

DRAINAGE MEETING
DRAINAGE DISTRICT GRANT #5
AUGUST 24, 2020

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building in Nevada, IA to consider a proposal to annex additional lands into existing Drainage District Grant #5. Members present were Linda Murken, chair, Lisa Heddens, and Lauris Olson. Also present were Story County Information Technology Director Barbara Steinbach, Outreach and Special Projects Manager Leanne Harter, Civil Attorney Ethan Anderson, Engineer Darren Moon, Drainage Clerk Scott Wall, Drainage Engineers Kent Rode and Tyler Conley from Bolton & Menk, Inc., and 19 landowners and other interested parties.

Murken called the meeting to order at 6:00 p.m. and stated that the meeting was being held virtually on the Zoom videoconferencing platform due the ongoing COVID-19 pandemic and the attendant risks of meeting in person.

Murken suggested amending the agenda to include an addition after item 4 for the engineer to respond to written and spoken comments from landowners.

Olson moved, seconded by Heddens, to approve the agenda as amended. Motion carried unanimously (MCU).

Rode gave a brief history of the Grant #5 project to date. In 2016 he presented a map of the Grant #5 watershed (on file in the Story County Auditor's Office) that indicated there were properties surface draining into Grant #5, particularly to the north, which should be annexed into the district. Rode referenced Code of Iowa Section 468.119 which states, in brief, that if the board becomes convinced that lands contiguous to an existing district are receiving benefit from said district it may, with or without a petition from the owners of such lands, annex those lands into the district.

Rode said the trustees had received a request from Black Dirt Farms requesting the watershed study. Following the presentation of the watershed map Black Dirt Farms had requested an engineering study of the entire Grant #5 district. Rode said the initial watershed map was based largely on LiDAR along with past district plans and plats and USGS topographical maps. As the project progressed, particularly the proposal to create a west tile outlet Bolton & Menk also used USDA soil maps and field survey data to more precisely determine the watershed boundaries.

Rode said the parcels indicated in the March 2020 Annexation Report (on file in the Auditor's Office) materially benefit from the existing facilities in Drainage District Grant #5 and should be annexed into the district. In addition to the LiDAR and field survey data there are several years of aerial photos that clearly show surface drainage patterns in the proposed north annexation area flowing to the southeast. While some water can flow to the southwest in heavy rain events and there is a private tile that carries subsurface water to the southwest the majority of the surface water goes southeast, eventually reaching the main district tile. Rode said the report only shows who benefits from the Grant #5 facilities. How much they benefit will be determined through the classification process.

Murken said the trustees had received several written comments (attached). Rather than read them all she would summarize them before letting meeting attendees provide verbal comments. The first was from Dane Schumann, an attorney representing Black Dirt Farms, Ron Jensen, and other landowners in Grant #5. The letter touched on issues besides the north annexation that are not pertinent to tonight's agenda. Specific to the annexation issue Mr. Schuman's clients believe that annexation of the lands north of the

existing district will greatly increase the amount of water flowing through and across their land. They are opposed to the annexation and to any additional work in the district.

Eric Eide is an attorney representing several landowners in the north annexation area. He submitted objections from 9 of his clients opposing the annexation on the grounds that the engineer's report does not contain the required information showing the relative elevation of his clients' lands with respect to the existing district, the only benefit his clients receive would be through surface drainage and case law does not regard this as adequate grounds for annexation, and the drainage from his clients' lands does not go into Grant #5. In support of the last objection Mr. Eide submitted a statement and map from Engineer Lee O. Gallentine indicating that the majority of the land in the north annexation area flows to the southwest.

Lee O. Gallentine of Clapsaddle-Garber Associates statement says that the models used by Bolton and Menk to determine the Grant #5 watershed are not consistent with surveyed field measurements made by his firm. Mr. Gallentine's map indicates where he thinks the Grant #5 watershed lies.

Dave Damerell of Moon Howlers Farm LLC owns land in Grant #5 and supports the annexation of the additional lands into the district.

Mike and Linda Meetz own land in the north annexation area which they have converted to prairie and wetland and are in the process of placing a permanent conservation easement on the land. They do not need or want access to drainage and oppose the annexation.

Finally Cynthia Hildebrand, who owns land at the downstream end of the Grant #5 open ditch objects to the annexation of part of her land. Her property has been under a permanent conservation easement with the Natural Heritage Foundation for 15 years and will never derive any benefit from inclusion in the drainage district.

Murken said if anyone wanted to speak to the trustees they should use the "raise hand" feature. Speakers would be allowed three minutes and for those attending on their computers a timer would be visible. Murken asked that comments be restricted to the annexation issue but if speakers wish to discuss other issues in Grant #5 they can do so.

Michael Meetz, 20267 580th Avenue, owns 40 acres of prairie in the north annexation area for which he is in the process of procuring a permanent conservation easement. His land does not need drainage, does not and will not benefit from the district, and, by filtering water through a natural ecosystem, actually benefits the surrounding lands. If more conservation practices were put in place we might not have the problems with drainage that we have today.

Ron Jensen, 21789 590th Avenue, is a landowner in Grant #5. There has already been too much money spent on this project with nothing to show for it beyond damage to district landowners. No more money should be spent on Grant #5 and no more work should be done in the district. Grant #5 landowners have been, and continue to be, damaged by this situation and Jensen feels he no longer has any representation as a Grant #5 landowner. He opposes the annexation as it will just dump more water on people who have too much already. The trustees' priority is the existing Grant #5 landowners only. What should have been done and should be done is to get an attorney and start filing for damages against the landowners in the north to correct their problem at their expense, not the districts.

Olson asked if Jensen could expand on his comment about not having representation.

