be on September 14, 2011 at 6:00 p.m. MSA will send notification to the landowners.

Moved by Gaul seconded by Ellerhoff to approve the minutes of August 22, 2011.

Ayes: All

Absent: Bell

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

Ayes: All

Absent: Bell

September 14, 2011  
Stanwood Drainage District Board  
Stanwood, Iowa

The following members were present in the capacity of the Stanwood Drainage District Board: Wayne Deerberg, Jon Bell, Betty Ellerhoff, Brad Gaul and Dennis Boedeker. Approximately 28 other individuals were in attendance. Paul Loete of MSA Professionals, Inc. gave a presentation which included various items in a Drainage District Evaluation. Among other things, he reviewed the process of gathering the data, maps of the area including an area for possible annexation into the district, calculated runoff rates, soil classifications, peak flows (cubic feet per second), designing a conveyance system, and various storm event frequencies (certain number of inches of rainfall in a period of time). The current district is over 6,900 acres. The watershed area is over 8,900 acres. The average slope in the district is .2%. Many areas are less than that, so Loete said it makes it a challenge to design something. The majority of the tiles are sized appropriately, but the channel only has the capacity to handle a five-year storm event. Loete looked at what they could do to improve conveyance to prevent inundation of crops. Options he noted were: 1) improve the slope of the channel which would require earth work costing millions of dollars, and they are limited on how much additional slope they can get; 2) improve a cross sectional area in the district (widen the channel to 25 feet) which would also be a costly endeavor requiring significant earth work with an estimated cost of \$1.24 million; and 3) look at certain segments, which Loete recommended a cross section that runs northeast of the City of Stanwood. Loete said this area has no channel at all. He suggested the channel should accommodate a five-year rainfall. The cost estimate is \$120,000 for earth work excavation and tile to connect in to existing tile lines. Per Loete, this area is one of the worst areas for carrying capacity. He felt a pipe culvert 60 inches in diameter for 400 feet is not feasible from a practical standpoint. Mr. Loete felt there is no need to annex in more acres if there is no improvement project. He referenced finding an equitable way to finance the project. If they proceed with a maintenance program for the district, Loete suggested annexing in the owners in the watershed area for an equitable cost share. In summary, Mr. Loete said there is not any silver bullet to solve their problem, due to the flat characteristics of the district. They generally like to see a minimum of a 1% slope. He noted improvements can be made to convey rain events, but they would be very costly in relation to the returns. Loete did recommend doing a maintenance project for the district in future years, which could include cleaning up erosion areas, which could possibly include from 130<sup>th</sup> Street to the north.

Those in attendance were given the opportunity to comment. Some areas of discussion were, but not limited to: owners in the district, drainage from the City, locating tiles, maintenance to existing tiles, other possible maintenance in the district, the prior choice of the District to have the Board of Supervisors be the vehicle for what the owners want to do in the district and administration of the funds, the proposed area for the recommended \$120,000 channel project, who would possibly be assessed for that project, opening tiles up north to run into the channel, flood plain areas, a culvert at 130<sup>th</sup> Street

that has a 25 year rainfall event capacity, the capacity of the railroad bridge, possibly going further south with the annexation of the district, possible assessments to owners, and the amount of funds loaned to the district for the evaluation. The results of votes taken resulted in the following: the district should be expanded, there should be a maintenance program assessment over five years (\$20,000 to \$25,000), and that they should proceed with putting together a list of the landowners' names that would be in area D and part of area C where the proposed channel would be. Landowners will be contacted.

The meeting concluded at 8:05 a.m.

