

MINUTES

PUBLIC HEARING ON PETITION FOR RE-ESTABLISHMENT OF 1944 MUTUAL DRAINAGE DISTRICT LOCATED WITHIN DRAINAGE DISTRICT 55 DIVISION 3, HARDIN COUNTY

SEPTEMBER 28, 2016 AT 11:30 A.M.

LOWER LEVEL CONFERENCE ROOM – HARDIN COUNTY COURTHOUSE

Hardin County Supervisor Chairman, Lance Granzow, opened the meeting. Also present were Hardin County Supervisors, Ronn Rickels and Renee McClellan; Landowners, Marlene Helling, Diane Dubberke, Pat Danger, Brad Fjelland, Karen Kielsmeier, Dennis Kielsmeier, Jacob Handsaker, Paul Peterson, Richard Eller, Dennis Neubauer, Arland Lepper, Randy Dubberke, Lonnie Hoelscher and Leonard Penning; Drainage Attorney, Mike Smith; Lee Gallentine with Ryken Engineering; Drainage Clerk, Tina Schlemme.

Rickels moved, McClellan seconded to approve the agenda as presented. All ayes. Motion carried.

Granzow opened the Public Hearing on Petition for Re-Establishment of 1944 Mutual Drainage District. Schlemme then verified proof of publication of the public notice as published on September 14, 2016.

The hearing was then turned over to Smith, who explained that a petition had been filed to re-establish lost records for the 1944 Mutual Drainage District. The establishment process happened in the 1940's but the process wasn't completed or either the records were lost. The landowners of the mutual district would like to be removed from DD 55-3 and have their own district established.

Schlemme stated two objections were received. A letter from the Union Pacific Railroad and another from Richard Eller, DBA J & R Ranch, Ltd.

Granzow asked for comments, questions or objections. One landowner asked how this affects their land. It was explained how the classification for the entire district will change when these mutual district landowners are removed from it. Handsaker questioned if the Board of Supervisors, acting as Drainage Trustees', policies regarding private tile connections would still apply for this district. The Trustees agreed that if/when the district is converted to landowner trustee management, that the landowner trustees would need to establish their own policies for their districts. Handsaker also asked if the location of the tile would be verified or if the maps will serve the purpose. Gallentine had stated that the outlet was verified and Granzow stated that it will not be necessary to dig up and verify the exact location of the tile.

Schlemme then asked how the classification process would work. Smith stated that he would need to research the Code of Iowa further to determine if a reclassification would be necessary for the entire 55-3 district and/or Lateral 9 of 55-3, in addition to the 1944 Mutual DD classification. Smith also stated that the attorney representing the mutual district has mentioned that the landowners would like to become landowner trustees.

Granzow closed the public hearing.

Rickels moved, McClellan seconded to accept the petition for the Re-Establishment of the 1944 Mutual Drainage District. Smith is to research who is responsible for the reclassification costs. He is also to speak with Goodwin Law Office regarding the mutual district landowners submitting a petition to change to landowner trustee management. All ayes. Motion carried.

McClellan moved, Rickels seconded to adjourn the meeting. All ayes. Motion carried.