Jensen said the west tile project was all done legally by the previous trustees as far as he knew and the current trustees killed that project on October 29, 2019. The west area should have been annexed and the west main tile project should have proceeded. The remonstrance came too late to be valid and should have been rejected. The landowners in Grant #5 never should have been assessed for the costs of the west tile project. That was the deal.

Olson said she sat on the previous board and does not recall a “deal” concerning who would be assessed. She thanked Jensen for clarifying his position.

Murken stated that attendees can use their three minutes to talk about anything they want but only the annexation is on tonight’s agenda and the trustees cannot act on any other concerns.

Dane Schuman said he represents several landowners in Grant #5 including Ron Jensen and Black Dirt Farms. Mr. Rode made the same report earlier with regard to the western parcels that he is making tonight for the northern parcels. The trustees saw fit to stop the western annexation last October but now they are still continuing with the northern annexation. His clients do not understand why the north annexation should go forward when the west annexation did not.

Murken questioned the last paragraph on Schuman’s letter stating that annexation of the north area will increase the flow of water into Grant #5. Schuman says the water used to flow west and subsequent developments after Grant #5’s establishment have changed the flow of water from the west to the east. She is confused as to how the people in the north are not benefitting if their water is already running into the district.

Schuman said the trustees have discretion on whether to annex areas into the district. They’ve shown that with the west annexation. His clients are concerned that once the north area is annexed they will have access to the Grant #5 facilities and will increase the volume of water flowing into the Grant #5 facilities. The water used to flow west and now it flows east which is, perhaps, why the annexation report supports bringing in the north area.

Olson asked what Schuman meant by subsequent developments. Does he mean situational or physical changes?

Schuman said he was referring to physical changes.

Olson said Schuman’s clients don’t think we handled the annexation properly the first time. Are they now opposed to us doing it right the second time?

Heddens asked for clarification. Are Schuman’s clients opposed to both annexation and improvements?

Schuman said he does not believe there can be improvements without an annexation. His clients are opposed to both.

Heddens asked so even if the north area is currently draining into Grant #5 Schuman’s clients do not want it to be annexed?

Schuman said that is correct.

Jane Fogg, manager for E.I. Sargent and Associates, wished to point out that they are not clients of Eric Eide as Murken had stated. (Note: The petition from E.I. Sargent was delivered by a representative from

Eric Eide's office and was almost identical to the other 8 petitions submitted by Eide's clients.) The aerial in the annexation report is from 2011. The materials submitted by Mr. Gallentine are based on recent data.

Olson said the submission from Mr. Gallentine included very little information. It was just a statement and an aerial photo with lines drawn on it.

Fogg said the only information she has is the same as what the trustees received. Mr. Eide may have more detailed information as he is the one who distributed it.

Eide said Mr. Gallentine was not available for this meeting and trying to present via Zoom is difficult. Eide would be happy to provide Mr. Gallentine's report if requested. Mr. Gallentine's drawing indicates that annexation should only occur east of the blue line on his map. The blue line roughly follows 570th Avenue and his clients would resist any annexation west of 570th.

As there were no further comments from the public Murken asked Rode to respond to the comments that had been made.

Rode responded to Dane Schuman's letter. The west annexation area required a new tile to be constructed in order to gain any benefits from annexation. The north annexation area is benefitting from the existing facilities in Grant #5 now, primarily from the main open ditch.

Rode said that Mr. Gallentine's map does not fully cover the area in question but is only a partial representation. The green line on Mr. Gallentine's map closely matches Bolton and Menk's western boundary for the north annexation area. The area west of the blue line on the map may have subsurface drainage to the southwest through the existing 18" private tile. Surface water on both sides of the blue line flows to a pond which then drains to the southeast into Grant #5. Rode does not disagree that there could be subsurface flow to the west. That is not uncommon and will be taken into account when benefits to drainage are determined during reclassification. Rode takes issue with the statement that only under extreme overflow conditions would surface water flow from the west to the east. The annexation report states the opposite – that only in heavy rain events will surface water flow from the east to the west. Bolton and Menk did field survey work in preparing the plans and specifications for the west tile project and he gave specific elevation data for the area where water can flow to the southwest under certain conditions. The pond he mentioned earlier must fill to a depth of 1.5' before it overflows into a culvert under 570th Avenue and from there to the southwest. Rode strongly stands behind the annexation report and the methods used to produce it.

Rode commends the Meetz's for what they have done with their property but water does flow from their land into Grant #5. The annexation report shows that their land is in the Grant #5 watershed. How much benefit their land derives from Grant #5 will be determined by the drainage district commissioners if the annexation goes forward.

Heddens asked if Bolton and Menk had done field survey work in the annexation area.

Rode said that they had, particularly during the design work on the west main tile.

Murken asked what the cost was for the west main tile.

Rode did not have the figures for the engineering work specific to the west tile project. Conley said the estimated construction cost was just over \$1,500,000 and the low bid was \$1,320,154.12.

Rode acknowledged that survey data and the map showing flow paths can be fairly technical but the surface drainage visible in the aerial photography is quite clear. There are more photos than just the image in the annexation report. They indicate that there was a large pond in the 1930's that drained to the southwest and the southeast. In newer imagery the southwest flows are diminished and then disappear.

Olson said this project was initiated by a petition from a landowner in the northern part of Grant #5, Black Dirt Farms, who felt that water was surface draining into the district from the north.

Heddens said Grant #5 was her introduction to drainage districts so she had read the district minutes from the last 4 years, had discussions with the engineer, and reviewed the aerial photos back to the 1950's to educate herself on the history of this project. It seemed that people at the earlier hearings wanted changes to Grant #5 to start at the top of the district but that had apparently changed and she wasn't clear why.