September 22, 2011

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

Ayes: All

Paul Loete of MSA Professionals met with the Board. County Attorney Renander was in attendance. Chairperson Deerberg asked that Loete clarify the next step for improvement/maintenance in the district. Mr. Loete said there were questions on how payments would be made for any assessments to the landowners. He could send a memo to the Board with his recommendation. Loete referenced the lateral drainage ditch to the north and east, and he could put together a map to establish the owners in that area that would be assessed as a sub-district (who would benefit from the project). He would work with the County's G.I.S. Tech to obtain the owners' names and number of acres for each owner. The remainder of the owners in the district would be assessed if the Board proceeds with a maintenance program. Chairperson Deerberg noted there would likely be three assessments, those being for the \$17,600 cost of the evaluation, the channel project, and future maintenance or other costs. Loete agreed. Deerberg suggested that at the next meeting with the owners, that there is a large map for them to view. Sup. Bell suggested a Powerpoint presentation would be helpful. Loete agreed. Deerberg wondered how the cost per owner would be determined. Loete indicated a map would be put together showing the boundary, and there would be a list, with the help of G.I.S., showing the dollars. He advised that if they move forward, that an attorney be involved and that they follow the Code. Bell suggested using an attorney with Loete being utilized as a resource. Loete thought that would be the most efficient. County Attorney Renander said he would review the Code. Bell reviewed the three assessments that may need to be done, which are: 1)\$17,600 for the evaluation that has been done (assessed to those in the current district) 2)annexing in additional owners that benefit from the district and then having a maintenance program, which would perhaps be \$5,000/yr over five years (all owners plus those annexed in); and 3)an earthen ditch major improvement which is estimated to cost \$120,000 (those in that specific area). Sup. Ellerhoff noted that in the Code it says three commissioners would need to be appointed. Renander agreed. Loete again advised that they follow the proper steps, so someone could not come back later with a claim. He noted the Commission typically includes an engineer and two other individuals who are non-affected by the district. Ellerhoff would like to see something defining the Board's steps and options. It was noted the owners that may possibly be annexed into the district were invited to the last public meeting concerning the district. Loete said he heard from two that were opposed, and he received a call from an individual that didn't want to be included. That individual owns land in and out of the proposed district. Loete explained to him that the assessment would only be for the land in the district. Some areas of continued discussion were, but not limited to: the proposed ditch project, contingency costs built into the project estimate, holding a future meeting with landowners, and having an informational sheet so the owners know the options and approximate costs per acre. Mr. Loete will draft a memo for the Board to review in one

week. The Board will then set a date for another meeting with landowners. County Attorney Renander will review the Code and, if needed, contact Mr. Loete. Renander and Loete left the room.

Moved by Bell seconded by Ellerhoff to approve the minutes of August 25 and September 14, 2011.

Ayes: All

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

Ayes: All

September 29, 2011

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

Ayes: All

Sup. Bell felt the Board should think about individuals to serve on the Commission for the assessments for the District. Discussion was held. Sup. Gaul suggested that each Supervisor suggest three individuals, and selections can perhaps be made at their next meeting. The Board agreed.

Moved by Bell seconded by Ellerhoff to approve the minutes of September 22, 2011.

Ayes: All

Discussion continued. The Board contacted Paul Loete of MSA Professionals to discuss documentation sent by Loete. He noted the Preliminary Ownership Distribution for Tributary CD will be looked at closer and may be changed. Further discussion was held. The call concluded. Brief discussion was held.

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

Ayes: All



October 3, 2011

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

Ayes: All

Absent: Boedeker

County Attorney Renander met with the Board to discuss possible assessments, a channel project, maintenance, annexation and the processes to get these accomplished. Sup. Bell explained the three assessments that may be done, and there may be a fourth if the costs of the annexation process need to be done through a separate assessment. Sup. Ellerhoff would like to see a checklist of the steps that need to be taken so there is no mis-step in the process. Since County Attorney Renander will be out of the office for two weeks, he will give the information to Assistant County Attorney Roberts. Atty. Renander referenced various Code Sections. He suggested that when mailings are done, to include every name and address that may be a possibility of being included, even though there may be duplicates on some parcels. The Board agreed they would first like to see the steps that need to be taken to accomplish an assessment for the \$17,600 that has been paid for an evaluation of the district. Discussion continued.

