

DRAINAGE MEETING
DISTRICT WARREN #11
FEBRUARY 4, 2025

The Drainage District Trustees of Story County, IA met in the Public Meeting Room of the Story County Administration Building in Nevada, IA to reconsider an annexation of additional lands into Drainage District Warren #11 made at a meeting on November 20, 2024. Members present were Lisa Heddens, chair, Linda Murken, and Latifah Faisal. Also present were Story County Communications Assistant Bryce Garman and Drainage Clerk Scott Wall, Hamilton County Supervisor Rick Young, Story County Assistant Engineer Tyler Sparks (virtual), Drainage Engineer Tyler Conley (virtual), and Hardin County Supervisor BJ Hoffman (virtual). In addition, thirty-one landowners and interested parties attended in person (see attached sign in sheet) and at least ten more attended virtually including April, Douglas Tjelmeland, Beth Frandsen, Jason Cofer, Jon Risdal, Donna, Kevin Horn, Justin Hegland, and two identified only as telephone numbers.

Heddens called the meeting to order at 6:00 p.m.

Murken moved, seconded by Faisal, to approve the agenda. Motion carried unanimously (MCU).

Heddens asked if anyone would like to comment on the Warren #11 annexation.

Carol Bolen, 34986 Charbono Point, Waukee, IA, is the manager of Bolen Properties, LLC. They own 424 acres north of Zion Lutheran Church in Hardin County. The creek runs through their property which they've owned for 34 years. They've never had any issues with drainage and do not believe the proposed annexation will benefit their property. They are opposed to the annexation.

Eric Eide, an Ames attorney representing many of the landowners in the proposed annexation, asked what the purpose of tonight's meeting was. What do the trustees hope to accomplish? Will there be a chance to make comments after any action is taken that makes clear what is being done here tonight?

Heddens replied that there could be opportunities to comment once some action is proposed.

BJ Hoffman seconded Eide comments. He also stated that he has not heard a single comment in favor of the annexation from his constituents.

Jon Risdal, Springfield, MO, owns farmland in both Warren #11 and the area being annexed. The current apportionment of benefits to drainage is unfair to those in Warren #11 now. Just because no one outside the district has said they are in favor of annexation doesn't mean they aren't receiving benefits. In addition to the classification needing to be changed, the lands draining into the district from outside need to pay their fair share.

Murken asked if it would be helpful for the discussion to have a motion on the floor.

Denis Ficest owns land near Garden City, IA in Hardin District #34 and is appalled that the Story County Trustees think they can impose a tax on residents of another county to pay their bills. Hamilton County tried something like this recently and lost in the Iowa Supreme Court. If he can be assessed because his water enters a creek that flows to Warren #11 will he then be assessed because that water enters the Skunk River and then the Mississippi River? Where does it end? He hopes the Trustees can rescind what they've done.

Douglas Tjelmeland, 11638 630th Ave, Roland, IA, said he was speaking on behalf of his father, Dwayne Tjelmeland. Heavy runoff passes through the Warren #11 watershed from north to south and it starts in Hardin County. Those lands have never formed their own drainage district because they benefit from Warren #11 already. He challenges anyone to show him that the lands north of Warren #11 in Hardin County do not benefit in their drainage and soil quality because of the existence of Warren #11. He is in favor of the annexation.

For purposes of facilitating the discussion Faisal moved, seconded by Murken, to rescind the annexation approved by the Story County Drainage District Trustees on November 20, 2024. Upon review of that action by the Story County Attorney's Office it is apparent that the move to annex additional lands into Warren #11 was premature. The open ditch has not been repaired since 1957. It appears that we need to move forward with repairing the open ditch and then do a material benefits analysis to determine if there is any additional action we might need to take.

Randy Hill from McCallsburg is speaking mostly on behalf of his brother Jerry who owns land along the open ditch. The current schedule of benefits is ridiculous, and the district has been saddled with it due to crooked politicians, farm managers, and the Iowa Drainage District Association's unwillingness to change the law. Properties on the open ditch like his brother's pay thousands of dollars every time the district is assessed while properties not on the ditch pay tens or hundreds of dollars. All the people on the higher ground, away from the creek have almost instant drainage because the water flows to the ditch and floods the properties on that ditch.

Murken clarified that we are not dealing with reclassification of benefits tonight.