Olson said she was on the board for the earlier hearings in 2017 and 2018. Former board member Marty Chitty lives in rural Nevada and many of the people in Grant #5 and the annexation area are his neighbors. When he was a member of the trustees he received a lot of phone calls from everyone impacted by this project. In personal contacts with Mr. Chitty and in public comments at past hearings the residents of Grant #5 wanted the trustees to examine additional issues beyond what was in the original engineer's report. That is how we ended up looking at the west annexation area along with improvements to the main district tile and cleaning the open ditch. The open ditch repair is something the trustees still have to address. It was all driven by discussions with residents of Grant #5 and the north annexation area. Olson also pointed out that this whole project was initiated by a request from Black Dirt Farms which owns land both in Grant #5 and in the north annexation area.

Heddens said her reading of the Grant #5 minutes from the past 4 years supported Olson's statement. She pointed out that in 2016 Supervisor Rick Sanders made it clear that this project was initiated by landowners and any investigations into alternative solutions were landowner driven.

Olson said 2017 was her first drainage meeting and she did her best to represent the people that were sitting in the room. By the time the west tile bids had been tabulated she could not see that there was enough benefit to justify the cost. If the west tile did not go forward there would be no benefit to the west annexation area and no point to annexing that land.

Rode stated that his original report did not include the west annexation area. That investigation was driven by landowner input from the initial public hearings.

Murken said throughout this project the trustees have been responding to landowner requests and the nature of those requests has changed somewhat over time. She understands why people would compare the west and north annexations. She said when the numbers came in for the west annexation and the affected landowners protested she did not believe the potential benefits justified the cost of the west tile improvement. The information we have indicates that the north area is benefitting now from existing facilities in Grant #5. That was not the case with the west annexation area.

Rode noted that annexation does not change the amount of water entering Grant #5 from the north. That water is surface draining into the district and will continue to do so whether the area is annexed or not.

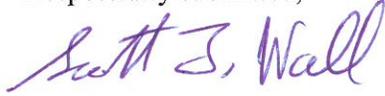
Murken acknowledged that there was nothing the trustees could do that will make everyone happy.

Olson moved, seconded by Heddens, to annex into Drainage District Grant #5 the lands indicated in the March 24, 2020 Engineer's Annexation Report per the Resolution of Necessity included in that report which was adopted by the trustees on March 24, 2020 and based on the annexation plat in said report and

visual evidence of surface drainage from the 2011 aerial photograph in the report and aerial photography from the 1930's, 1950's, 1980's, 1998, 2008, 2013, 2017, and 2020. MCU.

Heddens moved, seconded by Olson, to adjourn. MCU. Meeting adjourned at 7:21 p.m.

Respectfully submitted,

A handwritten signature in purple ink that reads "Scott T. Wall". The signature is written in a cursive style with a large, stylized 'S' and 'W'.

Scott T. Wall

Scott T. Wall

From: David Damerell <moonhowlersfarm@yahoo.com>
Sent: Tuesday, August 18, 2020 10:28 PM
To: Scott T. Wall
Subject: 24-Aug Public Hearing Comments

FILED
20 AUG 19 AM 7:31
STORY COUNTY AUDITOR

[External Sender - Please Use Caution]

Hello Scott, Thanks for sharing the annexation report.

Here are comments for the public hearing Monday 24-August on the the proposed annexation for Grant #5. We will plan to join in the zoom meeting.

Thxx
Dave Damerell

As landowners in Grant #5 that have the open ditch crossing our property:

-We are in support of the Engineering Report recommending annexation of all lands that benefit from the Grant #5 water district.

-The proposed annexation has benefitted from Grant #5 improvements, both past and future, and based on these benefits, should be annexed into Grant #5.

-I am sure there will be public comments and opinions both for and against the annexation, however, the trustees final decision should be based, not on opinions, but on the latest engineering analysis, technology and recommendations provided by the Engineering Annexation Report.

Going forward, if the annexation is approved by the trustees, the trustees should then proceed with a reclassification of benefits for all property in Grant #5.

Thxx
Dave Damerell
Moon Howlers Farm LLC

Sent from my iPad

On Aug 18, 2020, at 8:02 AM, Scott T. Wall <SWall@storycountyiowa.gov> wrote:

Dave,

The Annexation Report is attached.

Scott Wall

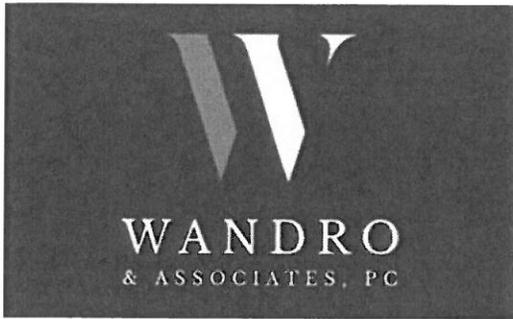
From: David Damerell <moonhowlersfarm@yahoo.com>
Sent: Tuesday, August 18, 2020 7:58 AM
To: Scott T. Wall <SWall@storycountyiowa.gov>
Subject: Engineers annexation report

[External Sender - Please Use Caution]

Hello Scott, Could you please email the pdf of the annexation report to me to take a look at before the meeting next Monday.