Moved by Bell seconded by Gaul to approve the minutes of September 29, 2011.

Ayes: All

Absent: Boedeker

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

Ayes: All

Absent: Boedeker

October 6, 2011

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

Ayes: All

Assistant County Attorney Tamra Roberts met with the Board to discuss proposed assessments and annexation and procedures to accomplish both. The Board is not sure if the costs to do the annexation will need to be a separate assessment. Atty. Roberts said typically the annexation costs would be treated as a brand new district and the Board of Supervisors would pay the costs, but in this case she would need to do more research. She asked if the annexed lands have already benefited from the district. The Board answered yes. Roberts thought if so, those owners would be assessed the amount sufficient to the amount if the lands had been in the original district. They would pay the share of the costs to serve their land. They'd also be required to pay maintenance costs going forward. Bell clarified that they can charge the original assessment plus the rate of inflation. Roberts indicated that is correct. Discussion continued. Bell requested a checklist. Roberts asked what the Board would like to know. Bell reviewed each of the possible four assessments. The Board does not want any mis-steps. Chairperson Deerberg asked if the Board could proceed with appointing people to the Commission. Roberts advised that they wait until she has had time to do additional research of Code Sections pertaining to drainage districts. She will meet again with them at their next meeting. Roberts felt the Commission members could be paid. Atty. Roberts left the room.

Moved by Bell seconded by Ellerhoff to approve the minutes of 10-3-11.

Ayes: All

Board members made suggestions for individuals to appoint to the Commission that will do the assessments and classifications with the assistance of an Engineer. Per Board consensus, two individuals were selected for Sup. Ellerhoff and Sup. Gaul to contact. The Board consensus was that an amount of \$30 per meeting plus mileage (45 cents/mile) should be paid to the Commission members. Chairperson Deerberg contacted Paul Loete to ask how many meetings would be involved. Loete thought there would be two meetings lasting about two hours each.

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

Ayes: All

October 24, 2011

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

Ayes: All

Assistant County Attorney Roberts met with the Board to discuss improvement, maintenance, annexation and/or assessments. She presented and reviewed checklists. Roberts said she will be doing additional research concerning the amounts for assessments and bonding. Atty. Roberts noted the annexation should be done first. She reviewed the procedure for that. Discussion was held regarding the timelines for public hearings, notifications, proofs of publication, affidavits, combining the improvements and reclassification hearing, and options to file objections and claims for damages. Roberts advised sending a notice of the annexation hearing to every owner in the proposed annexation area as well as the owners in the current district. The Board discussed a possible time and place for an annexation hearing.

Moved by Bell seconded by Ellerhoff to set December 7, 2011 at 6:00 p.m. as the time for a public hearing to review/consider a proposed annexation.

Ayes: All

Moved by Ellerhoff seconded by Gaul to approve the minutes of October 6, 2011.

Ayes: All

Discussion was held regarding Invoice No. 5 from MSA Professional Services. Mr. Loete will be contacted to obtain more detail concerning the invoice.

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

Ayes: All

November 3, 2011

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

Ayes: All

Auditor Gritton reported that a notice will be in the official newspapers concerning the public hearing on December 7<sup>th</sup> regarding the annexation. She has labels (545) ready to be printed, and she noted a husband and wife must each be sent a letter regarding the hearing. The mailing includes all of the City of Stanwood. The Board agreed the notices should be mailed on November 7<sup>th</sup>.

Discussion was held regarding Invoice #5 from MSA Professionals. The total amount paid to MSA to date was noted. The invoice includes one hour for Paul Loete's meeting with the Board on September 22<sup>nd</sup>. The consensus of the Board was to pay the invoice.

Moved by Ellerhoff seconded by Bell to approve the minutes of October 24, 2011.

Ayes: All

General discussion was held.

