

1/31/2013 - Minutes

1. CALL TO ORDER: 9:00 A.m.

1.I. Accept Additional Petitions For The Transfer Of Joint Drainage District Marshall-Story #1 To Supervisor Control By Marshall And Story Counties

The Drainage District Trustees of Joint Drainage District Marshall-Story #1 met in the Public Meeting Room of the Story County Administration Building to canvass a petition requesting that management of the district be returned to the supervisors of Marshall and Story Counties. Members present were Ross Weuve, chair, Eric Edler, and Stan Wilkening. Also present were Marshall County Auditor Dawn Williams, Story County Auditor Lucy Martin, and Story County Drainage Clerk Scott Wall.

Weuve called the meeting to order at 9:00 a.m. stating that Marshall-Story #1 had been managed by land owner trustees for many years and that the trustees and district land owners now desire to hand management duties over to the boards of supervisors of Marshall and Story counties.

1.II. Explain The Canvass To Those In Attendance

Wall said Code of Iowa §468.533 states that a petition to return district management to supervisor control must be signed by a majority of the land owners in the district holding a majority of the land in the district. The original petitions were received by the Marshall and Story County Auditors on January 11, 2013. They were signed by 31 of 56 land owners (55%) holding 2,235.13 acres of 4,500 (49.67%). The trustees brought in three additional petitions on January 31, 2013 raising the percentage of land owners to 60%. Signatories own 341 acres for a total acreage to 2,576.13 of 4,500 (57.25%). The petition thus appears to meet the requirements of the Code.

Weuve asked what additional information or action was required from the trustees. Wall stated that when a valid petition is received and canvassed, the county supervisors shall accept control of the district on the date at which the next annual election of trustees would be held. That meeting has been in January of each year and this canvass is also the annual meeting of the trustees. Therefore the change would become effective today. The supervisors will likely convene at a later date to acknowledge the change for the record. Williams suggested the supervisors of each county acknowledge the change at their respective regularly scheduled board meetings.

1.III. Canvass Of Petitions (Iowa Code 468.533)

Wall said the only Code requirement remaining (§468.536) was a final report from the trustees regarding the condition of the district. The report must include the funds on hand, the amount of outstanding indebtedness of the district, any outstanding contracts for repairs or other work, and a statement about the condition of the district. Story County will be the control county and, as such, already holds the district funds (currently \$6,753.88). Prior to the meeting, the trustees submitted a claim for \$1,279.60 from Mumm Backhoe and Excavating for a tile repair. Additionally, a bill for services is expected from attorneys Moore, McKibben, Goodman, & Lorenz, LLP for their work in submitting the petition. Only the statement on the condition of the district remains.

1.IV. Statement Of Trustees As To The Disposition Of District Funds, Any Outstanding Work Or Contracts, And Condition Of District Facilities (Iowa Code 468.536)

Both Weuve and Edler spoke about the condition of Marshall-Story #1. They believe when the district was first constructed a century ago, the outlet was undersized; now it is completely inadequate for today's intensive farm tiling. Because of its age, the tile is prone to collapse whenever it is exposed. There have been multiple tile blowouts that have occurred repeatedly in the lower half of the district. The trustees believe the upper half is in relatively good condition. Edler believes the tile close to the outlet will have to be repaired or replaced and, possibly, enlarged in the near future.

Wall told the trustees the supervisors rely heavily on the land owners in drainage districts to bring problems to their attention. While the trustees are relinquishing their responsibility to manage the district, they and the other land owners need to make the Marshall and Story County supervisors aware of any problems

arising in the district.

Martin moved, Williams seconded, to accept the petition to return management of Marshall-Story #1 to supervisor control as valid and effective immediately. Motion carried unanimously on a roll call vote.

Weuve moved, seconded by Edler, to adjourn. Motion carried unanimously. Meeting adjourned at 9:20 a.m.