Thxx
Dave Damerell
Moon Howlers Farm LLC

Sent from Yahoo Mail for iPhone
<DD5 Annexation Report Revised (Signed).pdf>



FILED
20 AUG 19 PM 1:01
STORY COUNTY AUDITOR

Ben Arato
Terry L. Gibson
Alison F. Kanne*
Brian J. Lalor
Dane J. Schumann
Kara M. Simons
David Swinton
Steven P. Wandro
Grant A. Woodard

*Licensed in IA and IL

2501 GRAND AVENUE, SUITE B ■ DES MOINES, IA 50312 ■ PHONE: 515.281.1475 ■ FAX: 515.281.1474

August 19, 2020

Scott T. Wall
Drainage Clerk, Story County
Story County Administration
900 Sixth Street
Nevada, Iowa 50201-2087
swall@storycountyiowa.gov

OBJECTIONS TO ANNEXATION, DISCONTINUATION OF ANNEXATION AND IMPROVEMENTS, ASSESSMENTS
FOR DISCONTINUED ANNEXATION AND IMPROVEMENTS

Dear Grant #5 Trustees and Staff:

This office represents several landowners in Grant 5, including Ron Jensen and Black Dirt Farms. Please consider this letter my clients' objections to the Story County Board of Supervisors', in their capacity as Drainage District Grant #5 Watershed trustees, from assessing my clients' property for the failed annexation and abandoned improvement projects that the trustees stopped in October 2019. Please also consider this letter my clients' objections to annexing the lands on the agenda for the August 24, 2020 meeting. As you know, the trustees began the annexation process of lands lying west of Grant #5 in December 2018. The trustees also initiated the process of implementing tile improvements in these western lands, though they were not—and still are not—part of Grant 5. The trustees incurred over \$225,000 worth of engineering fees with Bolton & Menk for both the annexation and improvements. At the October 29, 2019 trustees meeting, the trustees abruptly ended consideration of the annexation and improvements. The trustees assessed those costs on my clients on May 20, 2020, and my clients have nothing to show for it.

Assessing my clients' property for the annexation and improvement costs is illegal. First, Iowa Code Chapter 648 contemplates improvement (or proposed improvement) assessments being valid only for improvements within the drainage district. The trustees misapplied Chapter 468 by incurring improvement costs and assessing them to the district for improvements to land that was not (and is not) in the district. The first misapplication came when the trustees granted remonstrance rights to the owners within the proposed western annexation. Chapter 468.119(4) is clear that "[t]he right of remonstrance . . . does not apply to the owners of lands being involuntarily annexed to an established district." Nevertheless, the trustees acted as though remonstrance rights did exist and, therefore, stopped the project. The western annexation was properly before the trustees in October 2019, and the trustees failed to act in the best interests of the district by failing to annex those lands into the district and then making improvements to benefit the district. The western lands were effectively annexed into the district when the trustees accepted the annexation report at the September 10, 2019 meeting. Iowa Code 468.119 and 468.120 contemplates acceptance of the engineer's report as sufficient for an annexation. Though western landowners appeared to have remonstrated against both the annexation and the proposed improvements, Chapter 468 provides no remonstrance rights to annexation. Indeed, the October 29 minutes demonstrate the western landowners'

attorney, Eric Eide, did not object to the annexation—only the proposed improvements.¹ The trustees’ discontinuation of the annexation process was, therefore, unlawful and unnecessary.

The trustees also misapplied Chapter 468 by assessing Grant 5 for the proposed improvements within the proposed annexation even though those lands were not in the district. Iowa Code Chapter 428.126 and other portions of Chapter 468 clearly contemplate improvement costs being valid only if the land where the improvements lie falls within the district.² My clients should not, therefore, be assessed for the improvement costs. Considering remonstrances against proposed improvements—as the trustees did—only from landowners within the proposed annexation deprives existing landowners of their rights to support the improvements. If the west lands had been annexed and the trustees applied the code properly, it does not appear the remonstrances would have been sufficient stop the project when considered against the preexisting Grant #5 landowners who supported it. Also, these assessments are wildly disproportionate to any benefits my clients have received. Obviously, their land has received no benefit from these costs. Assessing my clients’ properties for the engineering fees incurred for the western lands’ failed annexation and improvements are in excess of any benefits to my clients’ property.

My clients also object to the trustees taking any further action on the annexation on the agenda for August 24. My clients believe the annexation and any proposed improvements for the lands in the north will greatly increase the volume and rate of water that flows into Grant 5. Much of the water in this land now runs west and away from Grant 5, but virtually all of it will flow into the district if the engineer’s plan is executed. My clients believe this is intentional, a plan to simply use Grant 5’s land and infrastructure to divert water away from more favored areas of the county. This will only increase the water flow, infrastructure costs and repair obligations in Grant 5 going forward. The water in the north used to run west and subsequent developments have pushed the water into Grant 5. The engineer’s plan will only make this problem worse and further burden Grant 5 landowners.

We will present these objections to the Grant #5 trustees meeting on August 24, 2020. We hope to amicably resolve this matter with the trustees and other landowners at that meeting and on any subsequent occasions that present themselves. Please contact me with any questions or comment you may have.

Sincerely,

/s/ Dane Schumann
Dane Schumann
Attorney at Law
2501 Grand Avenue, Suite B
Des Moines, Iowa 50312
dschumann@2501grand.com
Phone: 515-281-1475

¹ Page two of the October 29 minutes summarized Mr. Eide’s comment and it says, in part: “The big problem here is that the project was done before the annexation. If land should be annexed, fine, but it is inconceivable that 2,000 acres were missed when Grant #5 was established.”

² Iowa Code 468.119(4) provides: “The right of remonstrance, as provided under section 468.28, does not apply to owners of lands being involuntarily annexed to an established district.” 458.126(4)(e) provides, in relevant part: “a majority of the landowners, owning in the aggregate more than seventy percent of the total land *in the district*, may file a written remonstrance against the proposed improvement, at or before the date set for hearing on the proposed improvement as provided in paragraph “c”, with the county auditor” (Emphasis added)



Des Moines, IA 50309-2321

www.inhf.org
E-mail: info@inhf.org
Phone: 515.288.1846
Toll Free: 800.475.1846
Fax: 515.288.0137

RECEIVED
AUG 24 2020
STORY COUNTY
BOARD OF SUPERVISORS

February 7, 2010

To Whom It May Concern:

Iowa Natural Heritage Foundation (INHF) is actively working with Mike and Linda Meetz to place a conservation easement on their property in Story County. The conservation easement will protect the wetlands, prairie and tree plantings in perpetuity. The Meetz conservation easement will be presented to INHF's board with recommendation for approval on February 27, 2020.