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

Ayes: All

December 1, 2011

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 discuss procedure for an upcoming annexation public hearing on December 7<sup>th</sup>. She presented and reviewed documentation. Discussion was held. Some areas of discussion were, but not limited to: assessments, classifications, timeframe for special assessments to be included with tax statements, interfund loan, possible questions, private tiling, and forwarding objections to Paul Loete at MSA Professionals. Roberts thought private tiling should be paid by the landowner, but she felt the District could pay and then assess the cost to landowner. She felt any additional tiling that ties in should be addressed by the Board so it doesn't overwhelm the system. Sup. Bell felt the purpose of the District was to tie in tile lines.

Moved by Ellerhoff seconded by Gaul to approve the minutes of November 3<sup>rd</sup>.

Ayes: All

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

Ayes: All

Stanwood Drainage District Meeting  
At North Cedar High School Cafeteria, Stanwood  
December 7, 2011  
6:00 p.m.

A public hearing was held on the proposed annexation of land to the Stanwood Drainage District. Supervisors Bell, Ellerhoff, Boedeker, Gaul and Chairperson Deerberg were in attendance. Paul Loete of MSA Professional Services, Assistant County Attorney Roberts and Auditor Gritton were present. Others in attendance were asked to sign an attendance sheet. Thirty-four individuals signed the sheets.

Chairperson Deerberg asked Paul Loete to give a presentation on why the Board is considering the proposed annexation. Mr. Loete gave a presentation. Some items Loete reviewed were, but not limited to: current district of approximately 6,900 acres, proposed annexation of approximately 2,050 acres, watershed area, maps, proposed improvements, annual maintenance to accommodate 5-year event, equitable share of costs in district, requirement to follow distinguishable lines for the boundaries of the district, and classifications. Discussion was held. One individual asked, if the district does not provide benefit to someone and they wouldn't be taxed, why not extend the boundaries on all sides. Mr. Loete noted the annexation area presented is his company's recommendation to the Board, and he felt there is no magical way to do it. Loete noted the Watershed Area CD is where the proposed channel improvement (approximately \$120,000) is located, and he noted the improvement would be paid for by only those owners directly benefiting from the improvement. Discussion continued regarding the annexation, more public hearings later concerning the improvement and classification/assessments, and proposed five-year maintenance plan for an amount of \$25,000 that would be distributed among the 8,900 acres which would be based on the benefit the owner receives. Chairperson Deerberg noted there were written objections submitted. The objections submitted were from: Patrick L. Von Behren, Paul Von Behren, and Helen M., Gordon K., Norman U. and Mark K. Farrington. Atty. Roberts advised it is the Board's discretion on whether they read the objections, as long as they consider them. An individual noted every year water can't get through the bridge, so if they speed up the water, he felt it wouldn't go through and it wouldn't benefit some. Loete said he understood, noting they assume the water is conveyed correctly. He stated he's not saying they won't ever have flooding, but he felt they would be limiting and minimizing the frequency and duration of flooding. Deerberg asked if there were any other objections. Mark and Gordon Farrington objected to having their farm included in the district. Part of their farm drains into the district, and Deerberg indicated an adjustment would be made for what is in the district. One of the objectors would like the cost spread to everyone that benefits. Discussion continued regarding the annexation. Another public hearing would be required if additional acres are proposed to be added. Further discussion was held. Atty. Roberts explained the upcoming matters that will be discussed, processes to take place, hearings that would be held and items that would be acted on. Discussion continued regarding the proposed annexation and notice of any future annexation.

Moved by Gaul seconded by Ellerhoff to approve the Engineer's recommendation and the annexation is feasible, expedient, and for the public good.

Ayes: Boedeker, Gaul, Ellerhoff, Bell, Deerberg

The hearing concluded at 6:42 p.m.

December 8, 2011

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

Discussion was held regarding setting a hearing on proposed improvements and reclassification.

Moved by Bell seconded by Ellerhoff to set January 18, 2012 at 6:00 p.m. as the time for a public hearing on proposed improvements and reclassification.  
Ayes: All

The meeting will be held at the Stanwood Union Church.

