

January 19th, 2016
Election Center
Emmetsburg, Iowa

At 2:00 p.m., the Palo Alto County Board of Supervisors met as Trustees of Drainage District 48 Lateral 3 Tile. Members present: Linus Solberg, Chair, Keith Wirtz, Ron Graettinger, Ed Noonan, Craig Merrill. Present: Rick Hopper, Engineer; Carmen Moser, Auditor, Amber Enger, Auditor's Office.

Rick Hopper, Jacobson-Westergard & Assoc. met with the Board to file the Drainage District 48 Lateral 3 Tile Annexation Report.

Motion by Graettinger, seconded by Noonan to set the annexation hearing for Drainage District 48 Lateral 3 Tile for March 15th, 2016, at 10:00 a.m. in the Courthouse Boardroom. Motion Carried.

At 2:30 p.m., the Palo Alto County Board of Supervisors met as Trustees of Drainage District 61 Lateral B. Members present: Linus Solberg, Chair, Keith Wirtz, Ron Graettinger, Ed Noonan, Craig Merrill. Present: James Hudson, Drainage Attorney; Rick Hopper, Engineer; Carmen Moser, Auditor, Amber Enger, Auditor's Office.

Present: Duane Metzger, James L. Miller, Jay Bargman, Larry Fogarty, Robert Fehr, Jim Reding, Mike Calk, Bill Bramley, Rick Dodd for Jurgens Inc, Georgia Elbert, Fred Wirtz Jr., Bruce Bonnsetter, Eli Wirtz, Dean Gunderson, Byron Anliker, Troy Hall, Aletha King, Mark A. Fehr, John J. Fehr, Leonard Anliker, Jeremy Thilges, Karl Fehr

Craig Merrill called the meeting to order at 2:30 p.m. for the continued hearing on Improvements to Drainage District 61 Lateral B.

Jim Hudson, Drainage Attorney, discussed the continued hearing process, reviewed how remonstrance is determined, and explained the different circumstances with Drainage District 61 Lateral B regarding deleted parcels from the assessment schedule. Hudson also discussed his letter to Mark Fehr regarding the landowners not on the assessment schedule, and who cannot be included in the over 70% of land area but because they are still in the Drainage District, they are counted as the over 50% population for remonstrance.

Rick Hopper reviewed the possible options of a Waterway Restoration estimated at \$160,480.10 and also an option of running a parallel tile the same size as the existing tile with a cost estimate of \$1,351,691.00.

Rick Hopper informed the landowners and trustees that he is still waiting on NRCS to revise the wetland determinations. The costs could decrease if the determinations are favorable.

Jim Hudson read the new objections and also the amended objections that have been filed since the last hearing. Objections and amended objections were received by: Linda D. Mertz, Judy Crawford, Gary Johnson, Verdon Acres LLC by Joan Wirtz, Reding Family Farm Trust, Vida Krough, Jerry Metzger, F & H Wirtz Family Farms LLC, and Bonnie Anliker.

Remonstrance percentages were refigured by Carmen Moser, Auditor, and also Rick Hopper, Engineer. Rick Hopper informed the trustees and landowners that remonstrance had been met for the tile improvement but not for the Open Ditch improvement. There were 2,293.75 acres objected to the open ditch option which is 69.10%.

Rick explained to landowners the DD 61 Main Open Ditch engineer report for repair that was filed by Bolton & Menk earlier in the day and the effects the two projects would have on each other.

Discussion was held with landowners about exactly what they want and whether or not to continue the hearing. Rick Hopper mentioned that there were two different tile options offered and the objections are not clear as to which tile option is receiving the objection. Fred Wirtz suggested changing the 1/8" coefficient parallel tile to a 1/4" coefficient.

Jim Hudson recommended that Rick Hopper amend the engineer's report and the landowners file new objections to the specific options in the amended report. A continued

hearing will not be rescheduled until we hear from the State NRCS regarding wetland determinations.

It was reiterated to the landowners by Jeremy Thilges of NRCS; Jim Hudson, Drainage Attorney; and Rick Hopper that all landowners need to comply with getting their wetland determinations turned into the Auditor's office in order to have accurate wetland information in the report. Jim Hudson recommended that Rick Hopper send out another letter to landowners requesting wetland determinations.

The Auditor's office will mail to all landowners the amended Engineer's report with the new continued hearing date along with a reminder to re-file objections.

Motion by Solberg, seconded by Graettinger to continue the hearing on Drainage District 61 Lateral B at the Election Center, but not to a specific date but pending State NRCS determinations, including the Open Ditch option and also the 36" – 48" parallel tile option. Motion Carried.

Motion by Wirtz, seconded by Graettinger to adjourn at 3:58 p.m. Motion Carried.

Amber Enger, Deputy Auditor