The Meetz property provides diverse, high quality habitat for pheasants, waterfowl, grassland birds, pollinators and mammals. The wetlands that will be protected by the easement help improve the water quality in the area. The Meetz's have welcomed youth to their property to learn about conserving our natural resources, hunting, bird watching and environmental education.

Please feel free to contact either Erin Van Waus or myself by phone with any questions. We may be reached at (515) 288-1846.

Sincerely,

A handwritten signature in black ink that reads "Joe McGovern".

Joe McGovern
President

FILED
20 AUG 24 AM 9:21
STORY COUNTY AUDITOR



Story County Board of Supervisors, Grant #5 Drainage District 17 August 2020
Linda Murken, Chair

FILED
20 AUG 24 AM 9:22
STORY COUNTY AUDITOR

Dear Linda and Story County Supervisors;

Our opposition to annexation remains.

We oppose any proposals to include our property in the Grant #5 Drainage District annexation plans. We will derive no positive benefits for our property by inclusion in this district. The benefits derived for us as well as the surrounding area are the result of our conservation efforts.

As you are aware we are working with the Iowa Natural Heritage Foundation to secure a Conservation Easement on our property and anticipate a finalized agreement with INHF within the next 60 days.

The positive benefits that our conservation practices provide to Milford Township and the West Indian Creek Watershed are described in the letter we submitted earlier dated 13 February 2020. I include a copy.

Why should those of us who are attempting to implement sound, ethical, conservation practices to protect our soil, air, and water resources be taxed to "improve" the ability of a drainage district that as of this correspondence is not maintained properly partly because of poor management practices and abuse by those who claim that the system is not sufficient for them to derive positive benefit?

It is interesting that some of the voices now concerned with the drought condition we are currently experiencing are the same who earlier voiced their concerns as to the need to remove water from these same drought-stricken areas as quick as possible.

Having a system that is maintained properly by those who use and derive its benefit but demonstrates inadequacies due to improper use or design is not the fault of those of us who do not abuse systems.

Examples of these abuses include but are not limited to lack of maintaining a perennial cover crop within the natural and constructed waterways. Many of these same waterways are disrupted by seasonal discing and cultivating practices destroying the benefits of a stable soil retention system. This along with poorly managed use of fertilizers and pesticides directly contributes to soil erosion and sedimentation problems disrupting the ability of the drainage system to function efficiently.

There is little evidence in Drainage District #5 that waterway and stream bank stabilization practices, maintaining effective permanent vegetative buffers, constructing retention areas to slow the velocity of water to minimize erosion, use of cover crop to minimize soil erosion on crop ground along with construction of bioreactors in the area under consideration are being implemented to the full extent possible.

Improper maintenance on their part does not constitute an emergency on our part and therefore should not result in forced involuntary annexation on us. We oppose annexation into Grant #5 Drainage District.

Respectfully,


Michael C Meetz

We value this property for the natural benefits and services it has to offer.

We are currently in negotiations with the Iowa Natural Heritage Foundation to place these acres in a perpetual conservation easement.

Our goal is to accomplish this sometime late spring, early summer (2020).

We include a copy of a letter from the Iowa Natural Heritage Foundation President, Joe McGovern describing our intentions.

Thank you,



Michael and Linda Meetz

FILED
20 AUG 24 AM 9:21
STORY COUNTY AUDITOR



Iowa
Natural Heritage
Foundation

Insurance Exchange Building Suite 444
505 Fifth Ave.
Des Moines, Iowa 50309

Phone: 515-288-1846
Fax: 515-288-0137
www.inhf.org

August 19, 2020

To Whom It May Concern:

Iowa Natural Heritage Foundation (INHF) is actively working with Mike and Linda Meetz to place a conservation easement on their property in Story County. The Meetz conservation easement was approved by INHF's board on February 27, 2020 and will be signed and recorded within the next 60 days. The conservation easement will forever protect the wetlands, diverse prairie and tree plantings. Every future owner will have to abide by the restrictions detailed in the easement and INHF will monitor the easement annually to ensure compliance.

The Meetz property provides diverse, high quality habitat for pheasants, waterfowl, grassland birds, pollinators and mammals. The wetlands that will be protected by the easement help improve the water quality in the area. The Meetz's have welcomed youth to their property to learn about conserving our natural resources, hunting, bird watching and environmental education.

INHF is pleased to protect this amazing property. Please feel free to contact either Joe McGovern, President, or myself by phone with any questions. We may be reached at (515) 288-1846.

Sincerely,

Erin Van Waus

Erin Van Waus
Conservation Easement Director

FILED
20 AUG 24 AM 9:22
STORY COUNTY AUDITOR

Scott T. Wall

From: grantridge@aol.com
Sent: Monday, August 24, 2020 4:30 PM
To: Linda S. Murken; Lauris A. Olson; Lisa K. Heddens
Cc: Scott T. Wall
Subject: Thank You and Drainage Ditch Grant #5

FILED
2020 AUG 24 PM 3:32
STORY COUNTY AUDITOR

[External Sender - Please Use Caution]

Story County Supervisor Linda Murken
Story County Supervisor Lauris Olson
Story County Supervisor Lisa Heddens

Dear Supervisors,

Thank you for your ongoing work on this very challenging drainage situation. I deeply apologize for missing the deadline for written comments, a mistake I discovered today while rereading the letter to landowners of July 31, 2020. I am very sorry.

I am writing, just in case it might still be helpful, to resubmit my official statement of 2/26/20. The statement/objection is part of the official record for the Grant #5 meeting of that date.