Moved by Bell seconded by Gaul to approve the minutes of December 1, 2011.  
Ayes: All

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



Stanwood Drainage District Board  
December 15, 2011  
9:00 a.m.

John Matz and Joe Dixon of the Natural Resources Conservation Service met with the Board to discuss potential drainage improvements to agricultural ground and how that may affect farm program eligibility. Engineer Fangmann was in attendance.

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

Ayes: All

Absent: Boedecker

Mr. Matz indicated they would like to collect information on the Board's plans and let them know what's expected of farmers that would benefit from a drainage improvement. Chairperson Deerberg said there is a proposal for an open ditch improvement north and east of Stanwood. Sup. Bell showed Matz and Dixon a map of the proposed improvement area. Bell noted it would be cost prohibitive to replace the existing tile, and they don't have the slope to get large tile deep enough. The proposed plan is to pull existing tile and convert to an open drainage ditch. Mr. Matz noted there is a distinction between what's considered maintenance and what is considered an improvement. If tile was installed before December 12, 1985, it can be maintained and N.R.C.S. doesn't need to know about it. If there is an improvement, wetlands need to be considered and also what ground would be drained. Sup. Bell noted there are feeder tiles coming into the proposed improvement area. He felt if they replaced the tile with an open ditch, it would be going back to a more natural habitat. They would not be adding tile. Mr. Dixon noted the following: 1)for compliance with the farm bill, it's a matter of whether it was a wetland prior to 1985; 2)if they are making it deeper, there would be more influence on the surrounding landscape and that could impact wetlands that are there; and 3)under Federal law, there is a third party exemption and other options, but if a landowner has a wetland and the district caused it to be drained, the landowner may be in violation of the farm program. Sup. Bell wondered why N.R.C.S. wasn't here to start with. Mr. Matz indicated he has been trying to get to this. Bell said he supplied information to Teresa Reed and invited her to public hearings. There were notices in the newspapers. Mr. Dixon stated that by law their office can't do wetland determination unless the owner asks them to do so. Sup. Bell noted the Board has a process in place and there is a timeline in place, so now this project may not be done next year. He said if the Board had known about this up front, they could have included it in meetings. Chairperson Deerberg said Paul Loete of MSA Professionals is the Engineer working on this. Sup. Bell thought Loete wouldn't have known about the farm bill. Mr. Dixon said the farm bill is separate from the Clean Water Act. Mr. Matz felt they are not saying the Board should halt the process, but they are letting them know about the regulations. He noted an Engineer works for N.R.C.S. They would need to determine the scope and effect of the proposed drainage improvement. He said some owners may have a determination in hand as to whether a wetland is out there. Sup. Bell asked who would be affected in the

district. Mr. Matz said those where the drainage is improved. Sup. Ellerhoff wondered if N.R.C.S.'s Engineer could contact Paul Loete. Mr. Matz said yes. Discussion continued. Auditor Gritton entered the room while discussion was in progress. Chairperson Deerberg left a message for Paul Loete to contact the Board. Deerberg noted the Board may need to call off the hearing scheduled for January 18, 2012. It was agreed Paul Loete could contact Mr. Matz who would give him information on how to contact the N.R.C.S. Engineer. Mr. Dixon asked if they could get a G.I.S. shaped file for the C-D watershed area where the proposed improvement would be. He thought they could figure out which owners and operators would need to be contacted. Sup. Bell felt if those people are not contacted by the Board, the information won't be heard the proper way. Mr. Dixon said it is the operator's responsibility to contact N.R.C.S., but the landowner could also request a wetland determination. Sup. Ellerhoff asked what the determination is. Mr. Dixon noted they use aerial topography and soils. Chairperson Deerberg asked if taking trees out and doing maintenance is okay. Matz and Dixon said yes. Mr. Dixon again noted some individuals may already have the determination. It was noted there is approximately 2,320 acres in the C-D watershed area. Sue Hall asked what happens after the wetland determination is done. Sup. Bell thought it would depend on the new farm bill. Mr. Dixon noted as the bill is now, if there is a wetland, that's an individual decision between the Department of Agriculture and the landowner. The landowner could choose mitigation or other options. He indicated they can write it off if it is a small area. Chairperson Deerberg said it is a flat area, so there may be a lot of wetlands. Discussion continued. Engineer Fangmann left the room at 9:35 a.m. due to another commitment.

