

Unapproved Minutes Emmet, Dickinson and Clay County Boards of Supervisors
July 18, 2019 at 9:00 a.m.
Special Joint Drainage Meeting for JT 61 CDE
Dickinson County Courthouse

Present:	<u>Emmet County Board</u>	<u>Dickinson County Board</u>	<u>Clay County Board</u>
	John Pluth,	Bill Leupold	Barry Anderson
	Jeff Quastad	Steve Clark	Art Hamrick
	Roger Hash	Tim Fairchild	Burlin Matthews
	Todd Glasnapp	Kim Wermersen	Dan Skelton

Also present were Rick Hopper, Drainage Engineer from Jacobson-Westergard & Associates, DNR representative Lucas Straw, Landowners, Dale Langner and Ron Eick, Clay County Engineer, William Rabenburg, other staff members from Clay County, another members from the public and Colleen Anderson, Emmet County.

9:00 a.m. Those present recited the pledge of allegiance to the flag.

William Leupold continued as Chairperson from the last meeting held on June 20, 2019 that was continued to today.

It was moved by Matthews, seconded by Pluth to appoint Colleen Anderson as secretary. All voted aye.

Meeting was opened by Chairperson Leupold for discussion on the continuation of the public hearing, from June 20, 2019, on the reclassification of JT 61 CDE and further discussion on possible action on legal advice from Drainage Attorney Jim Hudson from the March 6, 2018 correspondence with Burlin Matthews following the February 13, 2018 JT 61 CDE Completion hearing. Rabenburg, Clay County Engineer, stated that there is 6 to 12 inches of silt that may hinder the outlet down South in this district. Hopper also did a survey of this area and stated maybe a foot of silt. Hopper said to remember that we did get permission from the Corps of Engineers, but the DNR denied the permission to do any work on the outlet problem at the Trumble Lake. He stated that we could still pursue this matter, but would have to go through drainage Attorney, Jim Hudson, for the outlet problem on the lake. Supervisors discussed would this even be cost effective.

Hopper stated that after the last meeting in June, Jacobson-Westergard did do a big reduction on the assessments down in that area. If you do make the decision to get counsel for more legal work, you may end of having to do the condemnation process.

DNR representative, Straw, stated that the level of the lake, historically, is the same as it has always been. The structure of the dam/weir may be replaced, but that is the weir of the lake. He has checked with Des Moines trying to establish when the weir was established, with no results since it was done so many years ago and no records of that can be found.

Landowner, Langner, stated that the drainage now is the worst that he has had in 40 years, with all the water from the North coming down there. Engineer, Rabenburg, stated that before 1993 there was not a lot of pattern tiling compared to today, so your drainage patterns have changed.

Landowner, Langner, stated that the bottleneck lies so close to the road and would it be possible to get it away from the blacktop, so it is not right next to us.

Discussion was held on the water level of the Lake, if the water level is made lower, Quastad stated that would be a big concern for the drainage district downstream. The DNR representative Straw stated that he does not anticipate that changing (lowering the water level), since the level is the same as it has always been.

Chair, Leupold read the minutes from the completion hearing from February 13, 2018 which meeting was never

closed. It was moved by Fairchild, seconded by Hash to approve the February 13, 2018 minutes. All voted aye.

It was moved by Pluth, seconded by Matthews to formally close the completion hearing continued from February 13, 2018. All voted aye.

Hopper took the floor to continue the public hearing on the Reclassification of Benefit Assessments for Drainage District No. 61 Main Tile located in Clay, Dickinson, Emmet and Palo Alto County, Iowa. Main Open Ditch and Branches 28, 43, 44, 55, 61, 80, 90, 110, 147, 230, 237, 252, 254, 299, 323, 361, 362, 398, 399, 434, 474, 506, 519, 523, 529, 553, 557, 558, including all sub-laterals Main Tile and Branches 584 and 624 Subdistrict 2. He stated they did a review and reduction on benefits on the south end of this joint drainage district. Jacobson-Westergard put a lot of emphasis on the soils for the assessment benefits to the land. They especially re-examined the lands near the outlet, going approximately 1 ¼ miles north. Hopper stated that there are so few properties and that we are not dealing with that many acres. All reductions took place in Clay County.

Hopper stated in a reclassification, the Code outlines the process and is very limited in what it says. It states the land with the most benefit starts at 100%, and then adjust from there.

Landowner, Eick asked Hopper did you take in consideration land that has the open ditch running through it. Hopper responded to Eick that he should not be paying taxes on that open ditch land anyway.

Pluth stated that he would like to see buffer strips on each side of the open ditch running through land, but is unsure of how to get this done. Hopper agreed that that would be a great idea.

Quastad stated that commonly when you do a reclassification, this takes away some of the costs from people who lay next to the open ditch. This should have made a lot less cost for those people than the original ditch assessments. Hopper stated that this ditch has never been reclassified.

Landowners asked the question of who is paying the bill now for picking up all the rocks since the contractor has been paid, will taxpayers be getting another bill. Hopper stated that you should attempt to get the money from the contractor. A Supervisor asked who sets that standard. Hopper stated that typically bills are presented before the completion hearing (which started on February 13, 2018 but was never closed). The bills can be turned into the Counties or sent to Jacobson-Westergard and they could send to the Contractor to see what happens. Hopper stated that you might need legal advice on this issue.

Leupold asked if there were any further comments, hearing none, Leupold closed the public hearing.

Leupold then read the minutes from the June 20, 2019 joint drainage meeting. It was moved by Skelton, seconded by Clark to approve the minutes from the June 20, 2019 meeting with the addition of Dan Skelton's name in attendance and stating that meeting was continued and not adjourned. All voted aye.

It was moved by Anderson, seconded by Quastad to approve the revised reclassification report for JT 61 CDE. All voted aye.

Next item on the agenda was the discussion of Waivers. The joint Boards decided to do this project as one between the counties involved. In order to be eligible to utilize a waiver, the bill would have to be at least \$500 per parcel. It was moved by Matthews, seconded by Anderson to set the interest rate at 5% for the Waivers for a period of 10 years. All voted aye.

There was then some general discussion held on drainage. Hopper informed Emmet and Dickinson, that for the bid letting for ED#3 to be held telephonically next week, July 23, 2019, he has seven potential bidders so far.

There was more talk on the bills for the landowners picking up the rocks after the cleanout of JT 61 CDE and how to handle this. Hopper stated sending the bills to the Auditor or Jacobson-Westergard and they will

forward to the Contractor for payment.

Hopper stated that Branch 61 of JT 61 CDE is not yet completed. Hopper stated that Jacobson-Westergard would look at this project one more time before the Contractor is finished to make sure all work is done to satisfaction. Supervisor Anderson stated that we do rely on our Drainage Engineer for their expertise on these situations.

A motion was made by Anderson, seconded by Quastad, to adjourn the meeting at 10:15 a.m. All voted ayes.

Colleen Anderson, Secretary

William Leupold, Chairman