Per below, my land should not be annexed because it does not receive and can never receive any benefit from the district. My land has been under a permanent conservation easement with the Iowa Natural Heritage Foundation for about fifteen years, and cannot ever benefit in any way, especially financially, from any work, whether repair or improvement, on Drainage District Grant #5. My spouse and I and all future owners of our land are legally prohibited from doing any land work that does not contribute to the ecological restoration of the land. That absolutely precludes any tiling or drainage work. Nothing the district could do would add to the value of our land.

Thank you again for your hard and long work in regard to this drainage district.

Cindy

2/26/20

Hi Scott Wall,

Thank you very much for your time and information earlier today. Per our conversation, I'm writing this message to make sure that my husband and I will be confirmed as being on record at or before the February 26th meeting regarding Grant Ditch #5.

We do not want our land to be annexed into the Grant #5 Drainage District. Our land is not appropriate for annexation into the district because it is under a permanent conservation easement with the Iowa Natural Heritage Foundation, which means it will and must always be managed as a natural area.

We would not benefit economically in any way if our land were annexed into the district. And being in the district could cause serious damage if our land were ever to be the site of soil dumping or tree

debris disposal that resulted from ditch management or ditch cleanouts. If our land were to be damaged in that way, that could violate our conservation easement terms.

In addition, our land is at the southern tip of Grant #5. That means that any water that drains from the portion of our land that is being proposed for annexation then travels through much more of our land as it leaves the district.

Our property receives all the water that moves through the district, and much of that land is in rowcrops. By contrast, all of our land is in permanent vegetation. That means my husband and I are doing what we can to ensure that when drainage water leaves our land, that water is at least as clean as it was when it entered our land, and possibly cleaner.

Thank you again for your assistance, and best wishes --

Cindy Hildebrand
grantridge@aol.com
57439 250th St.
Ames, IA 50010

**OBJECTION TO ANNEXATION BY E.I. SARGENT & ASSOCIATES FKA SARGENT LEASE
ROYALTY TRUST**

(Story County Drainage District No. 5)

To: Story County Auditor
900 6th Street
Nevada, IA 50201

The undersigned E.I. Sargent & Associates, LLC, as landowner, in the area proposed to be annexed into Drainage District No. 5 pursuant to the Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. Sargent Lease Royalty Trust is listed as the owner of some of the land in the maps being used in this annexation. Sargent Lease Royalty Trust is a predecessor in interest to E.I. Sargent & Associates. E.I. Sargent & Associates is the current owner of the land which has been labeled "Sargent Lease Royalty Trust" and any land labeled "E.I. Sargent and Associates, LLC" on the maps being used by the county. This objection is an objection to all of the land shown as owned by E.I. Sargent and Associates, LLC and Sargent Lease Royalty Trust.

The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 dated March 24, 2020 by Bolton & Menk (the "*Annexation Report*") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - it does not contain the required surveys, profiles and plats to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the only benefit to our land set forth in the Annexation Report is a statement that our parcels are materially benefited because surface and/or subsurface drainage discharges from our land through the facilities of Drainage District No. 5. Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district. The undersigned's land does not materially benefit from the existing Drainage District No. 5 facilities.
 - Drainage from our land does not go to or through Drainage District No. 5. (See paragraph 2.)
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The report of Lee Gallentine of CGA Engineers establishes this. We believe that actual survey results show that all or a portion of the land of E.I. Sargent and Associates, which is subject to the proposed annexation, does not drain to Drainage District No. 5 through the existing or proposed drainage district. It is our understanding that the CGA study was based upon actual field surveys. Further, that these surveys show a different drainage pattern and the existence of private tiles which direct the flow of water away from Drainage District No. 5. We are concerned that the Trustees may not be aware of this information.
3. The proposed annexation seems designed to increase the number of acres of land that can be assessed in order to pay for the repairs to the existing Drainage District No. 5 ditch. The annexation also appears to be designed to help defray the cost of the studies being conducted

FILED

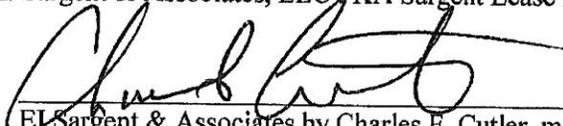
2020 AUG 24 AM 11:01

STORY COUNTY AUDITOR

by the District and May 20, 2020 assessment relating to the current attempts and prior unsuccessful attempts to annex E.I. Sargent land.

4. The proposed annexation is not feasible, is not good for the public, nor for the benefit of our land.
5. The proposed annexation does not benefit E.I. Sargent & Associates, LLC.
6. E.I. Sargent & Associates, LLC incorporates the comments, survey work, and conclusions prepared by Lee Gallentine of CGA Engineers, including all of his underlying analysis, which shows that annexation into Drainage District No. 5 does not provide any benefit to E.I. Sargent & Associates, LLC.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Milford Township be denied and the proceedings dismissed E.I. Sargent & Associates, LLC FKA Sargent Lease Royalty Trust


E.I. Sargent & Associates by Charles E. Cutler, manager

8/19/20

(date)

1307 50TH Street West Des Moines, IA 50266

(address)

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

The undersigned, **The Clayton Clifford Revocable Trust and Martha Clifford**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "Annexation Report") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 19 be denied and the annexation proceedings dismissed.

CLAYTON CLIFFORD REVOCABLE TRUST
and MARTHA CLIFFORD

By: _____
Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, IA 50010
Phone: (515) 956-3900
Fax: (515) 956-3990

8/21/2020

(date)

FILED
2020 AUG 24 AM 11:02
STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

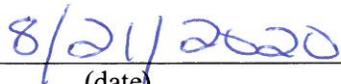
The undersigned, **Country Sunrise Properties, LLC**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "*Annexation Report*") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 19 be denied and the annexation proceedings dismissed.

