

IN THE MATTER DRAINAGE DISTRICT No. 2
WORTH COUNTY, IOWA

MINUTES

The Board of Supervisors of Worth County, Iowa, acting for and on behalf of Drainage District No. 2, Worth County, Iowa met at the Worth County courthouse at 9:30 A.M. CST, December 19, 2022.

Members present: Mark Smeby, Chairperson
Enos Loberg, Vice-Chairperson
A.J. Stone, Supervisor

Also present: Jacki Backhaus, Auditor
Valerie Paulson, Clerk
Joel Rhone, IT
Jim Hudson, Attorney (via Zoom)
David Siegrist, Attorney (via Zoom)
Bolton & Menk: Jacob Hagen, Tyler Buman,
Colton Cunningham
Landowners: Levi Kauffman & Son, Robert
Hickman, Chad Johnson, Keith Harmon,
John Julseth, Chad Nelson, Doug
Kingland, Hunter Kingland, Julie Robb,
Gloria Hagen, S Renee Bergo, Dean
Mueller, Matt Abrams, Richard Hagen,
Gordon Hagen, Sue Loken, Chris Low, Jim
Hanson, Gene & Helen Mueller, Russ
Tenold, Renate Tenold, Randy Sime, David
Hengesteg, Nate (via Zoom)

Public Hearing for the proposed repairs to DD #2 at 9:30
A.M.

Attorney Jim Hudson, via Zoom, started off the meeting explaining drainage code and responsibilities of the supervisors with repairs. He also explained that if the meeting is continued there will be no new notice sent out. He was available for questions.

Colton Cunningham with Bolton & Menk, Inc., presented the report for repairs. District has only had 3 major cleanouts in its history since 1905 which were in the 1950's, 1970's and 2003. District was reclassified in 2019. Received a petition in April 2021. Survey was completed summer 2021.

Open main, which is 8 miles long, is mainly at or below grade, fair condition, has some dense trees and about a foot of silt that needs to be removed. He discussed the 100 foot right of way the county purchased in 2019, they recommend removing trees in this right of way. Lat A, which is 2,500 foot long, is in fairly good condition, ½ foot silt need removed. Lat D, which is 800 foot long, was constructed too steeply, recommend the installment of a rock drop structure. Lat H is the longest lateral, it has about 2 feet of silt that needs removed. Lat M has about 1 foot of silt that needs removed, the sides look alright. There are 4 ditch crossings that are not designed or sized properly. 2 of the county crossings are too high, recommend them being lowered. There are 2 private crossings, 1 is undersized and the other is too high, discussion will be held with the landowners on their personal crossings. Overall proposed costs of project is estimated at \$1,564,000.

David Hengesteg asked how much we owe Bolton & Menk as of right now. Jacob Hagen advised \$90,000 and if the project is completed an additional estimated \$60,000. Hengesteg asked if we needed their services anymore and asked if the County Supervisors could take it over. It was advised that the County Engineer's office would have to be hired, if they wanted to be hired. Comment was made that most Engineers do not want to do drainage work. Hudson explained the difference from between the Board of Supervisors and the Board of Trustees. It is the responsibility of the Board of Trustees to hire an Engineer when a petition is filed. Cunningham advised the landowners that the report is the property of the district and they can choose a different Engineer to complete the project if they wish. Russ Tenold asked who was having drainage issues and who started this petition. Hudson said it does not matter who signed the petition, it is the responsibility of the Trustees to move forward once a petition is submitted. Smeby advised that they took the proper actions needed according to the law.

The original signed petition was given to the Board, Smeby said it was presented in June 2021 and it was signed by Gordy Hagen, Gus Hagen and David Hengesteg to clean from I35 east and to remove the structure. Hengesteg said he never signed this petition. Gordy Hagen said he and Gus Hagen signed the petition and he asked David Hengesteg if he was in favor of it. Hagen claimed he just wanted the Tenold dam taken out. Hagen suggested taking the dam out and everyone cleaning out their own ditches and spraying, this will take care of everyone on the West side of the I35.

Hengesteg said there are 2 areas with tree problems that need cleared. Hoepfner's on Mallard to Schroder's and Tasker's. Also Steven's Farm on the North side of Abbey's. Smeby asked if the project can be broken down.

Jacob Hagen advised that it can be broken down but it may cost the same if not more to break the project up. Hudson advised everyone that the landowners do not make a decision about repairs needed in a district, is the responsibility of the Trustees. If the landowners object to the current Trustees they can decide to hold an election and elect 3 Trustees to govern the district. Hudson said landowners cannot do their own work in the drainage district, it is considered trespassing and they can be subject to a lawsuit for damages. Jacob Hagen said they can split the project into 2 stages. First stage will be clear out and second stage would be pipe replacement. Stone asked if it would be better to do the project and have the options of financing out 10-20 years or split the project up into stages. Comment from landowners favored breaking the project up into stages.

Gordy Hagen said that everyone on the West side of I35 put in a new main that they paid for with minimum grade at 1/10th. Tenold asked if there is different classifications for work that has been done privately and paid for by the landowners. They should have an exemption since they did their own maintenance. Jacob Hagen said they do not take that into consideration. Renate Tenold requested a new report with prices broken down for the project to be split. Bolton & Menk said they will work on a new report with these numbers.

David Hengesteg read off a list of 62 names that signed a petition and are opposed to the repairs presented. David Siegrist, via Zoom, asked if we had the objection from Todd Hoepfner.

Gordy Hagen said he will personally hire Abrams to remove that dam and that will take care of everyone on the West side. He wants that put on record.

Public question on why his lands have different assessments and why land closer to the ditch cost more than land 3 miles from the ditch. Jacob Hagen explained the factors used in classifying and assessing parcels.


Hengesteg was upset that a list of broken down figures per parcel were not mailed out with the initial letter. Smeby advised him that normally we don't have estimates until after the project is completed, they only reason we have them is because the district was recently reclassified ahead of time.

Public concern again for how the petition was started. Hudson explained again the process which must legally be followed by the Trustees when they are aware of needed repairs. He explained that notices are sent by mail and published in the paper. It would be too expensive to the district to mail and publish full reports. He explained all reports are available online or they can contact the Auditor's office for a full copy.

Jacob Hagen read all objection letters from the following landowners: Todd R. & Renee M. Hoepfner, Sue Johnson, Gary W. Gordon, Randy Sime, Russ & Renate Tenold, Kaaren Tenold. The list of 62 landowners who signed in objection that Hengesteg read previously was also acknowledged. Siegrist spoke about Hoepfner's concern in saving as many trees as possible.


Bolton & Menk will draw up new plans to break down up the project. Hudson advised the board to set the interest rate and term length. Motion by A.J Stone to set interest rate at 6% for up to 20 years, second by Enos Loberg. Motion by A.J Stone to continue the hearing on January 23, 2023 at 9:30am, second by Enos Loberg. Hudson confirmed that no notices need to be mailed out or posted.

Motion by Enos Loberg, second by A.J. Stone, carried to close the public hearing.



Mark Smeby
Chairperson

ATTEST:



Valerie Paulson
Drainage Clerk