Moved by Bell seconded by Ellerhoff to approve the minutes of December 7 & 8, 2011.

Ayes: All

Absent: Boedeker

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

Ayes: All

Absent: Boedeker

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

Ayes: All

Absent: Boedeker

Engineer Paul Loete telephoned the Board. Discussion was held with Mr. Loete via the conference phone. Auditor Gritton was present. Chairperson Deerberg asked Loete if he has been in touch with the Natural Resources Conservation Service concerning the drainage district. Loete said no. Sup. Bell noted the Board was advised that if an improvement is done, the operators and/or owners have to have a wetland determination done if they are affected. If they do not, the farmers could be out of compliance with the

farm bill and would not be eligible for direct payments or subsidies connected to that. There is a process for the determination. Deerberg gave Loete phone numbers to contact Mr. Matz. Discussion continued. Mr. Loete will contact Mr. Matz for clarification. Loete will contact the Board on Monday December 19<sup>th</sup> around 8:00 a.m. Assistant County Attorney Roberts will be in attendance at that time.

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

Ayes: All

Absent: Boedeker

December 19, 2011

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

Ayes: All

Absent: Bell

Assistant County Attorney Roberts met with the Board regarding information received from the Natural Resources Conservation Service concerning the need for wetland determinations if an improvement is done in the district. Auditor Gritton was in attendance. The Board called Paul Loete of MSA Professional Services. The call was placed on the conference phone. If determinations are not done, operators/owners could be forced to forfeit farm program subsidies. Mr. Loete reported on his conversation with John Matz of the N.R.C.S. His understanding was that if they could classify the project as maintenance, there were no issues, but if there is construction N.R.C.S. would determine if there are wetlands in the proposed construction area. He felt as of now, there is no conclusion to this matter since there would need to be communication with N.R.C.S.'s engineer. Loete's position was that this is a proposed maintenance project. Deerberg asked if the Board should proceed with the hearing scheduled to be held on January 18<sup>th</sup> concerning classifications and assessments. Mr. Loete felt there was no reason why they shouldn't at this point, but he said they would learn some things in a couple days. Loete said he would talk to John Matz today and hopefully get some answers in the next couple days. Auditor Gritton indicated that would be adequate time to send out notices for the hearing. Atty. Roberts said she looked at the Federal law. She indicated it mirrors Iowa Statutes as to what is an improvement or repairs. There are money caps. She stated an improvement is based on dollars they are spending. Roberts thinks it will be classified as an improvement, but she noted there could still be maintenance done. Sup. Boedeker felt there likely wouldn't be wetlands in the proposed improvement area. Loete said the N.R.C.S. looks at aerial photography maps and then makes a determination. Boedeker felt it would be a matter of getting together with someone with the maps. Deerberg referenced tiling done before 1985. Loete said if an individual was getting government subsidies, they can't drain wetlands unless it was done before a certain date in 1985. Atty. Roberts indicated this is frustrating since the Federal Government is the reason why the drainage district was put in place and now individuals may lose funding if they drain the land. Members agreed. Paul Loete said he would contact Auditor Gritton and/or Atty. Roberts to let them know what is happening with this matter. Atty. Roberts asked if there are wetlands, how many would be affected by the possible loss of subsidies. Loete will ask Mr. Matz. Brief discussion continued. The call concluded.

Moved by Gaul seconded by Ellerhoff to approve the minutes of December 15, 2011.

Ayes: All

Absent: Bell

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

Ayes: All

Absent: Bell