COUNTRY SUNRISE PROPERTIES, LLC

By: 
Eric J. Eide, Attorney at Law
Nyemaster, Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990


(date)

FILED
2020 AUG 24 AM 11:02
STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

The undersigned, **Betty J. Koos**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

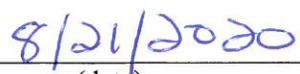
1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "*Annexation Report*") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 19 be denied and the annexation proceedings dismissed.

BETTY J. KOOS

By: _____


Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990



(date)

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2020 AUG 24 AM 11:02
STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

The undersigned, **Dennis P. Smith**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "Annexation Report") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 30 be denied and the annexation proceedings dismissed.

DENNIS P. SMITH

By: _____

Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990

8/21/2020

(date)

FILED
2020 AUG 24 AM 11:02
STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

The undersigned, **Sondra Childs Smith**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "Annexation Report") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 32 be denied and the annexation proceedings dismissed.

SONDRA CHILDS SMITH

By: _____

Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990

(date)

8/21/2020

FILED

2020 AUG 24 AM 11:02

STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

The undersigned, **Smithchilds Inc.**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "Annexation Report") does not satisfy the requirements of Iowa Code Section §468.119 in that:
- the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 30 be denied and the annexation proceedings dismissed.

SMITHCHILDS INC.
DENNIS P. SMITH - PRESIDENT/ SONDR A CHILDS SMITH – VICE PRESIDENT

By: 
Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990



(date)

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2020 AUG 24 AM 11:02
STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

The undersigned, **James R. Crimmins and Elizabeth M. Crimmins**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "*Annexation Report*") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 19 be denied and the annexation proceedings dismissed.

JAMES R. CRIMMINS and ELIZABETH M. CRIMMINS

By: _____
Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990

8/21/2020

(date)

FILED
2020 AUG 24 AM 11:03
STORY COUNTY AUDITOR

OBJECTION TO ANNEXATION

(Story County Drainage District No. 5)

To: Story County Auditor
Attn: drainage clerk
900 6th Street
Nevada, IA 50201

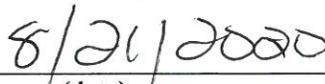
The undersigned, **Mark Kenney and Julie Kenney**, as a landowner in the area proposed to be annexed into Drainage District No. 5 pursuant to that Resolution of Necessity passed March 24, 2020, hereby OBJECTS to the annexation. The reasons for this objection include:

1. The Annexation Report for Drainage District No. 5 filed March 24, 2020 by Bolton & Menk (the "Annexation Report") does not satisfy the requirements of Iowa Code Section §468.119 in that:
 - the Annexation Report does not contain the required surveys, profiles and plats required and necessary to show the relative elevation and condition of our land with reference to the existing land and facilities in Drainage District No. 5;
 - the Annexation Report (which is, by law, to be prepared in the same manner and detail as a report to originally establish a district) merely says that each parcel identified for annexation is "*materially benefitted [by DD5] in that surface and/or subsurface drainage discharges from these parcels and is discharged through the facilities of the district*". Long-established Iowa case law establishes that such mere "*discharge*" does not in and of itself demonstrate a requisite "*material benefit*" from the existing district.
2. There is no material benefit to our land from the existing Drainage District No. 5 facilities. The proposed annexation seems designed to get more assessable land to pay for needed repairs to the existing Drainage District No. 5 main ditch; and perhaps to help defray the May 20, 2020 assessment of over \$260,000.00 related to a prior unsuccessful attempt to annex our land.
3. The proposed annexation is not expedited, feasible, or for the public good.
4. The undersigned hereby incorporates into this objection the comments filed in these proceedings by Lee Gallentine of CGA Engineers, as well as his underlying analysis.

WHEREFORE, the undersigned respectfully requests that proposed annexation of the land owned by the undersigned in Section 18 be denied and the annexation proceedings dismissed.

MARK KENNEY and JULIE KENNEY

By: 
Eric J. Eide, Attorney at Law
Nyemaster Goode, P.C.
1416 Buckeye Avenue, Suite 200
Ames, Iowa 50010
Phone: (515) 956-3900
Fax: (515) 956-3990



(date)

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2020 AUG 24 AM 11:03
STORY COUNTY AUDITOR

Scott T. Wall

From: Eric J. Eide <eeide@nyemaster.com>
Sent: Thursday, August 20, 2020 2:53 PM
To: Scott T. Wall
Cc: Eric J. Eide; Lee Gallentine
Subject: DD 5 annexation hearing
Attachments: Gallentine comment map.pdf; Gallentine comment letter.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

[External Sender - Please Use Caution]
Scott,

Here is a written comment from Lee Gallentine, PE. for entry into the record at Monday's public hearing re the DD 5 annexation proposal. There are several landowners who have retained Mr. Gallentine and their objections to the annexation (which incorporate Mr. Gallentine's findings) will be filed prior to Monday's hearing. Please confirm you got this, thanks - Eric

Eric J. Eide
Attorney at Law
T: (515) 956-3919 (direct)/(515) 956-3900 (main)
F: (515) 956-3990
E: eeide@nyemaster.com

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1416 Buckeye Avenue, Suite 200
Ames, IA 50010
www.nyemaster.com



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2020 AUG 24 AM 7:08

STORY COUNTY AUDITOR



August 19, 2020

Story County Board of Supervisors
As Trustees of Drainage District No. 5
c/o Drainage Clerk
900 Sixth Street
Nevada, Iowa 50201

RE: Proposed Annexation –
Drainage District 5
Story County, Iowa

Dear Trustees:

I am a licensed professional engineer with over 20 years of experience in agricultural drainage. Earlier this year, I was retained by several of the landowners in Drainage District No. 5 whose land is proposed for annexation into the District pursuant to that Annexation Report by Bolton & Menk filed March 24, 2020. The landowners for whom I am working generally own land on the west side of 570th Avenue.

