

DRAINAGE DISTRICT MEETING  
DISTRICT GRANT #5  
MARCH 24, 2020

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Courthouse in Nevada, IA to consider adoption of a Resolution of Necessity (attached) to annex land and to accept an Engineer's Annexation Report (on file in the Auditor's Office) for said land into Drainage District Grant #5. Members present were Linda Murken, chair, Lisa Heddens, and Lauris Olson. Also present were Drainage Clerk Scott Wall and, attending by telephone, Engineer's Kent Rode and Tyler Conley from Bolton & Menk and landowner Cindy Hildebrand.

Murken called the meeting to order at 9:00 a.m. and provided the reasoning behind using telephone access instead of in-person attendance under Iowa Code Section 21.8.1 due to the COVID-19 pandemic.

Wall said, at Murken's request, he had spoken to County Civil Attorney Ethan Anderson prior to the meeting concerning the adoption of a resolution of necessity to annex lands into Grant #5. Under Code Section 468.119 the trustees pass the resolution directing the engineer to prepare an annexation report but we are both passing the resolution and receiving the report today. Wall had asked Anderson if the resolution should be passed before the report was presented and if passing the resolution committed the trustees in any way to completing the annexation. Anderson had replied that the resolution does not commit the trustees to annexing land and it should be adopted prior to accepting the report.

Rode went over the Resolution of Necessity which he had prepared and included in the Annexation Report. The language in the resolution came directly from Code Section 468.119.1 and states that the trustees believe the lands proposed for annexation materially benefit from the existing Grant #5 facilities and that they have directed Rode to prepare the Annexation Report.

Olson moved, seconded by Heddens, to adopt the Resolution of Necessity directing Kent Rode of Bolton and Menk, Inc. to prepare an Annexation Report for lands contiguous to and benefiting from Drainage District Grant #5 and its existing facilities. Motion carried unanimously (MCU).

Rode summarized the Annexation Report. At the trustees' request Bolton and Menk investigated the Grant #5 watershed for lands that are draining to the district facilities but are not currently on the assessment schedule. They used LiDAR elevation data, USGS topographical maps, soil and survey maps, and the original district plans and plats. Each parcel was investigated in relation to elevation and existing drainage patterns. The report includes a description of each parcel to be annexed and the acreage benefitting from drainage in each parcel, a map showing the existing district with the areas to be annexed indicated in red, a digital elevation model showing how water flows across the existing and proposed district, and an aerial photo showing surface drainage in the north annexation area. Based on the information available to Bolton and Menk, Rode recommends that the lands indicated in the report as benefitting from Grant #5 facilities be annexed into the district. Lands to be annexed materially benefit in that they discharge across the surface to the existing Grant #5 facilities. Once annexed those lands will have the opportunity to tile to the existing facilities. Annexation of the additional 1,444.39 acres is seen as feasible, expedient and for the public good therefore Rode recommends taking the appropriate steps to complete this annexation. Those steps include accepting the Annexation Report today and notifying all landowners of a public hearing to consider the annexation. The public hearing must be held not less than 40 days from the date of acceptance of the report and landowners must be notified not less than 20 days prior to the hearing.

Heddens moved, seconded by Olson, to accept the Engineer's Annexation Report on Grant #5. MCU.

Murken said, considering the current situation with the spread of the COVID-19 virus, setting a date for the public hearing on annexation should be deferred until there is some confidence that a public hearing would not endanger the health of those attending.

Heddens and Olson concurred with Murken. Heddens said it would be difficult to meet landowners' expectations for a public hearing within the confines of a conference call.

Olson said there will be other drainage district meetings in the near future regarding other districts and setting a date for a public hearing in Grant #5 can easily be added to the agenda of one of those meetings.

Rode said Bolton and Menk is continuing to hold public hearings in other counties through the GoToMeeting website, an option which has been allowed under a proclamation from Iowa Governor Kim Reynolds.

Murken said the trustees are operating under the best information they have available today. How they operate in the future may change as the situation with COVID-19 changes but for now she feels that not setting a hearing date is the best course.

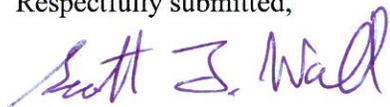
Heddens said because of the number of people involved in this district we want to ensure that everyone has access to the public hearings.

Olson asked about timelines for getting anything accomplished in Grant #5 in 2020. If the trustees annex and make a decision of what work should be done in Grant #5 is there still time to get some work done this year?

Rode said it would take about 4 weeks to prepare plans and specifications for any repairs or improvements and another 2 weeks to get to a bid opening and awarding of a contract. There is still time for any repairs or improvements to begin this fall and be completed next year, depending on what kind of winter we get.

Heddens moved, seconded by Olson, to adjourn. MCU. Meeting adjourned at 9:20 a.m.

Respectfully submitted,



Scott T. Wall

**Resolution of Necessity for  
the Annexation of Additional Land  
and  
Appointment of Engineer**

The Story County Board of Supervisors, acting as Drainage District Trustees announced that this is the time set for action on the Resolution of Necessity and Appointment of Engineer. After discussion of the resolution, any objections thereto, and any other related matters, the following action was taken.

Board Member Lauris Olson introduced the following resolution and moved its adoption. Board Member Lisa Heddens seconded the motion to adopt. The roll was called and the vote was:

Ayes: Lauris Olson, Lisa Heddens, Linda Murken

Nays: None

Absent: None

Whereupon, the Chairperson declared the following resolution duly adopted.

**RESOLUTION OF NECESSITY FOR THE ANNEXATION OF ADDITIONAL LAND INTO  
STORY COUNTY DRAINAGE DISTRICT NO. 5 GRANT AND APPOINTMENT OF  
ENGINEER.**

WHEREAS, an Engineer's Report dated January 31, 2017 by Kent L. Rode, P.E., has been filed with the governing board of the district, at its regular or special meeting held on the 31st day of January, 2017, proposing that additional lands be included in Drainage District No. 5 Grant, Story County.

WHEREAS, public hearings have been held on the Engineer's Report and further amendments to said report on March 28, 2017; March 20, 2018; December 11, 2018; October 29, 2019, and February 26, 2020.

WHEREAS, pursuant to Iowa Code section 468.119(1), this Board is convinced that the additional lands set forth in the preliminary engineer's report, and contiguous to Story County Drainage District No. 5 Grant, are materially benefitted by the drainage district improvement, or that the same are receiving benefit or will be benefitted by a repair or improvement to this district as contemplated in section 468.126, and it is necessary to adopt a resolution of necessity for the annexation of such additional land and appoint a qualified engineer to examine such additional lands, to make a survey and plat thereof showing their relation, elevation, and condition of drainage with reference to the district, and to make and file with the auditor a report specifying the character of the benefits received.

WHEREFORE, this Board appoints Kent L. Rode, P.E., of Bolton & Menk, Inc., Algona, Iowa, as engineer to conduct the examination, make a survey and file the necessary report with the auditor as set forth above.

Passed and approved this 24<sup>TH</sup> day of March, 2020.

  
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Linda Murken, Chairperson

Story County Board of Supervisors as Trustees

ATTEST:

  
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Lucy Martin, Story County Auditor