

DRAINAGE MEETING  
DISTRICT GRANT #5  
OCTOBER 2, 2023

The Story County Drainage District Trustees met in the Public Meeting Room of the Story County Administration Building in Nevada, IA via Zoom to consider a petition for Drainage District Grant #5 to hold an election to select a Board of Trustees made up of district landowners (copies of the petition documents are on file in the Story County Auditor's Office). Members present were Latifah Faisal, chair, Linda Murken, and Lisa Heddens. Also present were Story County Engineer Darren Moon, Civil Attorney Crystal Rink, Drainage Clerk Scott Wall, and Communications Assistant Bryce Garman, five landowners attending in person (see attached sign-in sheet), and four landowners attending virtually (noted on sign-in sheet).

Faisal called the meeting to order at 10:30 a.m.

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

Faisal said the Story County Auditor's Office had received a petition on August 24, 2023 requesting that the landowners in Drainage District Grant #5 be allowed to hold an election to select their own trustees to take over management of the district from the County Supervisors. To be valid the petition must be signed by a majority of the persons including corporations owning lands within the district. Research by the Auditor's Office revealed that there are 238 persons or entities that qualify as landowners within the district. The petition was signed by 66 landowners. Therefore, the petition falls short of meeting the requirements set forth in Iowa Code Section 468.501 by 54 signatures. The petition will be returned to the petitioner, Ron Jensen, who may gather additional signatures and resubmit the petition.

Murken noted that at least one signature was a farm operator, not a landowner. How do the trustees know who is authorized to sign for trusts, LLC's, corporations, etcetera? It would be helpful when people are signing if they can provide some information showing that they are authorized to represent the entity they are signing for.

Heddens said the list provided by the Auditor's Office gives the names of individuals in the district who are eligible to sign a petition though it does not have individual's names for corporations and similar entities.

Martin said everyone on the list (on file) prepared by the Auditor's Office is eligible to sign a petition in Grant #5. Each entity, whether an individual or a corporation, gets one signature. A recent court case in Clay County, Iowa clarifies who is eligible to sign a petition like this one and provided guidance for her office when generating the list of names.

Rink confirmed Martin's statement. If a property is owned by multiple landowners, each of whom hold a fractional interest, each of those landowners may sign. A husband and wife are individual landowners and may each sign. A corporation is one landowner and gets a single signature.

Martin said if an election for trustees is held, the people eligible to vote in that election are the same as the people eligible to sign the petition for the election.

Murken asked if there were other people who are not on the list submitted by the Auditor who would be eligible to sign the petition.

Martin said no, the list includes multiple owners of individual parcels. Her office spent a day and a half putting the list together by reviewing real estate records which do not easily lend themselves to creating a list like this as those records are maintained for tax purposes. Martin noted that the list is a record of a point in time and will change as property is bought and sold.

Martin said that petitions are accepted at face value. It is not her role to determine the validity of the signatures. If and when an election is held for this district it would be up to the election judges to determine if a given voter is eligible to submit a ballot.

Heddens said the issue today is that the trustees have a petition that is short of the needed number of signatures. We now have the list of all eligible signers and that list can be given to the petitioner along with the original petition which can be resubmitted after more signatures are gathered.

Martin said it is her advice on any petition to collect as many signatures as possible.

Murken asked how the trustees could determine if those signing a petition are qualified to sign it.

Martin repeated that she would accept the petition at face value. If there are enough signatures to constitute a majority of landowners, then the signatories should be vetted to confirm eligibility.

Murken asked how the trustees would do that.

Rink said we can ask for trust documents and articles of incorporation to help determine who would be eligible. The individual landowners are easier since their names are available in the tax records.

Murken said if the trustees need additional information it would be better to get it when the signatures are gathered rather than when they are canvassing the petition. She doesn't want to have to get the petition a second time and have to return it a second time because we want more information.

Martin noted that anyone can object to signatures, both the trustees and the landowners. Anything filed with the Auditor becomes a public record and anyone can come in and look at it.

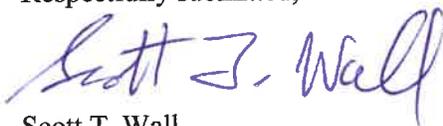
Murken said that we could request when trusts/corporations sign a petition that the signer provide some evidence they have the authority to sign for that entity.

Murken moved, seconded by Heddens, to reject the petition based on it not having a sufficient number of signatures and to return it to the petitioner along with the list of landowners generated by the Auditor. MCU.

Murken said that when the petition is returned we need to ask the petitioner to gather information about the signatory's eligibility to sign if they are doing so for a trust or a corporation.

Heddens moved, seconded by Murken, to adjourn. MCU. Meeting adjourned at 10:50 a.m.

Respectfully submitted,



Scott T. Wall

**DRAINAGE ATTENDANCE SHEET**  
**Drainage District Grant #5**  
**October 2, 2023**

Name \_\_\_\_\_ Address \_\_\_\_\_ Owner/Tenant \_\_\_\_\_

John Clough 61526 260th St, Nevada IA Owner  
'5020)

Lowell Kingsbury 24215 580th Ave. Ames, Ia. owner

Chub Myers 25133 620th Ave Nevada owner

Crystal Rink County Attorney's Office

Ellen & Ron McEachran 3039 Durham Dr. Ames

Virtual Attendees (as they appeared on Zoom)

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iPhone (4)

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Roger Maddux