I have reviewed the Annexation Report and am of the opinion that the Digital Elevation Model (DEM) relied on by Bolton & Menk is inconsistent with the surveyed field measurements our firm has made. This is to be expected because the Bolton & Menk Annexation Report relied solely on LIDAR elevation data and USDA topographic maps, rather than actual field survey measurements. As a result, the Annexation Report fails to identify the fact (discoverable by only precise measurements in the field) that the surface and subsurface flows from the land west of 570th Avenue drain into a long-established private tile that generally parallels Interstate 35. This tile eventually outlets into an open channel and then through a large bridge under the double railroad tracks to the south. Only in extreme overflow conditions would any of this "western area" surface drain into Drainage District No. 5, but that is not a basis for annexation under Iowa law.

Attached is a map that I have prepared which shows where our survey indicated the westerly line (blue) of the proposed annexation should be located and the "western area" that is described above. Any lands west of said westerly line are not materially benefitted by the existing facilities in Drainage District No. 5. The main open ditch of Drainage District No. 5 is over 2½ miles away.

I appreciate your consideration of my letter and ask that you let me know if you have any questions.

Respectfully submitted,
Clapsaddle-Garber Associates, Inc

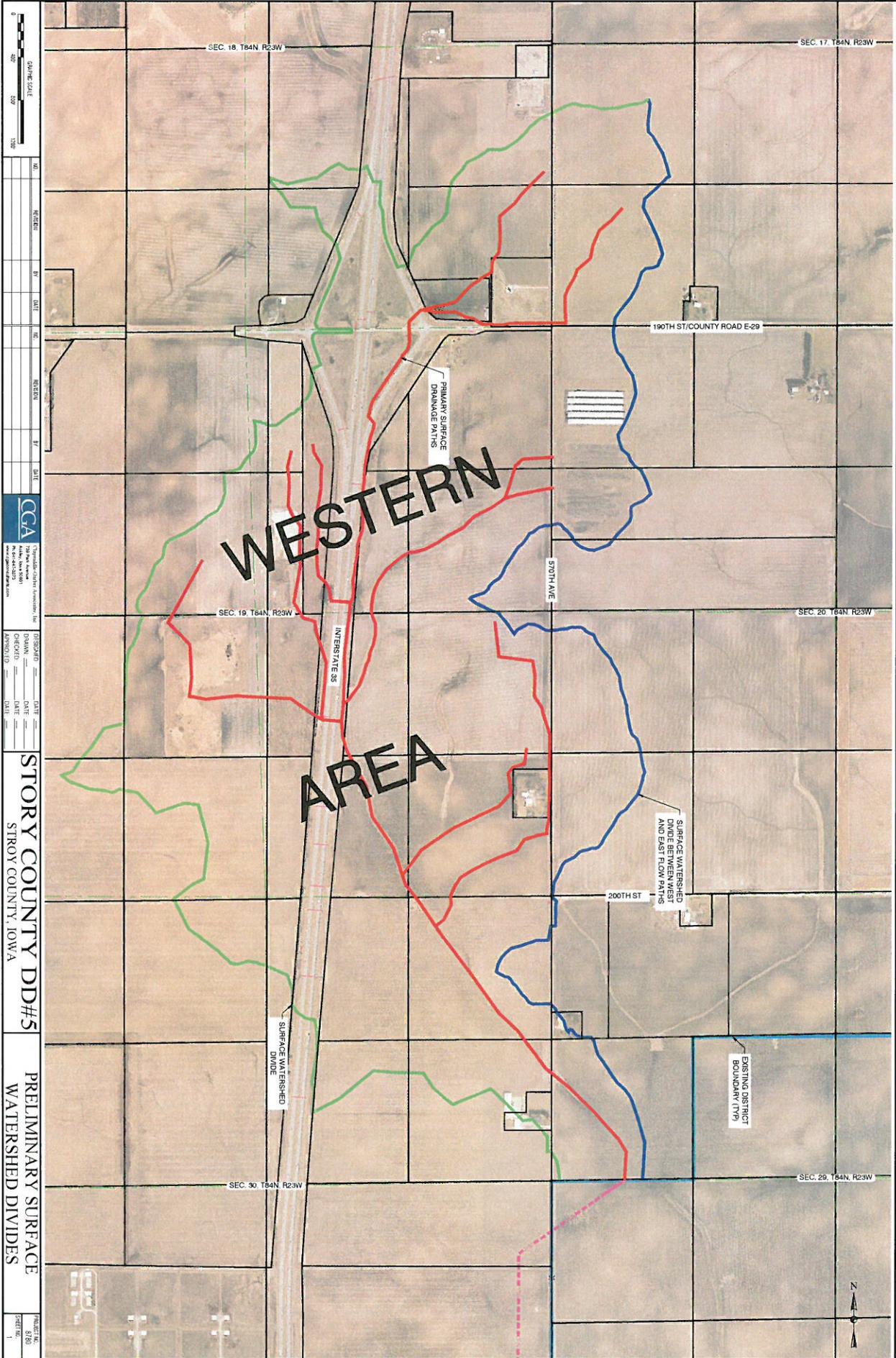
A handwritten signature in black ink, appearing to read "Lee O. Gallentine". The signature is written in a cursive style and is positioned above a horizontal line.

Lee O. Gallentine, Vice President

Clapsaddle-Garber Associates, Inc.

739 Park Avenue • Ackley, Iowa 50601 • Telephone 641-847-3273 • Fax 641-847-2303

www.cgaconsultants.com



NO.	DATE	BY	DATE	NO.	DATE	BY	DATE



DESIGNED	DATE	CHECKED	DATE	APPROVED	DATE

STORY COUNTY DD#5
STROY COUNTY, IOWA

PRELIMINARY SURFACE
WATERSHED DIVIDES

PROJECT NO. 5780
SHEET NO. 1