Gannon Hendrick, McCallsburg, owns land near the outlet of Warren #11. He asked for clarification on the actions the Trustees intend to take. Can they legally rescind the November 20 motion? His reading of Iowa Code Section 468.309 indicates that the Trustees would have to go to district court and get a judge to reverse the November 20 action. Is the proposed work on the open ditch a repair or an improvement, which is a completely different process than a repair? He believes it is an improvement. He does not believe the proposed project is necessary and is in opposition.

Eide said his clients have an interest in what the trustees do tonight being proper. He thinks the Trustees need to make a motion to reconsider the action of November 20 then, if that motion passes, take up the issue of rescinding the November 20 motion. Right now, you have a district that includes three different counties. It doesn't make sense for the other two counties to reconsider what was a vote of just Story County. The next step would be to look at the motion for annexation and approve or reject it. Right now, you have three counties involved but if Story County moves to reconsider their action, just the three Story County Trustees can take up the annexation issue without the Hardin and Hamilton Trustees' involvement.

Murken said she understood what Eide was saying although she felt it was an unnecessary step, but it would be easy to do.

Faisal said the other counties are listening to this meeting, but they are not trustees.

Eide said that he believes Hardin and Hamilton Counties are Trustees.

Wall said that the information the Trustees received from the Story County Attorney's Office included the opinion that the motion to annex lands did not, by itself, create a joint district and that the Story County Trustees did have the authority to reconsider that action. The Attorney's Office recommended that Hardin

and Hamilton Counties be invited to this meeting and that had been done but they do not have a vote on this issue in this district.

Eide said it is a joint district, but the Story County Trustees can reconsider this action because it was their vote alone to annex the additional lands. They cannot make decisions on the future of the district without the other two counties unless they reconsider the annexation.

Faisal asked if Eide could point to a Code Section that covered what he was saying.

Eide could not give a specific Code Section, but he believes that once the annexation was approved a joint district was created. Because the move to annex was only made by the Story County Trustees they are able to withdraw that motion but only if they first move to reconsider it. Then they are looking at the question of annexation as though it has not yet been approved.

Faisal moved, seconded by Murken, to withdraw her motion to rescind the annexation. MCU.

Murken moved, seconded by Faisal, to reconsider the motion for annexation of additional lands into Drainage District Warren #11 made on November 20, 2024. MCU.

Murken moved, seconded by Faisal, not to approve the Engineer's Annexation Report and not to proceed with the annexation of additional lands into Drainage District Warren #11 recommended in that report. MCU.

Faisal moved, seconded by Murken, to adjourn. MCU. Meeting adjourned at 6:32 p.m.

Respectfully submitted,



Scott T. Wall

DRAINAGE ATTENDANCE SHEET
Drainage District Warren #11
February 4, 2025

| Name | Address | Owner/Tenant |
|--|--|-------------------------------------|
| CHAROL D. BOLEN (Bolen Properties) LLC | 34986 Charbono Pt. Waukegan, IA 50263 | Mgr. |
| Dwayne Tjelmelauf | 11638 670th Ave Roland IA | owner |
| Gannon Hendrick | 15633 650th Ave McCallsburg, IA 50154 | Trustee Hendrick Fam. Inv. Trust |
| Ryan Cory | 33975 E Ave McCallsburg | owner |
| Dallas Gould | 525 Lakoda Ave McCallsburg | owner |
| Wes Weuve | 8249 NE 110th Ave. Bondurant | owner |
| Hayne Steene | 14869 - 678th Ave McCallsburg Ia | owner |
| Wendy Johnson | BOX 217 601 S PEARL ST. Bearing IA | OWNER |
| Dennis Forest | 14263 Hwy 165 Rd. Ia | owner |
| Alan Knappus | 14390 670th Ave McCallsburg | owner |
| Jeff Collins | 24312 670th Ave Ia Nevada | Owner |
| Joe Faga | 33214 261st Ave Radcliffe | owner |
| Lisa Horvick | 3140 360th St Story City | owner |
| Rick Young | 525 Edwards Jewell | Haw. Co. Supervisor |
| Dan Oziger | 10367 650th Ave. McCallsburg | owner |
| Merle Olson | 64340 170th ST McCallsburg | owner |
| Jacob Handscher | 12676 290th St Radcliffe | Owner |
| Lee Gallentine | | professional engineer |
| Eric Eide | | Att |

